Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1988

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
Primary Election, June 7, 1988
and General Election, November 8, 1988

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

1987–88 Regular Session

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CALIFORNIA LEGISLATURE

1987–88 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1988

and

1979–1988 Statutory Record

VOLUME ONE

DARRYL R. WHITE
Secretary of the Senate

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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 1988.

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 1979–1988 which do not specifically amend, add to, or repeal any existing code or general law.

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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 1979–1988, followed by a list of concurrent resolutions adopted in 1979–1988, 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

EFFECTIVE DATES

Regular Session

The 1987–88 Regular Session reconvened on January 4, 1988, and adjourned sine die on November 30, 1988. Statutes enacted in 1988, other than those taking immediate effect, will become effective January 1, 1989. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

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

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

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

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

DIGESTS OF STATUTES ENACTED IN 1988

1987–88 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (SB 1548) Torres 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 and provides that if certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached for certain state bargaining units (SBU) pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if the 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 the MOU provision of that section also applicable to SBU No. 11.

(2) Existing law provides that if any provision of an MOU 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 MOU 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 MOU entered into between the state employer and a specified state employee organization for SBU No. 11 and would specify that the provisions of any MOU that require the expenditure of funds shall become effective even if the MOU is approved by the Legislature in legislation other than the annual Budget Act.

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

Ch 2 (AB 1099) Elder 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 and provides that if certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached for certain state bargaining units (SBU) pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if those 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 the MOU provision of that section also applicable to additional SBUs.

(2) Existing law provides that if any provisions of a MOU 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 MOU 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 MOU entered into between the state employer and a specified state employee organization for SBU No. 12 and would specify that the provisions of any MOU that require the expenditure of funds shall become effective even if the MOU is approved by the Legislature in legislation other than the annual Budget Act.

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

Ch. 3 (AB 298) Chandler. Courts

(1) Under existing law, the fee for reporting testimony and proceedings in Sutter County is $90 per day, or any fractional part thereof

This bill would increase the fee for reporting testimony and proceedings in contested cases in Sutter County to $110 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. The bill would also authorize the Board of Supervisors of Sutter County to prescribe a higher rate of compensation for superior court reporters or, with the approval of the presiding judge of the superior court, to provide by contract for the compensation of superior court reporters, 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

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

reason

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

Ch 4 (AB 417) Stirling California Conservation Corps training

Under existing law, the California Conservation Corps is authorized to employ corps members to carry out projects with the major emphasis on fire prevention, fire suppression, and disaster relief

This bill would authorize the Director of the California Conservation Corps to establish a training program for members of county or city conservation corps to the extent that the program does not adversely affect the ability of the corps to maintain 2,000 active corpsmembers The bill would authorize the corps to contract with the county or city requesting that training and would authorize the contract to provide for full reimbursement of the corps of all costs

Ch 5 (AB 1160) Floyd Labor Commissioner hearings.

Existing law authorizes the Labor Commissioner to investigate employee complaints and to provide for a hearing in any action to recover wages, penalties, and other demands for compensation and to determine all matters arising under his or her jurisdiction Among other things, existing law requires the Labor Commissioner, within 30 days of the filing of a complaint, to notify the parties as to whether a hearing will be held within a reasonable period of time

This bill would, instead, require the Labor Commissioner to hold a hearing within 90 days of the date of the determination that a hearing will be held

Ch. 6 (AB 310) Floyd Horseracing

Under existing law, any license granted by the California Horse Racing Board to an association other than a fair may be only for one type of racing

This bill would authorize the board to authorize, by regulation, the entering of thoroughbred horses in quarter horse races at a distance of 870 yards at quarter horse meetings, mixed breed meetings, and fair meetings

Ch 7 (AB 2672) Hauser Coast Life Support District

Existing law establishes the Coast Life Support District to provide emergency medical services, including emergency ambulance and life support services and certain other health services to a specified area within Sonoma and Mendocino Counties

This bill would revise the territory of the district, as specified, and by so doing would impose certain duties on the counties with respect to the operation of the 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

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 8 (AB 1206) Costa Democratic presidential primary

Existing law regulates various aspects of the Democratic presidential primary election, including the delegate selection process, the selection of candidates by the Secretary of State, steering committees of presidential candidates, and postprimary selection and apportionment of delegates, among other things

This bill would revise various statutory procedures prescribed by state statutes by requiring that

(1) Delegates and alternate delegates apportioned to each congressional district be selected based on the proportion of the vote a presidential candidate or uncommitted delegation receives within the congressional district, as determined pursuant to a specified procedure, instead of being selected by a direct vote on the presidential primary ballot

(2) Pledged party and elected official delegates, at-large delegates, and at-large alternate delegates be apportioned among presidential candidates and uncommitted delega-

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

tions according to a specified procedure

(3) Presidential candidates or uncommitted delegations hold caucuses to select congressional district delegate candidates and alternate delegate candidates pursuant to a specified procedure

(4) Each steering committee appoint a caucus organizer for each congressional district and by reorganizing the process for declaration for delegate.

(5) The following serve as unpledged party and elected official delegates: all members of the Democratic National Committee from California, Members of Congress selected to serve according to the rules of the Democratic National Committee, and the Governor of California, if he or she is a Democrat.

This bill would make conforming changes in related provisions of law

This bill would impose a state-mandated local program by requiring the county clerk to mail the certified list of delegates with each absentee ballot mailed for the primary election in each congressional district, and to post a copy of the list at each polling place and provide a copy of the list to Democratic voters on election day

Existing law, with respect to the Democratic Presidential Primary Ballot, specifies the manner of listing delegate candidates, presidential candidates and uncommitted delegations thereon, and the ballot format to be used.

This bill would repeal these provisions of 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

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

Ch. 9 (SB 516) Bergeson Highway projects professional services: contracts.

(1) Existing law requires the Department of Transportation to contract with qualified architects and engineers for the performance of work when it is determined by the Director of Transportation, with the approval of the Director of Finance, that obtainable staff is unable to perform the particular work within the time that public interest requires the work to be done. Under existing law, specified conditions are required to exist in order for a state agency to have personal services performed under contract

(a) This bill would, in addition, declare the Legislature's intent that the department contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists, in order to provide professional and technical project development services to the department whenever the department is inadequately staffed to satisfactorily carry out its project development program in a timely and effective manner.

(b) The bill would require the department, after consultation with the California Transportation Commission and local transportation agencies, to adopt guidelines, and would require consideration of specified objectives in adopting those guidelines, for determining the appropriateness of contracting with private firms or on projects developed cooperatively with local jurisdictions, and would authorize the department to contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists whenever the Director of Transportation determines that those guidelines are applicable The department would not be required to contract for specific projects solely because they meet the criteria of those guidelines The department would also be authorized to contract for those services with a local jurisdiction, but only for those services on a project located within the area of the local jurisdiction

(c) The bill would require the department to establish specified statewide participation goals for minority business enterprises and women business enterprises, as defined, for those contracts to develop a list of qualified minority and women business enter-

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

prises, to request proposals from all qualified minority and women business enterprises, and to annually report to the Governor and the Legislature on the level of participation by minority and women enterprises

(d) The bill would require contracts for engineering or architectural services to comply with provisions governing contracts by public agencies for architectural, engineering, and land surveying services and other specified provisions governing competitive bidding on state contracts

(e) The bill would prescribe procedures and criteria for advertising for proposals and awarding contracts for these services and would specify terms and conditions to be included in those contracts

(f) The bill would prohibit the displacement, as defined, of any permanent, temporary, or part-time employee of the department by services for which the department has contracted

(g) The bill would repeal these provisions on January 1, 1993

(2) Existing law requires the department each year to submit to the commission a recommended annual and 5-year estimate of all federal and state funds available for transportation purposes

This bill would require the department to annually prepare and submit to the appropriate fiscal and policy committees of the Legislature, and to the Joint Legislative Budget Committee, a project delivery plan, as specified, and an annual revision of that plan, as specified The bill would require the Legislative Analyst to include its assessment of the project delivery plan in its annual analysis of the Governor's proposed budget The bill would prescribe specified requirements regarding permanent and temporary capital outlay support staff

The bill would repeal these provisions on January 1, 1993

(3) Existing law authorizes the department, whenever the commission has allocated funds for construction, improvement, or maintenance of any portion of a state highway within a city or a county, to enter into a cooperative agreement with the city or county for performance of the work by the department or the city or county, or for apportioning expenses of the work between the department and the city or county

This bill would extend this authorization to instances in which a public entity other than the commission has allocated funds for state highway improvement and would also authorize the department to enter into those cooperative agreements with a county transportation commission

(4) Under existing law, the proposed budget for funds in the State Highway Account in the State Transportation Fund is organized on a program basis

This bill would require that specified program elements be separated into (a) work performed by state employees and (b) work accomplished by contract for professional and technical services

The bill would repeal these provisions on January 1, 1993

Ch 10 (SB 203) Presley Civil actions

(1) Under existing law, 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 that it is not interposed for any improper purpose In addition, if the paper is not signed, it is required to be stricken if not promptly signed Furthermore, if a pleading is signed in violation of the above provisions, the court, upon motion or its own initiative and after notice and an opportunity to be heard, is required to impose sanctions, as specified These provisions only apply in Riverside County and San Bernardino County and remain in effect until January 1, 1991, when they will be repealed.

This bill would suspend the operation of these provisions until July 1, 1988.

(2) Existing law provides for the methods by which a trial by jury in a civil action may be waived.

This bill would revise and recast these provisions, including revising the provisions for providing for waiver when a party fails to deposit with the clerk or judge jury fees or any mileage or transportation fees, as specified, and deleting provisions specifying a notice of a waiver to be given to all adverse parties by the clerk of a court

(3) Under existing law, provisions providing for the payment of jury fees in civil cases

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by a county and reimbursement to the county by the party were repealed as of January 1, 1988

This bill would reenact these provisions

(4) Under existing law, 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 may, in the court's discretion, be awarded reasonable attorney's fees for services after the date of the offer, as specified These provisions only apply in Riverside County and San Bernardino County and remain in effect until January 1, 1991, when they will be repealed

This bill would suspend the operation of these provisions until July 1, 1988

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

Ch 11 (AB 2130) Klehs Income taxes bank and corporation taxes

The California Personal Income Tax Fairness, Simplification, and Conformity Act of 1987 and the California Bank and Corporation Tax Fairness, Simplification, and Conformity Act of 1987 (Chs 1138 and 1139, Stats 1987) made numerous substantive changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law with respect to, among other things, conformity to federal law, tax credits, tax deductions, and tax rates

This bill would make numerous technical corrections and supplemental changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law, as amended by the new acts Among other things, it would amend provisions relating to adjusted gross income, net tax, filing status, research and development expenses, nonresidents, the minimum tax credit, annuities, solar energy, net operating losses, installment obligations, collection of taxes, effective dates, disaster losses, financial corporations, depreciation, exemptions capital gains, minimum tax, the alternative minimum tax, moving expenses, lump-sum distributions, change in taxable year, joint returns, regulated investment companies, exempt organizations, bad debts, subchapter "S corporations," installment sales, accounting methods, passive activity credits, and small business stock It would add provisions incorporating federal law relating to federal thrift saving funds, modifying state provisions referring to federal tax credits, disallowing capital loss carrybacks, relating to clinical testing of drugs, relating to a veteran's organization, relating to exempt organizations, and relating to regulated investment companies It would repeal provisions that are superfluous, redundant, or obsolete

The federal 1987 Budget Reconciliation Act made numerous changes in the federal income tax laws

This bill would provide conformity to the federal changes relating to deduction of mutual fund administrative expenses, taxable years other than calendar years, separate treatment of publicly traded partnerships under the passive loss rule, net operating loss provisions relating to treatment of built-in depreciation, and limitation on use of pre-acquisition losses to offset built-in gains

The bill would take effect immediately as a tax levy, but would be applicable to taxable or income years beginning on or after January 1, 1987, unless specified otherwise

Ch 12 (AB 924) Tanner Hazardous waste and substance releases· liability· business plans

(1) Existing law requires the Attorney General, upon the request of the State Department of Health Services, to recover from the liable person the costs incurred from the Hazardous Substance Account ("California Superfund") or the Hazardous Substance Cleanup Fund for hazardous substance removal and remedial actions Existing law defines "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 provide that an owner of property, as defined, is presumed not to be liable for these costs and would prohibit the bringing of an action to recover these costs against an owner of property unless the department certifies that specified facts apply concerning the release

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

(2) Existing law requires a lessee or renter of real property, who knows, or has reasonable cause to believe, that any hazardous substance is located on or beneath that real property, to notify any buyer of that property and imposes a civil penalty upon knowing and willful violators of this provision

This bill would, instead, require the lessee or renter to provide that notification for any release of a hazardous substance.

(3) Existing law requires any business which handles hazardous materials in specified amounts to establish and implement a business plan for emergency response to a release of hazardous substances

This bill would require a business which is required to establish and implement a business plan and is located on leased or rented real property to submit a specified notice to the owner of the property, and to provide a copy of the business plan to the owner or the owner's agent within a specified time after receiving a request for a copy.

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

Ch. 13 (SB 1495) Dills 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 and provides that certain provisions of that section are in conflict with the provisions of a memorandum of understanding (MOU) reached for certain state bargaining units (SBU) pursuant to the State Employer-Employee Relations Act (SEERA), the MOU shall be controlling, except that if the 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 the MOU provision of that section also applicable to additional SBUs.

(2) Existing law provides that if any provisions of a MOU 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 MOU 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 MOU entered into between the state employer and a specified state employee organization for SBU No 3 and would specify that the provisions of any MOU that require the expenditure of funds shall become effective even if the MOU is approved by the Legislature in legislation other than the annual Budget Act.

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

Ch 14 (SB 81) Garamendi. Superconducting Super Collider

Existing law requires the submittal to the voters at the June 1988 primary election of the Super Collider Bond Act which, if approved by the voters, would authorize a general obligation bond issue of $560,000,000 to provide funds for a Superconducting Super Collider program.

This bill would provide that this Super Collider Bond Act shall not be submitted to the voters

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

Ch 15 (AB 1406) Frazee Justice facility construction.

(a) Existing law (1) authorizes 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 establish 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, to be used for the construction of county criminal justice facilities and the improvement of criminal justice automated information systems, as specified.

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

This bill would instead authorize those counties to 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 make related, technical changes

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

Ch 16 (AB 1616) Duplissea Elderly persons

Under existing law, the Department of Aging has administrative authority over various state and federally funded programs which provide services to older persons, as defined

Funds are allocated by the department pursuant to a state plan which is formulated based upon approved plans submitted by area agencies on aging, and requires the Department of Aging to establish a Long-Term Care Division, which is responsible for administering the programs that are funded for the purposes of providing community-based long-term care

Under existing law, the department is required, commencing with the 1984–85 fiscal year, to award contracts to selected nonprofit organizations or governmental entities to arrange for the provision of various types of services which are aimed at achieving the goal of enabling functionally impaired adults and the frail elderly to remain in their own homes, until June 30, 1988

This bill would extend to December 31, 1989, the period during which the department is required to provide, through contracts, those services for functionally impaired adults and the frail elderly

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

Ch 17 (SB 620) McCorquodale Vehicles electric carts.

Existing law authorizes local authorities to require disabled and older persons to obtain a permit and identification sticker to operate electric carts that they own on sidewalks

This bill would make those provisions applicable to leased carts. The bill also would provide that the permit and sticker shall become invalid if the person ceases to operate, own, or lease the cart

Ch 18 (SB 1272) McCorquodale Abandoned vehicle removal

Under existing law, a peace officer may remove a vehicle from a railroad right-of-way if it is parked upon any railroad track or within 7½ feet of the nearest rail

This bill would instead authorize a peace officer to remove a vehicle from the right-of-way of a railroad, street railway, or light rail line if it is either parked or abandoned upon any track or within 7½ feet of their nearest rail

Ch 19 (AB 1010) Bane Horseracing awards

(1) Under existing law, in the case of quarter horses and Appaloosas, 0 4% of the handle at a satellite wagering facility in the northern zone is required to be distributed as breeders awards to breeders of quarter horses and Appaloosas and, in the case of standardbreds, 0 4% is required to be distributed for the California Standardbred Sires Stallion Program.

This bill would correct that reference to the California Standardbred Sires Stakes Program

(2) Existing law prescribes the percentages of the handle at a satellite wagering facility in the central or southern zones that are required to be distributed for license fees, commissions, and operating expenses

This bill would additionally require, in the case of quarter horses and Appaloosas, that 0 4% of the handle be distributed as breeders awards and, in the case of standardbreds, 0 4% be distributed for the California Standardbred Sires Stakes Program

(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. 20 (AB 2350) Killea. 1988 World Exposition.

Under existing law, there is a Business, Transportation and Housing Agency.

This bill would appropriate $200,000 from the General Fund to the agency, without regard to fiscal years, to permit the completion of the California exhibits at the 1988 World Exposition in Brisbane, Australia.

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

Ch 21 (AB 1218) Polanco Continuation classes.

Existing law 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, in addition, would permit a child who will be between the ages of 16 and 18, inclusive, at the time a leave of absence is to begin to take a leave of absence from compulsory continuation education classes, or if exempted pursuant to specified provisions of existing law, from the school that the child attends, for purposes of supervised travel, study, training, or work otherwise unavailable to the student, for a period of up to 2 semesters, if specified conditions are met.

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

Ch 22 (AB 2168) Costa. Fiscal affairs: appropriations

(1) Under existing law, the Department of Transportation plans, designs, and constructs state highways, and 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 increase the appropriation for the Lyons Avenue and Interstate Highway 5 interchange from $400,000 to $725,000, delete the grant of $250,000 to the City of Oakland for Aquatic Biology Hall, increase from $130,000 to $131,000 the grant to the City of Winters for City Hall historic refurbishment, increase from $400,000 to $500,000 the grant for the Downey Municipal Pool, and include a grant of $102,000 to the City of Piedmont for Linda Playfield.

(2) The Budget Act of 1987 appropriates $1,000,000 from the Special Account for Capital Outlay to the Department of Parks and Recreation for allocation to the City of Fresno for the Old Administration Restoration Project.

This bill would require the department to allocate the funds for this project to the State Center Community College District

(3) The Budget Act of 1987 appropriates $60,000 from the Special Account for Capital Outlay to the Department of Parks and Recreation for allocation to the County of Sacramento for Bowling Green Park

This bill would require the department to make this allocation to the Southgate Park and Recreation District.

(4) The Budget Act of 1987 appropriates $500,000 from the Special Account for Capital Outlay to the Department of Food and Agriculture for local assistance for rice straw disposal research.

This bill would specify that the appropriation is for support, instead of local assistance, and would provide that the California Rice Research Board shall be the recipient of the funds in order to investigate technologies for reducing the emissions of particulate matter during rice straw burning.

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

Ch. 23 (AB 2667) Killea. International commercial disputes.

(1) Existing law provides generally for the enforcement of arbitration agreements, but does not specifically provide for the arbitration or conciliation of international commercial disputes

This bill would enact special provisions governing the arbitration and conciliation of international commercial disputes, as specified, including the form of arbitration agreement, authorized judicial measures in aid of arbitration, the composition and jurisdiction of arbitral tribunals, the manner and conduct of arbitration, the making of arbitral awards and termination of arbitration proceedings, and the conduct and effect of con-

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ciliation proceedings

The bill would impose a state-mandated local program by requiring new duties of the superior court

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

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

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

Ch 24 (SB 140) Deddeh. Transportation: funds. bonds.

(1) Existing law requires the Governor to propose, and the Legislature to adopt, an annual state budget. Existing law requires the Department of Transportation to recommend, and the California Transportation Commission to annually adopt, a 5-year state transportation improvement program containing a list of highway projects and estimates of all state and federal funds reasonably expected to be available for transportation purposes.

This bill would require the Governor, commencing with the 1989–90 fiscal year, and biennially thereafter, at the time of submission of the proposed state budget, to submit to the Legislature a 6-year transportation funding plan containing, at a minimum, (a) a listing of planned expenditures for state highway and public transportation purposes from the State Highway Account and the Transportation Planning and Development Account in the State Transportation Fund, (b) a listing of planned expenditures, by program category, for each of the 6 successive fiscal years beginning with the 1990–91 fiscal year, (c) relevant criteria used in preparing the plan, (d) the sources and amounts of state funds needed, and identification of new revenue sources, including proceeds from the sale of bonds, (e) the amount and date of bond sales, and (f) changes in state and local policies and procedures necessary to implement the plan.

The bill would declare the intent of the Legislature and the Governor to utilize all state and federal funds in the State Highway Account and general obligation bond funds to maintain specified annual funding levels for specified transportation purposes.

The bill would provide for a state-local transportation demonstration program to provide state funds to cities, counties, and specified local entities for highway and exclusive public mass transit guideway projects pursuant to a specified procedure The state funds allocated under this program would not be subject to the county group and the county allocation requirements

The bill would require that funding estimates and proposed expenditures for the state transportation improvement program, prepared by the department and the commission, be consistent with specified funding levels and with other specified requirements

(2) Under existing law, the state transportation improvement program adopted by the commission is required to contain, among other things, recommended annual expenditures from the State Highway Account by program category for the succeeding 5 fiscal years and is required to be consistent with the estimate of available revenues

This bill would delete those requirements and would, instead, limit the projects which could be included in the adopted state transportation improvement program to those included in the immediately prior program and projects submitted to the commission by the department, transportation planning agencies, and county transportation commissions for inclusion in the program. The bill would also specify that the program shall be a schedule for project delivery, as defined, and would permit the commission to adjust the scope and cost for any project included in a previous program with the department's concurrence The bill would also require the department to annually submit to specified committees of the Legislature a project delivery plan, as specified, based on the state transportation improvement program, and to the Governor and the Legislature a project delivery report

(3) Existing law specifies priorities for expenditure of funds from the State Highway Account.

This bill would enact a revised schedule of priorities for expenditure of State Highway Account funds.

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(4) Under existing law, expenditures of the department are recorded on an accrual basis

This bill would authorize the department to finance projects which will not be completed in a fiscal year on a cash basis if the department has sufficient unused bonding authority not earmarked for any other project

(5) Under Article XIX of the California Constitution, state-imposed gas tax and use fuel (diesel) tax revenues may be used for public highway purposes and for exclusive public mass transit guideway purposes, as specified State-imposed tax and fee revenues on motor vehicles and on their use and operation may also be used for those purposes as well as for state regulation of vehicles used on public highways

This bill would enact the Deddeh Transportation Bond Act which, upon approval of the voters, would authorize, for purposes of a program to finance capital improvements for local streets and roads, state highways, and exclusive public mass transit guideways, the issuance, pursuant to the State General Obligation Bond Law, of bonds and notes in the amount of $1,000,000,000. The bill would require the bond act to be voted on at the June 7, 1988, direct primary election

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

Ch 25 (AB 48) O'Connell Bonds public contracts

The Leroy F Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts

This bill would enact the School Facilities Bond Act of 1988, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed $800,000,000, exclusive of refunding bonds issued pursuant to that act, and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F Greene State School Building Lease-Purchase Law of 1976 and related school facilities programs, as specified.

This bill would provide that, of the moneys authorized under the School Facilities Bond Act of 1988, not more than $120,000,000 shall be reserved for the reconstruction or modernization of facilities, not more than $40,000,000 for the purchase and installation of air-conditioning equipment and insulation materials, and not more than $50,000,000 for the acquisition of portable classrooms, as specified

The bill would provide for the submission of the proposed bond act to the electorate at the primary election to be held June 7, 1988

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

Ch 26 (AB 69) Clute Veterans Bond Act of 1988.

This bill would enact the Veterans Bond Act of 1988 to authorize $510,000,000 in state bonds for farm, home, and mobilehome purchase assistance for veterans, and would provide for submission of the act to the people at the June 7, 1988, direct primary election, to take effect upon adoption by the voters at that election.

The bill would also enact certain procedural provisions governing the submission of the Veterans Bond Act of 1988 to the voters at the June 7, 1988, direct primary election, revise provisions regarding the Veterans' Finance Committee of 1943, and would make other technical changes

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

Ch 27 (AB 2032) W Brown California Earthquake Safety and Housing Rehabilitation Bond Act of 1988

Existing law provides for the issuance and sale of state bonds for various purposes.

This bill would enact the California Earthquake Safety and Housing Rehabilitation Bond Act of 1988 to authorize $150,000,000 in state general obligation bonds for the purposes of making deferred payment loans to (1) increase the ability of specified unreinforced masonry multifamily residential structures to withstand earthquakes and (2) to provide deferred payment loans for rehabilitation of prescribed housing Eighty million dollars of the bond proceeds would be allocated for the first purpose and $70,000,000 for the second purpose, but the Director of Housing and Community Development

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would be authorized to transfer unneeded moneys from one program to the other at 2-year intervals, as prescribed. The bill would require deposit of these moneys in separate accounts in the Housing Rehabilitation Loan Fund. The bill would provide for the submission of the act to the people at the June 7, 1988, statewide primary election The bill would become operative upon adoption of the voters at that election The bill would authorize advances from the General Fund or Pooled Money Investment Account in the amount of unsold bonds, as specified.

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

Ch. 28 (SB 34) Boatwright Flood control: delta levees.

Existing law authorizes financial assistance to local agencies for maintenance and improvement of levees in the Sacramento-San Joaquin Delta which are not project facilities under the State Water Resources Law of 1945, subject to approval by the Reclamation Board of plans for the maintenance and improvement of the levees. No costs may be reimbursed if the entire cost incurred per mile of levee is $1,000 or less, 50% of any costs incurred in excess of $1,000 per mile may be reimbursed, and the maximum total reimbursement is limited to $2,000,000 annually

This bill would, until January 1, 1999, authorize reimbursement for 75% of any costs incurred in excess of $1,000 per mile of levee and delete the $2,000,000 per year limitation. The bill would, until January 1, 1999, authorize the board to provide for an advance to an applicant not to exceed 75% of the estimated state share. The bill would also require a local agency to first enter into an agreement to indemnify and hold the state harmless from any liability for damages, except that caused by gross negligence, that may arise out of the approvals, agreements, inspections, or work performed and would also make nonsubstantive changes and would require applicants to apply for federal disaster assistance, as specified The bill would also require the plans approved by the board to include provision for the protection of fish and wildlife habitat determined to be necessary by the Department of Fish and Game, would specify criteria for determining those requirements, and would require the plans to include provisions to acquire easements, as prescribed, along levees, where desirable to maintain structural stability of the levee.

The bill would, until January 1, 1999, create the Delta Flood Protection Fund, would declare legislative intent to appropriate $12,000,000 each year to the fund through fiscal year 1998–99 from specified tidelands oil and gas revenues, and would declare legislative intent to annually appropriate from the fund $6,000,000 for local assistance for the maintenance and improvement of delta levees pursuant to the above provisions and $6,000,000 for special delta flood protection projects and for subsidence studies and monitoring The bill would require the Department of Water Resources to develop and implement, as prescribed, a program of flood control projects on specified islands in the delta and for the Towns of Thornton and Walnut Grove, which has as its primary purpose the protection of discrete and identifiable public benefits, as described. The bill would prescribe related requirements for the funding of projects.

The bill would require $5,000,000 of the tidelands oil and gas revenues deposited in the California Water Fund to be deposited annually in a special account for appropriation and expenditure by the Department of Water Resources for mitigation of specified adverse effects in (1) the delta, Suisun Marsh, and San Francisco Bay caused by historic upstream depletions and diversions and for other nonreimbursable costs and (2) the Salton Sea and its tributaries.

The bill would make legislative findings and declarations.

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

Ch. 29 (AB 1929) Bader. School facilities funding.

(1) The existing Mello-Roos Community Facilities Act of 1982 provides that a community facilities district may be established to provide, among other things, for the purchase, construction, expansion. or rehabilitation of elementary and secondary school sites and structures

Also under existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976 authorizes the State Allocation Board to acquire, construct, and complete

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school facilities Pursuant to that state funding program, the board is required to approve school district applications requesting the board to share in the cost of any school facilities financed by a community facilities district, as specified, with the exception of any structures constructed with funds derived through the issuance of bonds pursuant to the Mello-Roos Community Facilities Act of 1982 prior to February 11, 1986

This bill would delete that exception.

(2) Existing law authorizes school district governing boards to impose school facilities fees or other requirements upon development projects, as defined, including new commercial or industrial construction and, as to residential development, to new construction, and other construction to the extent of the resulting increase in habitable area

This bill would provide that, as to residential development other than new construction, the school facilities fee or other requirement is applicable, to the extent of the resulting increase in habitable area, only to any development project having a value in excess of $20,000

(3) Existing law authorizes school district governing boards to levy school facilities fees subject to a maximum fee liability per square foot of covered or enclosed space of residential, commercial, or industrial development

This bill would require that the levying of school facilities fees or other requirements against development projects used exclusively for the housing of senior citizens be subject to the same limits applicable in the case of commercial or industrial development, as specified, thereby imposing a state-mandated local program as to school districts that have adopted a school facilities fee or other requirement for application to residential development

This bill would also provide that, as to residential development, the school facilities fees or other requirements may be levied only against the habitable space, as defined, of new construction This bill would impose a state-mandated local program by requiring that local building departments determine the scope of "habitable area" in certain residential development projects, pursuant to specified criteria, in order to calculate the amount of the school facilities fee or other requirement with regard to those projects

(4) Existing law also provides that the school facilities fee limits, together with designated prohibitions of existing law on the mitigation of environmental effects relating to the adequacy of school facilities, remain in effect only until such date as any state general obligation bond measure that provides for the funding of school facilities construction is denied ratification by the voters, as specified

This bill would repeal that provision This bill would also reenact that provision, to become operative December 31, 1990

The California Constitution requires 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. 30 (SB 1692) Roberti Housing

Existing law establishes various housing programs.

This bill would allocate up to $450,000,000 of bond proceeds that would become available, if approved by the voters in 1988 and 1990, pursuant to SB 1693 Of this amount, the bill would transfer from a proposed Home Building and Rehabilitation Fund (1) up to $300,000,000 to the Rental Housing Construction Fund for use in the Rental Housing Construction Program, subject to certain special requirements, (2) up to $40,000,000 to the Housing Rehabilitation Loan Fund to acquire and rehabilitate residential hotels, subject to certain special requirements, (3) up to $35,000,000 to the Emergency Housing Assistance Fund for grants to assist specified programs for homeless persons, (4) $15,000,000 to the Family Housing Demonstration Account, that would be created by the bill

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in the Rental Housing Construction Fund and continuously appropriated to the Department of Housing and Community Development for a prescribed program to provide congregate housing and community housing developments, (5) $10,000,000 for the development of migrant farm labor centers, and (6) up to $50,000,000 to the Home Purchase Assistance Fund that would be created by this bill and continuously appropriated to the California Housing Finance Agency for a prescribed program of interest rate subsidies or deferred-payment second-mortgage loans to reduce housing payments for first-time homebuyers and veterans purchasing housing financed by the agency or the Department of Veterans Affairs Because these moneys would be continuously appropriated, this bill would constitute an appropriation measure

This bill would prohibit use of the moneys for project operating costs and would require the agency and the Department of Housing and Community Development to annually report the use of the moneys The bill would make various changes in the procedures and standards applicable to the administration of the Rental Housing Construction Fund, the Housing Rehabilitation Fund, and the Emergency Housing Assistance Fund

The bill would also add program criteria for specified deferred payment loans made for defined seismic rehabilitation improvements

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

Ch 31 (SB 1705) Boatwright Income taxes· bank and corporation taxes credits

The California Personal Income Tax Fairness, Simplification, and Conformity Act of 1987 and the California Bank and Corporation Tax Fairness, Simplification, and Conformity Act of 1987 (Chapters 1138 and 1139 of Statutes of 1987) made numerous substantive changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law with respect to, among other things, conformity to federal law, tax credits, tax deductions, and tax rates

This bill would make various technical corrections and clarifying supplemental changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law, as amended by the new acts It would amend provisions relating to low-income housing, ordering of credits, minimum tax, the alternative minimum tax, the tentative alternative minimum tax, and passive activity losses and credits

The existing Bank and Corporation Tax Law provides that in the case of banks and financial corporations, estimated tax means the amount which the bank or financial corporation estimates as the amount of tax imposed at the rate determined, as specified, by the Franchise Tax Board That law also provides that a bank or financial corporation shall change that rate by the amount of change in the rate imposed upon general corporations

This bill would make a related nonsubstantive technical change to that law

This bill would also amend the Personal Income Tax Law to provide that net tax includes the tax relating to lump-sum distributions It would amend the Personal Income Tax Law and Bank and Corporation Tax Law to provide that conformity to Section 469(d) (2) of the Internal Revenue Code, relating to passive activity credits, is further modified to refer to the credit for low-income housing allowed under the Personal Income Tax Law and the Bank and Corporation Tax Law It would also provide that for purposes of applying Section 469(i) of the Internal Revenue Code, relating to the $25,000 offset for rental real estate activities, the dollar limitation for the credit for low-income housing allowed under the Personal Income Tax Law and the Bank and Corporation Tax Law shall be $75 000

This bill would provide state tax law conformity to Section 502 of Public Law 99-514, relating to a transitional rule for low-income housing, and to Section 10212 of Public Law 100-203, relating to treatment of publicly traded partnerships under Section 469 of the Internal Revenue Code

This bill would also amend provisions relating to regulated investment companies to provide that in computing the deduction allowed in determining investment company taxable income, exempt interest dividends shall be taken into account

This bill would take effect immediately as a tax levy

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Ch. 32 (SB 1706) Boatwright. Income taxes: bank and corporation taxes.

Two special programs, known as the Employment and Economic Incentive Act and the Enterprise Zone Act provided various exemptions, deductions, and credits under the Personal Income Tax Law and the Bank and Corporation Tax Law to encourage investment in enterprise zones and program areas

The 1987 tax conformity legislation (Chs. 1138 and 1139, Stats. 1987) amended or repealed many of those provisions

This bill would reinstate some of those provisions, as they existed prior to the 1987 tax conformity legislation, relating to an election to expense property, as defined, used in an enterprise zone or program area and provisions relating to net operating losses of taxpayers engaged in the conduct of a qualified business within a program area or taxpayers engaged in a trade or business within an enterprise zone

This bill would take effect immediately as a tax levy.

Ch 33 (AB 2395) Stirling. Crimes victims and witnesses.

Existing law sets forth certain enumerated rights of victims and witnesses to crimes, including the right of the victim or next of kin of the victim to be notified of any parole eligibility hearing.

This bill would instead refer to the above hearing as the parole suitability hearing and would make a related reference change

Ch 34 (AB 2740) Roos Public swimming pools· decorative design

Under existing law, the State Department of Health Services has supervision of sanitation, healthfulness, and safety of public swimming pools.

This bill would make a legislative finding and declaration that the Hollywood Roosevelt swimming pool is of unique artistic significance and that its underwater mural, painted by world famous artist David Hockney, is an important cultural landmark which should be preserved

The bill would make a legislative finding and declaration that the Hollywood Roosevelt Hotel is the cornerstone of Hollywood's redevelopment program and is the historic site of the 1st academy awards presentation. The bill would make various other findings and declarations regarding unique circumstances surrounding preservation of the Hollywood Roosevelt swimming pool mural

The bill would prohibit the adoption of any administrative regulation to require the destruction or alteration of the Hollywood Roosevelt Hotel swimming pool mural provided the mural is not altered It would require that any touch-up or repair to the swimming pool mural be performed with slip-resistant, cleanable, nonglare, and durable standard swimming pool paint and materials.

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

Ch 35 (AB 2658) Speier Special education programs handicapped infants and instructional personnel.

(1) Existing law, known as the 1987 Budget Act, makes appropriations for the support of state government, including special education programs for exceptional children, for the 1987–88 fiscal year for allocation in accordance with a specified schedule. Existing law requires that of the funds appropriated for local assistance for special education programs for exceptional children $3,000,000 be available for growth in the number of instructional personnel services units in programs for individuals with exceptional needs who are younger than three years of age.

This bill would increase the amount available for growth in the number of instructional personnel services units in these special education programs to $3,610,194 and would thereby constitute an appropriation

(2) Existing law defines "individuals with exceptional needs," for purposes of special education programs, to include, but not be limited to, individuals between the ages of 3 and 5 years, inclusive, identified as requiring intensive special education and services, as specified.

This bill would, instead, define these individuals to include, but not be limited to, individuals between the ages of 3 to 5 years, who are so identified.

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Existing law requires special education programs for individuals with exceptional needs.

This bill would specify that these requirements apply to all individuals with exceptional needs between the ages of 3 and 5, inclusive, as specified

(3) Existing law requires each county superintendent of schools to compute instructional personnel services amounts for each district and county office operating special education programs and services Under existing law, for purposes of computing funding for aides other than those in classes for the severely handicapped, a full-time equivalent aide is equivalent to 0 925 times a full-time equivalent aide entitlement for those aides in the 1980–81 fiscal year

This bill would increase the multiplier in that formula to 1 00

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

Ch 36 (SB 455) McCorquodale Affidavits of registration

Existing law generally requires a county clerk to accept an affidavit of registration at all times except 28 days immediately prior to an election, and afterwards if the affidavit is executed on or before the 29th day prior to the forthcoming election and it is received by the clerk by mail by a specified day

This bill would authorize the registrar of voters to accept an affidavit of registration not received by the county clerk within the time limits specified by law or a newly executed affidavit of registration when evidence supports that the affidavit was executed prior to the 29th day before an election and that it was mishandled by a third party.

Existing law requires a county clerk to accept a notice or letter of a voter's change of address in lieu of executing a new affidavit of registration when the notification is received by a specified day

This bill would authorize the registrar of voters to accept a change of address notice not received by the county clerk within the time limits specified by law when evidence supports that the change of address notice was executed prior to the 29th day before an election and the change of address notice was mishandled by a third party.

Ch 37 (SB 621) McCorquodale Mentally disordered offenders

Under existing law, the State Department of Mental Health is responsible for the community treatment and supervision of judicially committed patients, and the program through which those services are provided is known as the Mental Health Conditional Release Program

This bill would change the name of that program to the Forensic Conditional Release Program

Ch 38 (AB 1086) Jones Vandalism

Existing law defines acts of vandalism and makes them punishable by imprisonment in the county jail for not more than 6 months, by a fine not exceeding $1,000, or both, if the resultant defacement, damage, or destruction is less than $1,000. Existing law increases the maximum fine to $5,000 and maximum jail term to one year if the resultant defacement, damage, or destruction is $1,000 or more, but less than $5,000 Existing law further increases the maximum fine to $10,000 for vandalism resulting in $5,000 or more of defacement, damage, or destruction, and it provides that this offense is punishable alternatively as a felony or misdemeanor

This bill would increase the fine for vandalism resulting in $50,000 or more of defacement, damage, or destruction to a maximum of $50,000

Ch 39 (AB 1241) N Waters Child abuse.

Existing law requires certain persons to report instances of known or suspected child abuse, as defined An element of that definition is "unlawful corporal punishment or injury"; injury caused by reasonable and necessary force used by a public school employee to quell a disturbance threatening physical injury or property damage, in self-defense, or to obtain weapons or other dangerous objects is excluded from the definition of that element

This bill would instead provide that "child abuse" does not include an injury caused

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by reasonable and necessary force used by a peace officer in order to quell a disturbance threatening physical injury or property damage, to prevent physical injury to person or damage to property, for self-defense, to obtain weapons or other dangerous objects, or to apprehend an escapee. This bill would also make related, conforming changes in elements of that definition.

Ch 40 (AB 1539) Klehs. Firearms.

Existing law authorizes any person residing in the state to purchase any rifle or shotgun, as defined in specified provisions of federal law, in a contiguous state, pursuant to the requirements of specified provisions of federal law and in conformance with federal rules and regulations. Existing law provides that the purchase of any such rifle or shotgun is also subject to any other applicable state laws and all such laws of the contiguous state in which the rifle or shotgun is purchased.

This bill would repeal this provision.

Ch 41 (AB 1697) Katz Highways: speed limits

Existing law authorizes the Department of Transportation, with the approval of the Department of the California Highway Patrol, to declare a maximum speed of 60 or 65 miles per hour on interstate freeways under specified circumstances.

This bill would authorize the Department of Transportation to also declare those speed limits on freeways that are not interstate freeways

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

Ch 42 (SB 22) Bergeson Bonds

The Leroy F Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts.

This bill would enact the 1988 School Facilities Bond Act, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed $800,000,000 and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F. Greene State School Building Lease-Purchase Law of 1976, as specified.

This bill would provide, that of the moneys authorized under the School Facilities Bond Act of 1988, not more than $100,000,000 shall be reserved for the reconstruction or modernization of facilities, not more than $100,000,000 for the identification, assessment, and abatement of hazardous asbestos in school facilities, and not more than $20,000,000 for the purchase and installation of air-conditioning equipment and insulation materials, as specified

The bill would provide for the submission of the proposed bond act to the electorate at the general election to be held November 8, 1988.

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

Ch. 43 (SB 468) Presley. Correctional facilities.

(1) Existing law contains the New Prison Construction Bond Act of 1981, the New Prison Construction Bond Act of 1984, the New Prison Construction Bond Act of 1986, and the 1986 County Correctional Facility Capital Expenditure Fund.

This bill would enact the New Prison Construction Bond Act of 1988, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $817,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult corrections facilities, except that of those moneys, $40,000,000 would be appropriated to the Board of Corrections to fund certain county jail projects and to fund costs associated with the sale of bonds and administrative costs incurred by the board in the administration of the County Jail Capital Expenditure Bond Acts of 1981 and 1984 and the County Correctional Facility Capital Expenditure Bond Act of 1986.

The bill would further provide that, notwithstanding a statutory 1% limitation on the amount of funds which can be expended for administrative costs or any other provision of law, and subject to annual Budget Act appropriations, administrative costs shall not

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exceed 1½%.

The bill would provide for submission of the bond act at the next statewide election in accordance with provisions of specified law.

(2) Existing law provides for the lease-purchase financing of a women's facility in Madera County. Existing law also contains an appropriation of $147,000,000 from the 1988 Prison Construction Bond Fund to the Department of Corrections for the construction of a women's facility of up to 2,000 beds in Madera County and to retire any lease-purchase notes or bonds for the facility, as specified.

This bill would delete the appropriation from the 1988 Prison Construction Bond Fund for the women's facility in Madera County.

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

Ch. 44 (SB 703) Hart. Higher Education Facilities Bond Act of 1988.

Under the Higher Education Facilities Bond Act of 1986, the issuance, pursuant to the State General Obligation Bond Law, of bonds in an amount not to exceed $400,000,000 and the expenditure of the revenues therefrom are authorized for the purpose of aid to the University of California, the California State University, the California community colleges, and the California Maritime Academy for the construction and equipping of educational facilities, as specified, and for short-term loans to community colleges for the purchase of instructional equipment Existing law establishes the Higher Education Facilities Finance Committee to administer the act and to authorize the issuance and sale of bonds to the extent necessary to fund the education facilities construction apportionments expressly authorized by the Legislature in the annual Budget Act.

This bill would enact the Higher Education Facilities Bond Act of 1988, which, upon approval by the state electorate, would authorize the issuance of state general obligation bonds in an amount not to exceed $600,000,000 for purposes similar to those specified in the Higher Education Facilities Bond Act of 1986, to be issued and sold in a manner similar to that provided under that act.

The bill would provide for submission of the Higher Education Facilities Bond Act of 1988 to the voters at the next statewide general election in accordance with specified law.

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

Ch. 45 (AB 1439) Leonard. Safe drinking water bonds.

The California Safe Drinking Water Bond Law of 1976, the California Safe Drinking Water Bond Law of 1984, and the California Safe Drinking Water Bond Law of 1986 each provided for the issuance of state bonds and for the expenditure of the proceeds for state loans and grants for the construction, improvement, or rehabilitation of domestic water systems, as defined.

This bill would enact the California Safe Drinking Water Bond Law of 1988 which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not to exceed $75,000,000 and expenditure of the proceeds for state loans and grants for those purposes. The bill would require any proceeds of bonds authorized to be issued under the 1976, 1984, and 1986 bond laws which are unused and uncommitted on the effective date of this bond law, to be used for loans and grants in accordance with this bond law.

The bill would permit existing rules and regulations adopted by the Department of Water Resources pursuant to the California Safe Drinking Water Bond Law of 1984, and the existing priority list established by the State Department of Health Services pursuant to the California Safe Drinking Water Bond Law of 1986 which are in effect on the effective date of the bond law to be utilized, upon voter approval of the bond law, until further revision as specified.

The bill would provide for submission of the bond act to the voters at the statewide election on November 8, 1988, in accordance with specified law

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

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Ch. 46 (AB 1715) Costa Water conservation bonds

(1) Under existing law, 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.

This bill would enact the Water Conservation Bond Law of 1988 which, if adopted, would authorize, for purposes of financing a specified local water projects assistance program, water conservation programs, and groundwater recharge facilities the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $60,000,000

(2) Under the Water Conservation and Water Quality Bond Law of 1986, loans may be made, among other purposes, for the construction of drainage water management units, as specified

This bill would revise the method of calculating the rate of interest on the loans

(3) Under the Clean Water Bond Law of 1984, loans may be made, among other purposes, for water reclamation projects

This bill would revise the method of calculating the rate of interest for the loans, revise the method of determining the amount of bond funds available for specified purposes, and specify other powers of the State Water Resources Control Board in the administration of bond funds

(4) The bill would provide for submission of the bond act to the voters at the next statewide general election in accordance with specified law

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

Ch 47 (SB 997) Mello Water pollution· state bonds

(1) The Clean Water Bond Law of 1970, the Clean Water Bond Law of 1974, the Clean Water and Water Conservation Bond Law of 1978, and the Clean Water Bond Law of 1984, each provided for the issuance of state bonds, and for expenditure of the proceeds for state grants for the planning, research, development, and construction of treatment works and for certain related purposes

This bill would enact the Clean Water and Water Reclamation Bond Law of 1988, which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not exceeding $65,000,000 for purposes of financing a specified water pollution control and water reclamation program

(2) Under the Water Conservation and Water Quality Bond Law of 1986, loans may be made for, among other purposes, the construction of drainage water management units, as specified

This bill would revise the method of calculating the rate of interest on the loans

(3) Under the Clean Water Bond Law of 1984, loans may be made for, among other purposes, water reclamation projects

This bill would revise the method of calculating the rate of interest for the loans, revise the method of determining the amount of bond funds available for specified purposes, authorize the use of bond proceeds for specified facilities for the control of water pollution originating in Mexico, and specify other powers of the State Water Resources Control Board in the administration of bond funds

(4) The bill would provide for submission of the bond act and other changes to the voters at the November 8, 1988, general election in accordance with specified law

(5) The bill would also provide for state guarantees of local bonds, as specified, which would be funded from bond proceeds authorized by the Clean Water Bond Law of 1988 to be transferred to the Clean Water Bond Guarantee Fund, which the bill would create

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

Ch 48 (SB 1693) Roberti Housing and Homeless Bond Act of 1988

Under existing law, there are various programs providing state assistance for housing

This bill would enact the Housing and Homeless Bond Act of 1988 which, if adopted, would authorize for purposes of financing a housing program, as defined in SB 1692 of the 1987–88 Regular Session, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $300,000,000

The bill would provide for submission of the Housing and Homeless Bond Act of 1988

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to the voters at a statewide election to be held on November 8, 1988

The bill would also enact the Housing and Homeless Bond Act of 1990, which, if adopted, would authorize for purposes of financing a housing program, as defined in SB 1692 of the 1987–88 Regular Session, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $150,000,000

The bill would provide for submission of the Housing and Homeless Bond Act of 1990 to the voters at a statewide election to be held on November 6, 1990

The bill would authorize advances from the General Fund or Pooled Money Investment Account in amounts not exceeding authorized but unissued bonds, as specified

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

Ch 49 (SB 181) Keene California Library Construction and Renovation Bond Act of 1988.

Existing law does not provide for the issuance of state general obligation bonds to provide funds for grants to any city, county, city and county, or district for the acquisition, construction, remodeling, or rehabilitation of facilities for public library services.

This bill would enact the California Library Construction and Renovation Bond Act of 1988 which, if adopted, would authorize the issuance pursuant to the State General Obligation Bond Law of bonds in the amount of $75,000,000, exclusive of refunding bonds, as specified, for the purpose of financing a specified library construction and renovation program.

This bill would authorize the State Librarian to use 1% of the California Library Construction and Restoration Fund for administrative costs, as specified

The bill would provide for the submission of the bond act to the voters at the statewide general election in November 1988, in accordance with specified law, and would become operative upon adoption by the voters at that election.

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

Ch 50 (AB 1640) Wyman. Schools pupils enrollment in drug programs

Existing law does not specifically address the authority of the governing board of a school district to require that a pupil who has been expelled for reasons relating to controlled substances or alcohol enroll in a county supported drug rehabilitative program prior to returning to school.

This bill would expressly authorize the governing board of a school district to require a pupil who has been expelled from school for reasons relating to controlled substances or alcohol to enroll in a county-supported drug rehabilitation program prior to returning to school

This bill would prohibit a school district from requiring that a pupil enroll in this type of a program without the consent of the pupil's parent or guardian.

Ch. 51 (AB 149) Stirling Local taxes justice facilities. election

(1) Under existing law, the San Diego County Regional Justice Facility Financing Act authorizes the imposition of a local transaction and use tax for justice facility financing, upon voter approval of the tax, as specified.

This bill would provide that at the request of the agency, the Board of Equalization shall terminate collection of the transactions and use tax prior to the end of the term during which that tax is imposed, and that the agency shall make such a request in the event the county receives state funds to finance needed justice facilities pursuant to a law enacted after approval of the tax, as specified

(2) That act also requires the ballot measure seeking voter approval for such a tax to contain language which will result in a reduction in the amount of revenue generated annually by that tax equivalent to the amount of state funding made available annually to the county pursuant to a subsequently enacted state program to fund the acquisition or development of required justice facilities

The bill would also delete reference to the annual generation of revenue, thereby requiring the ballot measure to contain language which will result in a reduction in the amount of revenue generated by that tax equivalent to the amount of state funding made available to the county pursuant to a subsequently enacted state program to fund

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the acquisition or development of required justice facilities

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

Ch 52 (SB 638) McCorquodale Housing manufactured homes mobilehomes

Existing law requires that all used manufactured homes, used mobilehomes, and used commercial coaches which are sold have a smoke detector which is operable on the date of transfer of title

This bill would delete the application of this requirement to used commercial coaches

Ch 53 (AB 1350) Cortese State and local public agencies liability for capital facilities fees

In San Marcos Water Dist v San Marcos Unified School Dist, 42 Cal 3d 154, the California Supreme Court held that (a) there is an implied exemption from special assessments for publicly owned and used property and (b) a fee imposed by a public entity to provide funds for capital improvements to utility facilities, rather than to cover ongoing costs of service, is a special assessment for this purpose, regardless of how the fee is determined Under existing law, there is no general statutory authority for charging these fees to public entities

This bill would authorize public agencies that provide water, light, heat, communications, power, flood control, drainage, garbage, sanitary service, or specified sewer service, to charge other public entities, including local agencies and school districts, prescribed nondiscriminatory user charges on and after July 21, 1986, for costs of capital facilities (hereafter "capital facilities fees") to provide the service The bill would, with a specified exception, preclude refund of capital facilities fees paid by public entities prior to the bill's effective date, unless paid under protest or challenged by January 1, 1987 The bill would subject the authority to charge capital facilities fees as regards school districts, county offices of education, community college districts, the California State University, the University of California, and state agencies to special conditions The bill would authorize capital facilities fees that were charged and paid by public entities subject to the bill, without protest or challenge, or paid pursuant to an agreement prior to July 21, 1986, to be continued and to be increased, as specified, subject to limitations on the amount thereof applicable to school districts, county offices of education, community college districts, the California State University, the University of California, and state agencies

The bill would also make capital facilities fees paid by school districts under the bill, with respect to construction of school facilities for which application for funding is made under the Leroy F Greene State School Building Lease-Purchase Law of 1976 on or after the bill's effective date, an eligible cost under that act

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

Ch. 54 (AB 2560) Condit Courts jurisdiction

Existing law provides that municipal and justice courts have jurisdiction in cases where a judgment creditor applies for the entry of a judgment based on a sister state judgment of $15,000 or less, and the superior court has jurisdiction in all other cases

This bill would increase the monetary jurisdiction of municipal and justice courts in these cases to $25,000 or less

Ch 55 (AB 2561) Condit Ralph M Brown Act agendas

The Ralph M Brown Act, with certain exceptions, requires that all meetings of the legislative body of a local public agency be open and public, and that all persons be permitted to attend any meeting of the legislative body There is no exception in these provisions for meetings of the legislative body of a multijurisdictional drug law enforcement agency

This bill would authorize the legislative body of a multijurisdictional drug law enforcement agency to hold a closed session to discuss the case records of any ongoing criminal investigation of the agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases The bill would define "multijurisdictional drug law enforcement

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agency" for these purposes as a joint powers entity, formed pursuant to specified provisions of existing law, which provides drug law enforcement services for the parties to the joint powers agreement

Ch 56 (AB 436) Vasconcellos Claims against the state appropriation [1]

This bill would appropriate $8,128,735 50, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

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

Ch 57 (SB 1355) Campbell Sheriff qualifications

Existing law does not establish any education and experience qualifications for the office of sheriff

This bill would make ineligible as a candidate for the office of sheriff any person who does not meet one of various specified combinations of education and experience as a peace officer at the time of the final filing date for election

The bill would, however, exempt persons holding office as sheriff on the effective date of the bill from these requirements

Ch 58 (AB 2230) Chandler Vehicles driving right side bicycles

Existing law requires that vehicles be driven upon the right half of the roadway, subject to specified exceptions

This bill would state that those provisions do not prohibit bicycles from being operated on any shoulder of a highway, unless that operation is otherwise prohibited by the Vehicle Code or local ordinance, and would require bicycles operated on a roadway or the shoulder of a highway to be operated in the same direction as vehicles are required to be driven.

Ch 59 (AB 296) McClintock Mobilehomes

Under existing provisions of the Mobilehome Residency Law, a homeowner may not be charged a fee for other than rent, utilities, and charges for services rendered

This bill would provide that the management may only demand a security deposit on or before initial occupancy, and would limit the security deposit to an amount equal to 2 months' rent It would require the refund of the deposit if the homeowner has promptly paid rent, utilities, and charges within 5 days of the date the amount is due for 12 consecutive months

Ch 60 (AB 42) Leonard Sales and use taxes collection

The 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 the purchaser a receipt therefor The existing Transactions and Use Tax Law provides 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 the vehicle, aircraft, or vessel at an address in any district subject to the tax The existing Transactions and Use Tax Law also provides that any retailer engaged in business in this state for purposes of the Sales and Use Tax Law shall also be considered a retailer engaged in business in a district for purposes of the Transactions and Use Tax Law

This bill would provide that certain retailers, as specified, engaged in business in this state under the existing Sales and Use Tax Law shall not be considered as retailers engaged in business in a district for purposes of the Transactions and Use Tax Law

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

Ch 61 (AB 1933) M Waters State contracts. minority and women business enterprises

(1) Existing law does not require that state contracts for professional bond services be subject to goals for participation by minority and women business enterprises

This bill would require that any state governmental entity that awards contracts for professional bond services have annual statewide participation goals of not less than 15%

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for minority business enterprises and 5% for women business enterprises for those contracts, except as specified.

(2) Existing provisions of law that govern contracting by state agencies do not impose goals for the participation in those contracts by minority and women business enterprises, except as to the Department of Corrections. Certain prison facility construction contracts let by that department are currently required to have, as statewide participation goals, 13% minority business enterprise and 3% women business enterprise, as specified

This bill would revise those goals to be 15% minority business enterprise and 5% women business enterprise

This bill would further require that all contracts awarded by state governmental entities for construction and certain related purposes have statewide participation goals of not less than 15% for minority business enterprises and 5% for women business enterprises, pursuant to specified provisions Those provisions would not apply, however, to contracts let by the Department of Corrections, as described above.

Ch. 62 (AB 1514) Chandler Ready Springs Union School District· loan

Existing law authorizes the State Allocation Board to reserve up to 10% of the funds transferred to the State School Deferred Maintenance Fund for apportionment to school districts in instances of extreme hardship, as defined.

This bill would declare that, although the State Allocation Board has approved the apportionment of deferred maintenance funds to the Ready Springs Union School District from this source for the repair of the sewage system of a designated elementary school in that district, insufficient funds are currently available in that reserve for this purpose. This bill would appropriate $300,000 from the State School Deferred Maintenance Fund to the Controller for payment to the Ready Springs Union School District to fund that project. That appropriation would constitute an advance hardship apportionment

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

Ch 63 (SB 1729) Maddy. Regulations: explosives. transportation

(1) Existing law requires notice to be given by specified means at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation by a state agency.

This bill would reduce the period within which that notice is required to be given to 30 days in the case of regulations establishing routes for the transportation of explosives

(2) Existing law requires the Department of the California Highway Patrol to designate, by regulation, after public hearings with specified persons, the routes in the state to be used for the transportation of explosives. Existing law also generally provides procedures for the adoption of regulations, including a provision that regulations required to be filed with the Secretary of State are effective on the 30th day after filing.

This bill would provide for the establishment of routes for the transportation of explosives in regulations after consultation with specified persons, rather than after public hearings with those persons The bill would provide that the regulations would be effective upon filing rather than on the 30th day after filing with the Secretary of State

(3) Existing law provides for approval of regulations, or their return to the adopting agency, within 30 days, by the Office of Administrative Law

This bill would reduce that time to 15 days in the case of regulations establishing routes for the transportation of explosives

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

Ch 64 (AB 3151) Wright State School Building Aid Law of 1952· repayments

Existing law, under the State School Building Aid Law of 1952, provides for conditional apportionments to school districts for the purpose of constructing school buildings Pursuant to those apportionments, the recipient districts are required to repay the state on the basis of a designated property tax rate

This bill would restore the requirement that a higher property tax rate be applied in

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the case of unified school districts, which requirement previously applied under existing law until January 1, 1988 This bill would also exempt the Simi Valley School District, a unified school district, from that requirement, contingent upon the passage in that district of a local general obligation bond measure on April 12, 1988, as specified

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

Ch 65 (AB 2507) Speier Animals courses of instruction involving harmful or destructive use pupil's right to refuse

Existing law regulates the use of animals in diagnostic procedures and medical research

This bill would provide that a teacher may work, as specified, with a pupil who chooses to refrain from participation in a portion of the course of instruction involving the harmful or destructive use of animals, to develop and agree upon any alternative education project, as defined, as a method of obtaining the required learning, as specified

This bill would require the governing board of each school district to notify parents or guardians regarding the rights and responsibilities of the parent or guardian under this bill, and would thereby constitute a state-mandated local program

This bill would also require each teacher teaching a course that utilizes animals or animal parts, to inform pupils enrolled in that course of these rights and would thereby constitute a state-mandated local program

This bill would prohibit discrimination against pupils based upon their exercise of these rights.

This bill would provide that notwithstanding contrary provisions of law, if any, this bill shall apply to all levels of instruction in all public schools operating programs from kindergarten through grades 1 to 12, inclusive

This bill would exempt from these provisions classes and activities, conducted as part of a program in agricultural education that provide instruction on the care, management, and evaluation of domestic animals

This bill would provide for severability of invalid provisions, if any

The California Constitution requires 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 66 (SB 1642) Keene Nonprofit hospital service plans

Existing law provides for the issuance of certificates of authority, by the Insurance Commissioner, to corporations that are not organized for profit which meet specified requirements to establish, maintain, or operate nonprofit hospital service plans

This bill would permit a nonprofit hospital service plan, licensed as prescribed, to convert, with prior approval of the commissioner, from a nonprofit public benefit corporation into a business corporation, as prescribed, and provide for the vesting of the ownership of the business corporation The bill would prohibit the commissioner from revoking, suspending, or otherwise limiting that certificate of authority of any corporation subject to those provisions which holds that certificate on January 1, 1988, solely for the reason that the corporation has changed its status from a nonprofit public benefit corporation to a business corporation, pursuant to designated provisions, and would prescribe other conditions in order for this provision to apply This bill would prohibit such a corporation from soliciting or contracting with new groups in specified counties until it is authorized to do business in those counties, as specified The bill would provide for specified fees to be filed, with the commissioner, with an application for approval of the conversion by the commissioner The bill would require the commissioner to file a report with the Legislature within 60 days of the approval of the sale or merger

This bill would prohibit, on or after January 1, 1989, the granting of a license under

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designated provisions to any corporation seeking to establish a comprehensive health care program.

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

Ch. 67 (AB 2148) Jones Health.

Under existing law, the State Department of Health Services administers licensing and certification provisions concerning health facilities, including hospitals.

Under existing law, the Office of Statewide Health Planning and Development performs various functions, including data collection, and health care program monitoring and planning.

Existing law requires the office to set for, charge to, and collect from all health facilities a special fee of not more than 0.035% of the health facility's gross operating cost for provision of health care services for its last fiscal year. The fee is required to be established to produce revenue equal to the appropriation to pay for prescribed health planning costs

This bill would require the fee to include the costs of functions required of the office by this bill.

This bill would require the office, between the effective date of the bill, and June 30, 1991, to undertake a comprehensive review and assessment of regulatory requirements applicable to small and rural hospitals, as defined It would also require the office to promulgate emergency regulations waiving or modifying existing regulations and building standards for these hospitals determined by the office to be inapplicable, unreasonably burdensome, and unnecessary for safe and efficient operation.

The bill would require the office, prior to adoption and implementation of the standards, to consult with the department and with appropriate professional associations

The bill would require the department to apply these standards in performing its licensing and certification functions

The bill would permit the office to conduct pilot projects in small and rural hospitals and would specify the conditions for those projects and the bill would permit the Director of Health Services to appoint a technical advisory committee to provide advice on the implementation and administration of the provisions of the bill

The bill would require the office to submit a report to the Legislature and the department, by April 1, 1993, on the impact of these standards.

The bill would specify that these alternative standards developed by the office shall remain in force only until January 1, 1994, unless amended or repealed by the office

The bill would specify that the above provisions shall remain in effect only until January 1, 1994, and as of that date are repealed, unless a later enacted statute which is enacted prior to that date deletes or extends that date

Existing law permits each county, on a voluntary basis, to establish a comprehensive children's mental health services program in the county, pursuant to a plan approved by the State Department of Mental Health

Existing law requires, however, that by April 1 of each year, beginning with April 1, 1988, each county wishing to participate in the program, have a program proposal for the development of a coordinated system of comprehensive services to address the needs of children with serious emotional disturbance

This bill would extend from April 1, 1988, to July 1, 1988, the deadline by which a county wishing to participate is required to have the program proposal

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

Ch. 68 (AB 773) Floyd Alcoholic beverages.

Existing law prohibits a manufacturer, winegrower, manufacturer's agent, rectifier, California winegrower's agent, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any of those persons from having specified relationships with an on-sale alcoholic beverage licensee with limited exceptions

This bill would provide that an on-sale beer and wine license may be issued or transferred to any person with respect to premises which are an integral part of a restaurant owned by, or operated by or on behalf of, the licensee notwithstanding that a wholesaler licensed to sell alcoholic beverages in states other than California has an interest in the

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premises, license, or licensee if: (1) the licensee purchases no beer or wine for sale in this state from other than a California wholesaler, nor purchases beer or wine from any wholesale licensee or manufacturer holding specified ownership interests and (2) no more than 30% of the revenues of the restaurant are derived from the sale of alcoholic beverages

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

Ch 69 (AB 2073) Floyd Alcoholic beverages. tied-house restrictions.

Existing law authorizes a winegrower, who manufactures, produces, bottles, processes, imports, or sells wine only, to hold the ownership of any interest in any onsale or offsale general license or the business conducted under any such license if a specified undertaking has been made, as specified.

This bill would instead authorize any such winegrower, as specified, to hold the ownership of, or any interest in, any retail license and make a related change.

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

Ch 70 (AB 1724) Areias. Prison terms. enhancements.

Existing law provides for the enhancement of prison terms in varying numbers of years where certain new offenses are committed. Existing law defines the term "violent felony" for purposes of these provisions as including specified felony offenses, and any other felony in which the defendant inflicts great bodily injury which has been charged and proved, as specified

This bill would delete the word "other" in the provision defining violent felony to include any other felony in which the defendant inflicts great bodily injury, as specified. It also would provide that for purposes of the great bodily injury provision, the great bodily injury may, additionally, be charged and proved where the infliction of the injury results in the nonconsensual termination of a pregnancy. The bill further would include the offense of arson, as defined, within the definition of "violent felony."

Ch 71 (AB 1914) Harris. Civil actions: interrogatories

Existing law requires the Judicial Council to develop and approve official form interrogatories and requests for admission of the genuineness of any relevant documents or the truth of any relevant matters of fact in any civil action in a state court based on personal injury, property damage, wrongful death, unlawful detainer, breach of contract, or fraud.

This bill would add family law cases to the list of civil actions to which this requirement applies

The forms would be required to be prepared and made available before July 1, 1988

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

Ch 72 (AB 2673) Longshore. Veterans memorial. construction.

Existing law provides for the Veterans Memorial Commission, directs the commission to solicit designs for and oversee the construction of a memorial to veterans on the State Capitol grounds, creates the Veterans Memorial Account in the General Fund, and continuously appropriates the money in the account to the commission for these purposes, but prohibits the commission from soliciting or receiving any funds for construction of the memorial until a memorial to California's Vietnam veterans has been completed

This bill would delete the prohibition of the commission from receiving funds for construction of the memorial until the Vietnam veterans memorial is completed

Ch. 73 (AB 2417) Clute. Controlled substances.

Existing law provides that any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of a list of specified controlled substances to any person in this state shall require proper identification from the purchaser and shall submit a report to the Department of Justice of all of those transactions. Existing law imposes criminal penalties for a violation of these identification and reporting requirements Existing law also provides that the Department of Justice may adopt rules and

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regulations that add substances to the list if the substance is a precursor to a controlled substance on the list

This bill would impose a state-mandated local program by including within the list of controlled substances for which proper identification must be obtained and a report must be submitted by the seller, propionic anhydride, isosafrole, safrole, piperonal, thionylchloride, benzyl cyanide, and ergonovine maleate

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

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

Ch. 74 (AB 608) Zeltner. Mentally disordered and developmentally disabled offenders.

Existing law authorizes any person committed to a state prison or other treatment center pursuant to specified provisions of current law to be placed on outpatient status, as specified.

This bill would provide that any person who leaves the state without obtaining the above-described prior written approval or who fails to return to this state on the date specified by the committing court, shall be subject to extradition, as specified

This bill would prohibit any person who is on outpatient status from leaving this state without first obtaining the prior written approval of the committing court, as specified. This bill would authorize the court to conduct a hearing on the question of whether the person should be allowed to leave the state and what conditions or limitations, if any, should be imposed.

This bill would provide that any person who is on outpatient status who violates the above-described requirement is guilty of a misdemeanor, thereby imposing 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. 75 (AB 1095) N. Waters. Milk.

(1) Existing law, until July 1, 1988, prescribes the content and labeling requirements for high nutrient lowfat milk. Violation of these requirements is a misdemeanor

This bill would delete the termination date for these requirements and impose a state-mandated local program by continuing a misdemeanor crime

(2) Under existing law, with specified exceptions, milk producers who do not market the amount of fluid milk equal to their pool quota in the months of September, October, and November are required to lose the production base equal to the difference between the average amount of milk marketed and their pool quota.

This bill would repeal this 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.

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. 76 (AB 2296) Killea. CERL: annually elective cost-of-living payments.

Two sections of the County Employees Retirement Law of 1937 (CERL) authorize counties to elect, on a year to year basis, to provide additional cost-of-living payments during a year, but will be repealed as of January 1, 1989

This bill would delete the repealing provisions, thereby extending the authorization indefinitely.

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Ch. 77 (SB 753) L Greene Housing: the homeless· bond issuance

(1) Under existing law, the California Debt Limit Allocation Committee is created to allocate to authorized state or local agencies the volume ceiling for private activity bonds, as defined. The committee is authorized to charge fees to the lead underwriter or bond purchaser to cover its costs

This bill would authorize the committee to also charge fees to the bond issuer.

(1.5) Existing federal income tax law authorizes 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. The Mortgage Bond and Tax Credit Allocation Committee is the designated agency in this state It is vested with responsibility for allocating these federal tax credits, as specified.

Under existing law, the committee is exempt from the procedural requirements, with respect to adoption, amendment, or repeal of regulations, of the Administrative Procedure Act, for the 1987 calendar year.

This bill would extend that exemption to December 31, 1988, and would expressly make the extension applicable to housing tax credits under both state and federal law

(2) The Emergency Housing and Assistance Fund is created under existing law for the awarding of grants by the Department of Housing and Community Development to eligible recipients, to provide emergency or temporary shelter for the homeless Federal funds are provided under various federal statutes through the United States Department of Housing and Urban Development for provision of shelter to the homeless.

This bill would provide that an eligible recipient who receives funds from the Emergency Housing and Assistance Fund, or who has an outstanding obligation to provide shelter services as a result of previously receiving these funds, and who receives funds pursuant to specified federal provisions may charge rent for transitional housing not in excess of the amount allowed by the federal provisions The bill would require that any proceeds collected from residents of a shelter pursuant to this authorization be maintained and accounted for in a separate account and be utilized, to the extent necessary, to pay for any security deposit imposed under existing law on any resident leaving the shelter and renting a permanent dwelling.

The bill would also revise the state program for the homeless funded through the Emergency Housing and Assistance Fund to prohibit an eligible recipient who receives funds, or who has an outstanding obligation to provide shelter services as a result of previously receiving funds, from denying shelter to any person or family because of that person's or family's inability to pay rent or any portion thereof

(3) Prior law, which was repealed on January 1, 1988, authorized any city or county to issue revenue bonds for the purpose of providing financing for multifamily rental housing and capital improvements in connection with that housing.

This bill would reenact these provisions, including a provision which requires the deposit of prescribed funds into the Rental Housing Construction Fund Since that fund is continuously appropriated, the bill would make an appropriation It would provide for the repeal of these provisions January 1, 1993.

(4) Existing property tax law provides for a welfare exemption under which property used exclusively for various specified purposes and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting specified requirements is exempt from taxation.

This bill would extend the welfare exemption to property 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.

This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code.

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This bill would make these provisions operative for the 1988–89 fiscal year and fiscal years thereafter.

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

Ch. 78 (AB 2583) Stirling. Educational facilities: crime reports.

Existing law requires each school in a school district, on forms prepared and supplied by the State Department of Education, to forward a completed report of crimes committed on school grounds at the end of each reporting period to the district superintendent, and requires each district superintendent to compile the school data and to submit the aggregated data to the State Department of Education for specified reporting periods.

Existing law also requires the State Department of Education to distribute, upon request, to each office of the county superintendent of schools and each county probation department a summary of that county's district reports and the summary of statewide aggregated data, and it imposes related duties on the department

This bill would specify that the principal of each school district shall undertake the above reporting requirement

The bill would also impose a state mandated local program by extending the application of the above provisions to require each principal or director of a school, program, or camp under the jurisdiction of the county superintendent of schools to forward a completed report regarding those crimes to the county superintendent of schools, and to require the county superintendent of schools to compile and submit that data to the State Department of Education, as specified. It would also make certain corresponding changes.

The bill would permit the superintendent of any district that maintains a police department to direct that the police department perform the preparation and reporting requirements described above, as specified.

This bill would authorize the Superintendent of Public Instruction to withhold an amount from the next state apportionment to a school district or county office of education, as specified, if the superintendent determines that the district or county office of education has not complied with that requirement by submitting that crime information, or if the submitted information is intentionally misleading.

The California Constitution requires 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 payable from the State Mandates Claims Fund

Ch 79 (AB 316) Lancaster Automatic fire extinguishing systems.

Existing law requires the State Fire Marshal to adopt and administer regulations and building standards regarding servicing, testing, and maintaining automatic fire extinguishing systems, and requires licensing of persons engaged in these activities These provisions are in effect until January 1, 1989, and violation thereof is a crime

This bill would make these provisions effective until January 1, 1991 This would impose a state-mandated local program by continuing in effect provisions the violation of which is a crime.

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

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

Ch. 80 (SB 822) McCorquodale. Medi-Cal.

Under existing law, no payment for care or services may be made under the Medi-Cal program to a medical or health care facility unless it has been certified by the State

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Department of Health Services and meets other specified requirements.

This bill would require the State Department of Health Services to certify facilities licensed for other health purposes for the Medi-Cal program within a specified period, if the facilities meet all the requirements for certification.

Ch. 81 (AB 1014) O'Connell. County employees: uncompensated illness leave—CERL service credit

An existing provision of the County Employees Retirement Law of 1937 (CERL) authorizes members returning to active service following uncompensated leave of absence for illness to purchase service credit for that period but not to exceed 12 consecutive months.

This bill would authorize a county to adopt by resolution a provision which would authorize these returning members to purchase service credit for the full period in excess of 12 consecutive months, during which the member receives specified temporary disability benefits, when the absence is due to illness or injury arising out of and in the course of employment and the member receives specified temporary disability benefits during the absence, provided, that the member has rendered sufficient service, other than that for which credit in excess of 12 consecutive months is to be hereunder purchased, to meet the minimum service credit requirements for benefits and pays related member contributions and interest. This new authorization would impose on counties and districts 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 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 82 (AB 2326) Killea. State highways. airspace leases.

Existing law authorizes the Department of Transportation to lease to public or private entities areas above or below state highways. Revenues from those leases are deposited in the State Highway Account in the State Transportation Fund.

This bill would require the department to submit an annual report to the Legislature on the income and the inventory status of airspace leased above and below state highways.

Ch. 83 (AB 2799) Hansen Class 1 market milk exceptions

Under existing law, class 1 market milk does not include any market milk, market skim milk, or market cream which is used in the manufacture of yogurts which are directly sold for use out-of-state.

This bill would also except from class 1 market milk any market milk, market skim milk, or market cream which is used in the manufacture of soft fresh cheese (fromage frais) which is sold for use out-of-state.

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

Ch 84 (SB 860) Campbell. Long-term health care facilities

Under the Long-Term Care, Health, Safety, and Security Act of 1973, the State Department of Health Services administers various provisions relating to standards of care, and the enforcement thereof, for long-term health care facilities.

One of the duties of the department is to issue citations for violations of law affecting the health and safety of long-term health care facility residents

Under these provisions, a facility may contest a citation issued by the department, or the civil penalty assessed because of that citation, by seeking a citation review confer-

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ence or by appealing a decision made after a citation review conference These appeals must be made, however, within 5 business days of service of the citation or receipt of the citation review conference decision, respectively. In addition a citation review conference must be held within 5 business days of its request.

This bill would, instead, extend these time limits to 15 business days.

This bill would also specify that when the time limit for an administrative appeal seeking a citation review conference, or seeking to appeal a decision made after that conference has not been met, the licensee may seek judicial relief from those time limits pursuant to specified existing judicial procedures

Existing law also permits a licensee, within 5 business days after issuance of a citation, to pay to the State Department of Health Services the minimum amount specified by law or 50% of the amount of the citation, whichever is greater, in lieu of contesting a citation. In addition, a licensee may, if the citation is sustained at a citation review conference, but the penalty is reduced by at least 30% of the amount originally assessed, pay to the department, within 5 business days of notice of the citation review conference decision the greater of either the minimum amount specified by law or 50% of the amount determined by the citation review conference.

This bill would allow these payments to be made within 15 business days after issuance of the citation or notice of the citation review conference decision, respectively.

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

Ch. 85 (SB 1513) Craven. Developmental disabilities.

Under the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services establishes rates of payment for community living facilities for the developmentally disabled consisting of specified cost elements. The cost elements include, among other things, basic living needs and special services.

This bill would repeal the rate structure provisions on January 1, 1991, except that these provisions would not be repealed until the State Department of Developmental Services achieves statewide implementation of an Alternative Residential Model currently being tested on a pilot project basis.

The bill would require that, under the Alternative Residential Model, cost elements for basic living needs include incidental transportation and housekeeping and for special services to include treatment and supervision

This bill would require the department to establish by July 1, 1989, rates of payment for community living facilities paid under the Alternative Residential Model pursuant to specified standards. The bill would authorize the department to phase in additional facilities for these rates until all facilities are phased in, as provided. The bill would require the department to establish quality service standards, procedures for administering the Alternative Residential Model, and ratesetting methodology for these facilities.

This bill would appropriate $11,700,000 from the General Fund to the State Department of Developmental Services for specified purposes, including rate adjustments under the Alternative Residential Model, as well as for providers not providing services under the department's Alternative Residential Model, and a specified cost-effectiveness study of one or more regional centers comparing the Alternative Residential Model to a nationally recognized accreditation process. Rate adjustments implemented with these funds would be paid for the period commencing on the first day of the month in which the bill is signed by the Governor

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

Ch 86 (AB 1170) Harris. Instructional materials

Existing law requires the State Board of Education to adopt instructional materials for kindergarten and grades 1 to 8, inclusive.

This bill would require that instructional materials adopted for the category of social science include information designed to instruct pupils on Dr Martin Luther King, Jr , the civil rights movement, and the contributions by ethnic minority groups to the history of the United States. This bill would require the state board to ensure that the materials present the information in a manner consistent with the instruction provided in each

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grade level and to endeavor to see that this objective is accomplished.

Ch. 87 (AB 1846) Zeltner. Courts: filing fees.

Existing law provides that the district attorney shall be exempt from the payment of any fees or costs, including filing fees, in an action or proceeding brought for the establishment or enforcement of a child support obligation

This bill would provide that the exemption applies to the establishment of a child support obligation or the enforcement of a child or spousal support obligation, thereby expanding the scope of an existing state-mandated local program

This bill would also provide that the district attorney may reimburse a county for those costs related to the establishment of a child support obligation or the enforcement of a child or spousal support obligation which have been agreed to pursuant to a plan of cooperation, as defined.

This bill would make statements of legislative findings and declarations.

The California Constitution requires 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. 88 (AB 2324) Killea. California condor: appropriation

The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species.

This bill would authorize the Department of Fish and Game to carry out a California condor preservation project with specified objectives and duties. The bill would appropriate $500,000 from the California Environmental License Plate Fund to the department for the project, to be allocated as specified.

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

Ch. 89 (AB 2454) Friedman. Sexual offenses.

(1) 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. Existing law 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. Under existing law, the term "violent felony" is defined to include enumerated felonies

This bill would provide that "violent felony" includes the penetration of the genital or anal opening of another person for the purposes of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person in violation of subdivision (a) of Section 289 of the Penal Code.

(2) Under existing law, added by initiative statute, plea bargaining in any case in which the indictment or information charges any serious felony, as defined, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

Existing law provides that these provisions shall not be amended by the Legislature except by a statute passed in each house by a rollcall vote entered in the journal, ⅔ of the membership concurring, or by a statute that becomes effective only when approved by the electors.

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This bill would revise the definition of the term "serious felony," as used in these provisions to include the unlawful penetration of the genital or anal opening of another person as described under paragraph (1) above

(3) Existing law prohibits granting probation to, or suspending the execution or imposition of the sentence imposed upon, any person who is convicted of certain sex offenses, as specified.

This bill would limit one of the sex offenses specified above to any person, who causes the penetration, however slight, of the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, when the act is accomplished against the victim's will, as specified.

(4) This bill would incorporate additional changes in Section 667.5 of the Penal Code, proposed by AB 1724, to be operative only if AB 1724 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch 90 (AB 2521) Campbell Counties: unemployed or displaced workers.

Under existing law, there are various benefits and programs provided for eligible unemployed or displaced workers contained in the laws relating to unemployment insurance and public social services.

Counties generally have the obligation to relieve and support indigent persons and others not supported by other personal, private, or public means.

This bill would specifically authorize counties to contract with contracting agencies for services which provide counseling, referral, and resource information to unemployed and displaced workers in conformance with specified purposes.

The bill would prohibit direct financial assistance under its provisions to clients

Ch. 91 (AB 2592) Wyman Driving offenses.

(1) Existing law authorizes a court, by rule, to authorize a defendant to elect to have a trial by written declaration for an infraction violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code Existing law requires a court or the issuing agency, where appropriate, to provide that a defendant issued a notice of parking violation who resides more than 100 miles from the court or the jurisdiction where the notice of parking violation was issued may elect to have a trial by written declaration

This bill would impose a state-mandated local program by requiring, rather than authorizing, a court to allow a defendant to elect to have a trial by written declaration for alleged infraction offenses of the Vehicle Code, with specified exceptions, and local ordinances adopted pursuant to the Vehicle Code, if the defendant resides more than 100 miles from the court or the jurisdiction where the citation was issued. The bill would also authorize that election if the defendant resides less than 100 miles from the court or the jurisdiction where the citation was issued

The bill would also conform the provisions relating to adjudication of complaints for parking violations to changes made by Chapter 939 of the Statutes of 1986.

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

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

Ch 92 (AB 235) Hughes Public schools. real and personal property

(1) Existing law contains provisions generally governing the acquisition and disposition of personal property by the governing boards of school districts. Parallel provisions govern the acquisition and disposition of personal property by the governing boards of community college districts Among other things, existing law provides, both with regard to school districts and community college districts, that if the governing board, by a unanimous vote of those members present, finds that the property is of insufficient value to defray the costs of arranging a sale, it may be disposed of in the local public dump on order of any employee of the district empowered for that purpose by the board.

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This bill would add, as an alternative method of disposal under this provision, donation to a charitable organization deemed appropriate by the board

(2) Existing law requires that any lease, or lease with an option to purchase a relocatable structure or temporary use building, be subject to specified requirements, including that a building or structure in which students are expected to enter and that is to be used for school purposes for a total time in excess of 3 years shall be subject to existing safety requirements, commonly referred to as the Field Act.

This bill, instead, would require that any building leased or lease-purchased be subject to the specified requirements The bill would revise the requirement stated above by subjecting to the existing requirements of the Field Act a building or structure which is to be used for school purposes, regardless of the length of use The bill would exempt from the requirements of the Field Act a building or facility used by a school district under a lease or lease-purchase agreement into which neither pupils nor teachers are required to enter, or that would be excluded from the definition of "school building" under an existing provision.

This bill would authorize a school district to request and obtain from the State Allocation Board authority to use any building not meeting these requirements until September 1, 1990 After September 1, 1990, the bill would authorize a school district to request and obtain from the board a one-time waiver of specified requirements, for a maximum of 3 years, after presenting satisfactory evidence to the board that the district is proceeding in timely fashion with a program that will eliminate the need for leased facilities within that time period.

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

Ch 93 (SB 179) Deddeh. Local transportation authorities

Existing law authorizes the establishment of a local transportation authority in any county and authorizes the authority, upon approval of the voters, to impose a retail transactions and use tax for specified transportation purposes Existing law requires the Secretary of the Business, Transportation and Housing Authority to convene the initial meeting of a local transportation authority within 90 days following the election approving a transactions and use tax

This bill would repeal those provisions relating to convening the initial meeting of a local transportation authority, and would make other clarifying changes

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

Ch. 94 (AB 1242) Tucker. Medi-Cal: respiratory care

Existing law does not include respiratory care within the scope of services made available under the Medi-Cal program.

This bill would include respiratory care as a covered Medi-Cal benefit, when provided as specified.

Ch 95 (SB 1701) Bergeson. Validations.

This bill would enact the First Validating Act of 1988, 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. 96 (AB 2532) Jones. Enforcement of labor laws. Labor Commissioner.

(1) Existing law authorizes the Director of Industrial Relations to enter into reciprocal agreements with agencies in other jurisdictions for the collection of claims previously assigned to the Division of Labor Standards Enforcement

This bill would, instead, permit the Labor Commissioner to enter into these agreements.

(2) Existing law requires the Labor Commissioner, upon filing of the order, decision, or award, to serve a copy of the decision personally or by certified mail on the parties.

This bill would require the Labor Commissioner to serve a copy of the decision by first-class, rather than certified, mail

(3) Existing law provides that within 10 days after service of notice of an order,

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decision, or award of the Labor Commissioner, the parties may seek review by filing an appeal in court.

This bill would revise the method for determining when the 10-day period has run.

(4) Existing law permits the Labor Commissioner to assess civil penalties for violations of provisions of the Labor Code pertaining to payment of wages, unlicensed contractors, employment of minors, regulation of garment manufacturing, and uninsured employers under the workers' compensation law. Under existing law, provision is made for administrative hearings on contested cases, but the time permitted to file for hearing varies depending on the violation from 4 to 20 days.

This bill would make the time for appeal hearings uniform, and in each of the above-described instances, the time would be 15 days.

This bill would make technical changes and would also make other revisions in the enforcement procedures and would, among other things, impose a state-mandated local program by requiring superior court clerks to take specified action for which they may not impose a fee.

(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. 97 (AB 2486) Hauser. Local building requirements.

Existing state law provides for various forms of building regulation, development approval, and planning and zoning by counties and cities.

This bill would exempt specified low- and moderate-income housing financed by the federal Farmers Home Administration from local requirements respecting garage or carport size and capacity that exceed the size or capacity which the Farmers Home Administration will finance under its then applicable regulations and policies Any applicant for a building permit claiming the exemption would be required to submit a conditional loan commitment letter or letter of intent to finance issued by the Farmers Home Administration.

Ch. 98 (AB 827) Polanco. Pupils: school buildings.

Existing law requires that the Department of General Services supervise the design, construction, reconstruction, alteration, addition to, or alteration of, any school buildings to ensure that the buildings comply with certain safety requirements.

Existing law provides that a leased building that does not meet these requirements may not be used as a school building.

This bill would require, notwithstanding this prohibition, that any high school pupil who attends a class or classes on a campus of the University of California or the California State University in order to receive specialized educational services and opportunities authorized by a specified law, be considered a pupil of that campus for purposes of the law contained in the Education Code relating to the structural safety of school buildings. The bill would prohibit any building or structure or portion of building or structure that pupils occupy pursuant to these provisions from being considered a "school building" for purposes of the law contained in the Education Code relating to the structural safety of school buildings

The bill would require the governing board of each school district, each county board of education, and each county superintendent of schools to notify, in writing, the parent or guardian of each high school pupil who attends a class or classes authorized by a specified law, prior to the pupil's attendance at the class on a university campus that, although University of California and California State University buildings are required to conform to the rigorous standards of the Uniform Building Code, the buildings on the university campuses may not meet the requirements contained in the Education Code relating to the structural safety of school buildings The bill would require that this notice accompany, to the greatest extent possible, any existing notification to parents or guardians regarding these specialized educational services and opportunities.

These provisions would be repealed January 1, 1992.

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

Ch. 99 (AB 841) Harris. Juvenile court law.

Existing law provides that when a minor is adjudged a ward of the juvenile court pursuant to specified provisions of law, the court shall order the care, custody, and control of the minor to be under the supervision of the probation officer.

This bill would provide that in the discretion of the juvenile court, a ward may be ordered to be on probation without supervision of the probation officer, except as specified.

Existing law provides that if a minor is adjudged a ward of the court on the ground that he or she violated a law or ordinance defining a crime, as specified, the juvenile court may levy a fine against the minor not to exceed $250

This bill would provide that the juvenile court may levy a fine against the minor up to the amount that could be imposed on an adult for the same offense.

Ch. 100 (AB 981) Cortese. Subdivisions

Existing law which regulates the subdivision of lands and requires a tentative and final or parcel map to be filed when land is subdivided imposes certain duties on the county surveyor or city engineer with respect to those maps.

This bill would provide that for the purposes of approvals under the Subdivision Map Act or the Professional Land Surveyors' Act the land surveying functions of a city engineer may be performed by a city surveyor if that position is created by the local agency

Existing law authorizes or requires in certain cases the use of a statement with specified contents for certification of a final subdivision map or parcel map.

This bill would make a technical change in that provision.

The bill would also require the certificate or statement to be signed, and, below or immediately adjacent to the signature, indicate the license or registration number and expiration date of the registered civil engineer or licensed land surveyor preparing and approving the official map

This bill would impose a state-mandated local program by imposing new duties on local officials with respect to approval of maps.

The California Constitution requires 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 this act pursuant to the California Constitution because this act does not mandate a new program or higher level of service on local government, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 101 (AB 1758) Clute. Hazardous waste. enforcement.

Existing law requires the State Department of Health Services, and any local health officer or public officers designated by the State Director of Health Services, to enforce the standards and regulations adopted by the department concerning hazardous waste. Existing law additionally authorizes traffic officers and peace officers to enforce specified provisions concerning hazardous waste manifests, hazardous waste hauler registration, vehicle inspection, and used oil.

This bill would authorize a member of the California Highway Patrol to additionally enforce specified statutes relating to hazardous waste transportation, including hazardous waste enforcement.

The bill would also authorize the Commissioner of the California Highway Patrol to enforce provisions regulating the transportation of hazardous waste

Ch. 102 (AB 2044) Hughes. Privilege: sexual assault counselors

Existing law provides that a victim of a sexual assault, as defined, has a privilege, with a prescribed exception, to refuse to disclose, and to prevent another from disclosing,

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confidential communications between the victim and a sexual assault victim counselor, as specified.

This bill would expand the definition of sexual assault for the purpose of the provisions relating to the above specified privilege.

The California Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings shall be enacted by a ⅔ vote of the membership of each house of the Legislature.

Ch. 103 (AB 2727) Chandler Vehicles· weight and loads.

Existing law authorizes persons regularly employed by a farmer or farm corporation to transport or move implements of husbandry over highways not part of the National System of Interstate and Defense Highways under specified limitations.

This bill would delete the requirement that the employment be regular

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

Ch. 104 (AB 3164) N. Waters. Dairy products: unlawful practices

(1) Existing law prohibits the gift, offer, or promise of any dairy product, except to a charity, for the purposes of securing or retaining the dairy product business of any wholesale customer or consumer This prohibition does not apply to retail sales or promotions of frozen products sold in other than packaged form in restaurants.

This bill would, instead, make the prohibition inapplicable to restaurants, as defined, serving food to consumers.

The bill would, until January 1, 1991, also make the prohibition inapplicable to the giving of any prize to a consumer in a sweepstakes, contest, or drawing conducted in connection with the sale or marketing of any yogurt, soft fresh cheese (fromage frais), or any class 2, 3, or 4 dairy product under specified conditions

(2) Existing law prohibits the allowance or gift of any money, credit, or compensation, or the lending of anything of value, to a wholesale customer for advertising or display in connection with the sale of class 1 dairy products except for yogurt or soft fresh cheese (fromage frais).

This bill would also make this prohibition inapplicable to the loan, by a distributor, of a refrigerated display cabinet to a wholesale customer under specified conditions.

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

Ch. 105 (AB 558) Hannigan. Public social services child welfare services.

Under existing law, counties are allocated state funds to provide child welfare services. Also, under existing law, the state pays 95% of the sum necessary for the adequate care of each child in foster care

This bill would permit no more than 3 participating counties, selected by the State Department of Social Services, one of which would be Solano County, on a pilot program basis, to claim, on an annual basis, a prescribed portion of the state's share of that county's AFDC-FC expenditures in advance if the county shows that it will conduct a program of family reunification and family maintenance services, as specified. This bill would require a participating county in the instance where it exceeds its projected AFDC-FC General Fund expenditures by 5%, or less, of projected AFDC-FC General Fund expenditures, to share in the funding of that overage and to bear 100% of any overage if it exceeds projected AFDC-FC General Fund expenditures by more than 5% and would permit a county to share in the savings if it spends less than projected, as specified.

The bill would provide that the selected programs will be deemed successful if certain criteria are met It would require the department to report to the Legislature concerning the pilot projects.

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

Ch 106 (SB 177) Deddeh. Transportation planning: state highway routes.

(1) Existing law requires the Department of Transportation to submit, not later than October 15 of each year, to the California Transportation Commission a recommended annual and 5-year estimate of federal and state funds available for transportation purposes. Not later than November 15 of each year, the commission is required to adopt and

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provide to the transportation planning agencies and county transportation commissions an annual and 5-year estimate of all state and federal funds reasonably expected to be available to each region for transportation purposes

For 1988 only, this bill would require those estimates by June 10 and July 1, respectively.

(2) Existing law requires the department to submit, not later than March 1 of each year, to the commission and all transportation planning agencies and county transportation commissions, the department's proposed state transportation improvement program.

For 1988 only, this bill would require the department to submit its proposed program by August 1

(3) Existing law requires transportation planning agencies and county transportation commissions in areas of over 50,000 population to adopt and submit, not later than May 1 of each year, to the commission and the department a transportation improvement program In all other areas of the state, not later than May 1 of each year, the transportation planning agencies are required to adopt and submit to the commission and the department comments they may have relative to the department's proposed state transportation improvement program.

For 1988 only, this bill would require the adoption and submittal of a transportation improvement program, or of comments on the proposed state transportation improvement program, by August 1

(4) Existing law requires the commission to adopt and submit to the Legislature and the Governor by July 1 of each year, a 5-year state transportation improvement program

For 1988 only this bill would require the commission to adopt and submit the plan by October 1

(5) Items 1 to 4, inclusive, would be repealed January 1, 1990

(6) Existing law describes and specifies the route number designation and descriptions of routes in the state highway system, the California freeway and expressway system, and the state scenic highway system

This bill would make various changes in the route number designations and descriptions These provisions would become operative January 1, 1989.

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

Ch. 107 (SB 549) Presley Courts Riverside County.

(1) Existing law specifies the number, compensation, and classification of municipal court personnel in Riverside County

This bill would revise the number, compensation, and classification of municipal court personnel in Riverside 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. 108 (SB 819) Rosenthal Public Utilities Commission: hearings.

(1) Under existing law, a public utility may not raise any rate or alter a classification, contract, practice, or rule so as to result in a rate increase unless a showing is made before the Public Utilities Commission, and a finding is made by the commission pursuant to prescribed proceedings, that the increase is justified.

This bill would extend that requirement, and make those proceedings applicable, to any proposed new rate or rate change, except those proposed pursuant to an advice letter, as specified, rather than only to proposed rate increases.

(2) Under existing law, the commission is directed to permit individual residential public utility customers to testify at rate hearings.

This bill would specify that the commission shall permit individual public utility customers and subscribers, and organizations formed to represent their interests, to so testify.

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(3) Under existing law, the commission may approve an additional rate of return, of from ½% to 1%, for an electrical corporation having a facility designed to generate electricity from a renewable resource, or meeting certain environmental pollution standards, and meeting specified additional requirements, including that the facility is capable of being used and useful

This bill would, instead, require that, to qualify for the additional rate of return, the facility is used and useful

(4) The bill would also make other technical and clarifying revisions

Ch 109 (SB 1862) Watson Plastic bags: crimes.

Existing law with regard to certain plastic bags which are large enough to fit over a child's head prohibits, among other things, the direct sale, delivery, or gift to any business establishment located in this state of such plastic bags by any manufacturer, supplier, or distributor unless a specified warning is printed upon such bag, or upon a gummed label which is attached to such bag. Violation of these provisions is a misdemeanor. However, existing law also provides that there shall be no cause of action prior to January 1, 1988, based on these provisions

This bill would provide an exception for plastic bags used for industrial purposes This bill would also extend the date prior to which no cause of action exists under these provisions to January 1, 1989; would provide that there shall be no criminal prosecution for acts committed prior to that date; and would state the findings of the Legislature in this regard

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

Ch 110 (AB 3057) Johnston Workers' compensation uninsured employers fund.

This bill would appropriate $4,100,000 from the General Fund to the Uninsured Employers Fund for the purpose of paying the workers' compensation claims of injured employees of illegally uninsured employers

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, and would authorize the expenditure only to the extent of the verified deficiencies.

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 111 (SB 1499) Presley. Law enforcement

Existing law generally prohibits electronic eavesdropping or recording of confidential communications, with certain exceptions for certain law enforcement officers.

This bill would also authorize the interception of wire communications by certain law enforcement officers investigating certain controlled substance violations under specified judicial authorization procedures. Any violation of these provisions would be punishable as a misdemeanor or felony, and persons aggrieved by a violation would have a civil cause of action for damages, as specified. The bill would impose a state-mandated local program by creating new crimes relating to the interception of wire communications

The bill would require the Commission on Peace Officer Standards and Training to establish a course of training and the Attorney General to set standards for certification of law enforcement officers to intercept private communications.

These provisions would be repealed on January 1, 1995

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

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

Ch. 112 (AB 2207) Costa Farmworker housing: lead-based paint.

Under existing law, the Department of Housing and Community Development is authorized to contract with local public or nonprofit agencies to provide housing and

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certain related services for migratory agricultural workers.

This bill would exempt housing authorities, their officers, and employees, when acting in good faith, from liability for injury caused by the presence of lead-based paint subsequent to January 1, 1988, and prior to January 1, 1989, that is in or upon housing units and related facilities owned by the state and operated by housing authorities pursuant to such a contract If a lawsuit is brought against a housing authority alleging liability on account of such an injury, including injuries prior to January 1, 1988, the bill would require the state to either defend the housing authority or indemnify the housing authority for reasonable attorney fees and costs. The bill would also exempt from competitive bidding requirements any housing authority contract to determine or mitigate hazards of lead-based paint on these housing units and facilities.

This bill would appropriate $3,750,000 to the Department of Housing and Community Development to identify and mitigate the presence of lead-based paint in or upon any housing units or related facilities owned by the department and operated by a housing authority pursuant to such a contract. The bill would permit expenditure of the funds upon written authorization of the Department of Finance.

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

Ch. 113 (AB 2779) Harris. Probate law.

Recent statutory provisions that will become operative July 1, 1988, revised substantial portions of the Probate Code.

This bill would make additional changes to conform laws with those changes, and would make related technical changes

The bill would revise the standard of proof for a petition of a creditor to file a late claim against the estate of a decedent by eliminating a requirement that certain matters appear by clear and convincing evidence.

The bill would also specify that a grant of authority to an agent does not authorize an agent to violate a duty under specified sections of the Probate Code, rather than under the chapter that contains those sections.

The bill would also specify that a trust may not be modified by an attorney in fact under a power of attorney unless expressly authorized by the trust instrument.

The bill would further specify that certain provisions of the Probate Code that impose liability in certain circumstances do not permit the enforcement of a claim that is barred.

The bill would declare that it is to take effect immediately as an urgency statute, and it would become operative on July 1, 1988, except that certain provisions would become operative immediately

Ch. 114 (AB 3013) Mojonnier. Precinct board: appointment.

Existing law requires that, for the purpose of a local, special, or consolidated election, the election board conducting the election of a city must appoint a precinct board, and the election board conducting the election in any county must appoint a precinct board for every local, special, or consolidated election, as specified.

This bill would provide that in any consolidated election not consolidated with a statewide direct primary or general election, in which a specified mechanical or electronic voting system is used for ballot counting, the officer in charge may provide that the precinct board shall consist of one inspector and 2 or more judges.

Ch. 115 (AB 3043) Friedman Vehicles parking. disabled persons and veterans.

Existing law authorizes disabled persons and veterans to park for unlimited periods in specified restricted zones.

This bill would also authorize disabled persons and veterans to park for unlimited periods on streets upon which preferential parking privileges have been given to residents and merchants adjacent to the streets and their guests

Ch 116 (AB 3090) Floyd. Alcoholic beverages

Existing law regulates the issuance of licenses to manufacture and sell alcoholic beverages and specifies those instances in which one class of alcoholic beverage licensee also may hold another class of license

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This bill would authorize a licensed beer manufacturer, a holder of an out-of-state beer manufacturer's certificate, a licensed winegrower or brandy manufacturer, and a licensed wholesaler or importer to be issued and hold retail package off-sale beer and wine licenses, as specified.

Existing tied-house provisions of the Alcoholic Beverage Control Act generally prohibit certain alcoholic beverage licensees from having an interest in various other alcoholic beverage licensees.

The bill would authorize a licensed manufacturer, winegrower, manufacturer's agent, winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler or any officer, director, or agent of that person who has a lease with an off-sale licensee and has entered into that lease prior to July 1, 1987, to continue that lease provided the lessor has no other financial interest in the business of the lessee.

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

Ch. 117 (SB 1845) Robbins. Metro rail project

(1) Under the Southern California Rapid Transit District Law, the Southern California Rapid Transit District is responsible for construction of the San Fernando Valley-Downtown Los Angeles Metro Rail project, as specified Existing law requires the district to start station construction on the San Fernando Valley segment of the San Fernando Valley-Downtown Los Angeles Metro Rail project within one year of the start of construction on any portion of the project Existing law also requires that funding in each year for below-ground construction on the North Hollywood terminus station and for tunneling and subway construction within this segment be a specified percentage, with the exception that, if the entire system is converted to an at-grade light rail system, the below-ground construction of that station may be modified, as specified The provisions regarding station, tunneling, and subway construction are to remain in effect only until January 1, 1995.

This bill would extend the required commencement of the San Fernando Valley Station construction by 2 additional years, but would continue to require a specified percentage of funds to be expended on the station during those 2 years The bill would impose a state-mandated local program by requiring that funds required to be expended on the station, but not expended, be placed in a trust fund to be used only for construction of the station as provided in the bill, except that interest earned on the funds could be used to subsidize commuter rail transportation serving the San Fernando Valley Statistical Area, as defined The bill would also prohibit allocations by the California Transportation Commission, as specified, from being deposited in that trust fund. The bill would delete the January 1, 1995, termination date of these provisions.

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

This bill would require that reimbursement to the district for any state-mandated local program costs incurred in compliance with the requirements of the bill come from funds allocated to the district by the California Transportation Commission for the planning or construction of the metro rail project.

Ch 118 (AB 1016) Statham. Community college district reorganization Peralta Community College District

Existing law requires that a proposal for the reorganization of community college districts that would require changes in district governing boards, having been given the approval of the Board of Governors of the California Community Colleges, be submitted to voter approval at an election held in the territory of districts defined in the approved proposal, as specified.

This bill would provide that, notwithstanding that requirement, the proposal to form a new community college district from that portion of the Peralta Community College District that contains the Feather River Community College, which portion is not contiguous with other territory in the Peralta Community College District, shall become final upon the approval of the board of governors, without the approval of the voters at an election. The bill would further provide, however, that the formation of that new

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community college district would be subject to voter ratification at an election to be called by the county superintendent of schools, as specified, and that, in the event the voters fail to ratify that formation, the new community college district would be deemed to be thereupon annexed by the Peralta Community College District The bill would also exempt this formation action from the condition of existing law that requires that community college district formations not result in increased state costs

This bill would impose a state-mandated local program upon the Plumas Unified School District, which would be required, sooner than would otherwise be the case, to provide governance, on an interim basis, of the community college district created pursuant to this bill

This bill would appropriate $50,000 to the Board of Governors of the California Community Colleges for the 1988–89 fiscal year to supplement the appropriation set forth in the Budget Act of 1988 for state apportionments to community college districts, in order to account for any increase in the total statutory entitlement to state funding of community college districts that results from that community college district formation.

Existing law requires that, in any community college district that is coterminous with a unified school district, the governing board of the unified school district also constitutes the governing board of the community college district

This bill would require the unified school district governing board to govern the community college district under those circumstances only until an election is held, at the next regular election scheduled in the community college district, to elect a governing board for that community college district, as specified

This bill would impose a state-mandated local program upon the county superintendent of schools by requiring that specified elections be called and conducted

The California Constitution requires 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 119 (AB 4691) Kelley Air pollution emissions standards for new heavy-duty vehicles and engines

Under existing law, the State Air Resources Board adopts and implements emissions standards for new motor vehicles sold in this state, and no new motor vehicle may be sold without certification by the state board pursuant to test procedures adopted by the state board. Existing law also authorizes the state board to adopt a schedule of nonconformance fees designed to substitute, as specified, for the payment of nonconformance fees to the federal government that are applicable to manufacturers of new heavy-duty vehicles and heavy-duty vehicle engines which fail to meet standards adopted by the state board However, existing law expressly prohibits the state board from implementing the fee schedule until it is established that the federal government will permit those penalties paid to California to substitute for penalties owed to the federal government

This bill would delete that prohibition and would allow the state board to implement that nonconformance fee schedule

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

Ch 120 (SB 2187) Mello. Limited entry fisheries permits

Existing law requires the Department of Fish and Game to transfer a permit for a limited entry fishery to a parent, spouse, child, or sibling of a permittee whose death was the result of an accident which occurred after January 1, 1986

This bill would define accidental death for purposes of this requirement

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Ch. 121 (SB 1265) Presley Sentencing: worktime credits.

(1) Under existing law, a person convicted of a crime and sentenced to state prison may be entitled to reduction in the time served for performance in work, training, or educational programs (worktime credits).

This bill would provide that persons who are serving sentences for the conviction of first degree murder are eligible only for good behavior participation credit.

This bill would declare that so as not to prejudice pending litigation, the Legislature is expressing no opinion as to whether the above prohibition alters existing law.

This bill would provide that its provisions shall only become operative if the amendments to Section 190 of the Penal Code, as proposed by Chapter 1006 of the Statutes of 1987, are adopted by the voters at the June 7, 1988, direct primary election.

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

Ch. 122 (AB 1063) Leonard. Ridesharing vehicles.

Under existing law, the operations of passenger stage corporations are regulated by the Public Utilities Commission under the Public Utilities Act, and the operations of charter-party carriers of passengers under the Passenger Charter-party Carriers' Act Under those acts, specified passenger transportation services are excluded, including ridesharing between home and work, as specified, in vehicles having a seating capacity of 15 passengers or less, including the driver.

This bill would extend this exemption to ridesharing vehicles having a greater seating capacity if the driver files with the commission evidence of liability insurance, together with a one-time filing fee, as specified, and the vehicle passes an annual safety inspection conducted by the Department of the California Highway Patrol.

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

Ch. 123 (AB 2484) Hauser. Common interest developments: exclusion of developments zoned industrial or commercial

Existing law, the Davis-Stirling Common Interest Development Act, contains provisions respecting the creation and essential attributes of common interest developments, including community apartment projects, condominium projects, planned developments, and stock cooperatives, as defined.

This bill would exclude common interest developments expressly zoned as commercial and industrial developments from certain specified requirements of these provisions. The bill would state legislative intent

Ch 124 (AB 2724) Friedman Firearms.

Existing law prohibits possessions of various weapons or explosive substances by state prisoners.

This bill would specify that this prohibition applies to fixed ammunition.

Under existing law, the sale, offer for sale, possession, or knowing transportation of a machinegun, except as specified, or the possession of a silencer, as defined, is a felony.

This bill would make technical, nonsubstantive changes in those felony provisions, and would revise the definition of "silencer" to apply to devices or attachments designed, used, or intended for use in diminishing or muffling, as well as silencing, the report of a firearm, and to include any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a silencer and any parts intended only for use in such assembly or fabrication.

The bill would state that it does not constitute a change in, but is declaratory of, existing law.

Ch. 125 (AB 2910) Polanco. Foreclosure right to repair.

Existing law authorizes a financial institution, as defined, to undertake certain repairs with respect to residential real property acquired through foreclosure under a mortgage or deed of trust solely for the purpose of compliance with state or local building codes, and health and fire ordinances or regulations

This bill would instead provide that a financial institution may undertake to repair any property acquired through foreclosure under a mortgage or deed of trust and would also

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expressly specify that the above rights are in addition to, and not in derogation of, the rights of those financial institutions that otherwise exist.

Ch. 126 (AB 2915) McClintock. Vehicles: removal: public nuisance

Under existing law, a city, county, or city and county may adopt an ordinance for the removal, as a public nuisance, of abandoned, wrecked, dismantled, or inoperative vehicles from private or public property, not including highways.

This bill would delete the limitation that the authority to remove vehicles from public property does not include highways.

Ch 127 (AB 2940) Quackenbush. Animals: penalties.

(1) Under existing law, violations of the Fish and Game Code are, generally, 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. However, certain violations relating to fully protected, endangered, or threatened species are punishable by a fine of not more than $2,000, imprisonment in the county jail for not more than one year, or both that fine and imprisonment.

This bill would increase the maximum fine which may be imposed for those special misdemeanors to not more than $5,000.

(2) Under existing law, every person who maliciously and intentionally maims, mutilates, or tortures an animal, as specified, is guilty of an offense punishable by imprisonment in the state prison, by a fine of not more than $20,000, or by both, or by imprisonment in the county jail for up to one year, by a fine of up to $2,000, or by both

This bill would revise the fine for a violation of these acts to an amount up to $20,000 regardless of whether imprisonment is sought in state prison or the county jail

Ch. 128 (AB 2993) Chandler. Settlements.

Under existing law, a party to an action is entitled to a hearing on the issue of the good faith of a settlement upon giving notice at least 20 days before the hearing. Existing law applicable to that provision requires a greater period of notice if service is by mail.

This bill would specify that other provisions that extend the response period to a motion for which notice is given by mail do not apply to that provision.

Ch. 129 (AB 3177) Bradley. Real property: obligations of owners.

Under existing law, an owner of real property owes no duty of care to persons using his or her property for recreational purposes, as defined, under specified conditions

This bill would revise the definition of recreational purposes in this provision to include hang gliding.

Ch. 130 (AB 3254) Jones. Irrigation districts. charges

Under existing law, irrigation districts are expressly authorized to fix and collect charges for specified services

This bill would expressly include among those services the use of water for groundwater recharge.

Ch. 131 (AB 3422) Johnson Boards of supervisors: meetings concerning salaries of employees.

Under existing law, the Ralph M. Brown Act requires the posting of an agenda of a local public agency, as specified, at least 72 hours prior to each regular meeting of the local agency. In a provision separate from the Ralph M. Brown Act, existing law requires that all meetings of a county board of supervisors pertaining to salaries of employees be open and public, except in the case of certain meetings with the local agency's own designated employee representatives, as exempted under the Ralph M. Brown Act. Existing law requires that these open and public meetings regarding employee salaries be announced at the regular meeting next preceding the meeting regarding the salaries, or that the meetings be announced in the next "published" agenda of the board of supervisors.

This bill would change this reference to a "published" agenda to instead refer to a "posted" agenda as does the Ralph M. Brown Act.

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Ch 132 (AB 3741) Eastin Highways: county roads.

(1) Existing law provides that no public or private road becomes a county road until accepted into the county road system by a resolution adopted by the board of supervisors

This bill would delete the resolution requirement, and would permit a board of supervisors to designate a county officer to accept a road into the county road system, with the county officer reporting all acceptances to the board at the end of each fiscal year, or at more frequent intervals, as determined by the board.

The bill would provide that the acceptance be by action of the board of supervisors or the designated county officer.

(2) Existing law requires that proper evidence of title to county highways be recorded with the county recorder

This bill would permit a board of supervisors to delegate that duty to a county officer or employee

Ch 133 (AB 3882) Bradley Land surveying

Existing law authorizes a surveyor or civil engineer to file and record a survey with the county surveyor in the county in which the survey was made and specifies the contents of the record of survey, including, among other things, data necessary for the interpretation of the various items and location of points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the surveyor or engineer filing the record of survey The law also requires a surveyor's and county surveyor's statement to appear on the survey map

This bill would require the determination of the necessary data to be made by the surveyor or engineer preparing the record of survey rather than the one filing the record and would require the surveyor's and county surveyor's license expiration date to appear on the statement on the survey map, in addition to the other information.

Ch 134 (SB 1340) Nielsen. Flood control Colusa Basin

(1) Under existing law (the Colusa Basin Drainage District Act), the initial election of 3 directors of the Colusa Basin Drainage District is required to be consolidated with the June 7, 1988, direct primary election and specified other directors are required to be appointed or selected not later than April 1, 1988

This bill would require the election to be conducted by all mailed ballots not later than September 15, 1988, thereby imposing a state-mandated local program, and would require the other directors to be selected not later than September 15, 1988

The bill would revise the description of the boundaries of the district, would revise the terms of office of the initial directors, and would make other 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

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

Ch 135 (AB 4539) Cortese Local agencies reorganizations: Santa Clara County

Existing law prohibits, until January 1, 1989, the local agency formation commission from reviewing a reorganization, as defined, which includes an annexation to any city in Santa Clara County of unincorporated territory which is within the urban service area of the city if the reorganization is initiated by resolution of the legislative body of the city and prescribes the procedure to be followed for the reorganizations.

This bill would continue this prohibition and the procedure to be followed for the reorganizations in effect until January 1, 1994.

Ch 136 (SB 653) McCorquodale. Public employees· health benefits.

Under existing law, the Board of Administration of the Public Employees' Retirement System is authorized to contract with carriers for health benefit plans for employees and

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annuitants and major medical plans or approve health benefit plans offered by employee organizations. The board may approve rate and benefit readjustments made at a time and in a manner which, in the judgment of the board, is consistent with the general practice of those carriers. Prior to approving rate and benefit readjustments, however, the board must notify the Department of Personnel Administration of the proposed changes in writing.

This bill would require, in addition, that the board notify the Legislature and the Trustees of the California State University of proposed changes in writing.

Ch 137 (SB 1476) Mello Crimes punishment and parole.

(1) Existing law does not require witnesses and victims of violent offenses to be notified that the person who committed the offense is to be paroled

This bill would require the Board of Prison Terms or the Department of Corrections, as the case may be, to send a notice to certain witnesses, victims, and next of kin of victims of a violent offense, as defined, informing those persons who have requested the notice of the fact that the person who committed that offense is scheduled to be released and specifying the proposed date of release Notice of the community in which the person is scheduled to reside would also be given in specified circumstances. The bill would also require a later notice to be sent if there is any change in the release date or the community in which the person is to reside The bill would require the probation department to inform these persons of their right to receive the notice, thereby constituting a state-mandated local program by increasing the duties of probation departments.

(2) Existing law requires, 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.

This bill would require that the above notification also be given to the district attorney having jurisdiction wherein the person is to be paroled or rereleased after parole revocation 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. 138 (SB 2010) Maddy Horseracing: unclaimed tickets

(1) Existing law requires any person claiming money from a parimutuel pool to file a claim with the California Horse Racing Board within 60 days after the close of a horseracing meeting and requires any unclaimed money from a parimutuel pool to be paid to the board 90 days after the close of the meeting.

This bill would require a person to file a claim for money from a parimutuel pool with the association issuing the ticket within 120 days after the close of the meeting and would delete the provisions for filing claims with the board The bill also requires any unclaimed money from a parimutuel pool to be paid to the board 120 days after the close of the meeting except that ½ of the unclaimed money from specified meetings would be distributed to the welfare fund of the horsemen's organization contracting with the association for the racing meeting.

(2) Under existing law, in the case of satellite wagering in the northern zone, of the amount deducted for purses at the association conducting a thoroughbred racing meeting, 10% of these funds are distributed in the form of purses to horsemen who participate in racing fairs that operate satellite wagering facilities pursuant to a specified program.

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This bill would delete that 10% distribution

(3) Existing law continuously appropriates moneys from license fees for satellite wagering facilities at fairs from a special account in the Fair and Exposition Fund to the Department of Food and Agriculture for allocation by the Director of Food and Agriculture, in his or her discretion, for specified purposes.

This bill would require the concurrence of the Director of Finance for any allocations of these moneys by the Director of Food and Agriculture for repayment of bonds or other debt service or expense for specified fair improvements and for repayment of expenses by fairs in establishing and operating satellite wagering facilities.

(4) Existing law requires that an additional 1% of the funds handled at a satellite wagering facility be distributed for promotional purposes.

This bill would specify that any of these funds not distributed in the year in which they are collected may be distributed in the following year, and would provide that if funds distributed in any year exceed the amount collected, the funds distributed in the following year would be reduced by the excess amount

(5) Existing law requires up to 10% of all revenues payable to the state from satellite wagering facilities at fairs to be used to supplement purses at fair meetings in the northern zone, as specified

This bill would add provisions governing distribution of purses in 1988 and subsequent years by racing fairs in the northern zone with an average daily handle of more than $300,000 The bill would appropriate designated funds generated from thoroughbred meetings in the northern zone from a special account in the Fair and Exposition Fund to the Department of Food and Agriculture for distribution for thoroughbred purses at fairs in the northern zone, as specified.

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

Ch 139 (AB 1513) Leslie Drug abuse

(1) Existing law requires the county alcohol program administrator, in accordance with the planning process approved by the board of supervisors, to develop the county alcohol program plan The county alcohol program plan is required to contain specified elements, including certification of compliance with monitoring of all direct services programs.

Existing law also contains various references to direct and indirect services, in describing the types of services to be provided under a county alcohol program.

This bill would, in provisions describing services to be provided in each county alcohol program, delete references to direct and indirect.

The bill would make other conforming changes in the descriptions of the services and activities to be provided under the program.

(2) Existing law requires each program funded pursuant to this authority to assess fees to participants.

This bill would provide that these fees shall not apply to prevention and early intervention activities.

(3) Pursuant to existing law, there is a State Advisory Board on Drug Programs which constitutes the state's drug advisory council as described in federal law, as specified

The advisory board has various powers and duties including advising the director on major policy issues relating to implementation by the department of specified provisions relating to drug programs, and submitting annual reports to the department and the Legislature in January of each year, as specified.

This bill would, instead, require that the reports be submitted in November of each year

Existing law provides that the provisions creating the advisory board shall be repealed December 31, 1988

This bill would, instead, provide that these provisions shall be repealed December 31, 1991

(4) Existing law specifies that except for certain circumstances, patient identities or records maintained by narcotics or drug abuse programs must be kept confidential unless the consent of the patient has been obtained. One of these circumstances permits release of records to qualified personnel for the purpose of conducting scientific re-

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search, management audits, or program evaluation.

This bill would define the term "qualified personnel," and would also permit release of information to these personnel for financial and compliance audits.

Under existing law, one of the other circumstances under which information or records may be disclosed is where authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor, with specified factors to be considered when determining the existence of good cause.

This bill would, instead, require probable cause for granting the court order and would require that probable cause be determined in accordance with specified provisions.

The bill would also specify that, except as authorized by such a court order, no record may be used to initiate or substantiate any criminal charges against a client or to conduct any investigation of a client.

The bill would also provide for the release of the subject's identity or records if the recipient of services is a minor, ward, or conservatee, and his or her parent, guardian, or conservator designates, in writing, persons to whom his or her identity in records or information may be disclosed, except that this would not compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him or her in confidence by members of the client's family

Ch. 140 (AB 2729) Bradley. Trespassing: private property.

Under existing law, private land is required to be posted, as specified, with signs 10 inches by 12 inches in size with specified wording to prohibit the taking of game and the discharge of firearms, as specified

This bill would reduce the required sign size to 8½ inches by 11 inches and would revise the required wording.

The bill would make other nonsubstantive, corrective changes relating to trespass.

This bill would impose a state-mandated local program by changing the definition of a crime.

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

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

Ch. 141 (AB 4238) Bradley Property tax. separate valuations.

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

This bill would permit any county, upon the adoption of an ordinance by its board of supervisors, to remove the prohibition against the making of a separate valuation dividing any piece of property separately assessed in the original assessment into more than 4 parcels.

This bill would be applicable to property valuations for the 1989–90 fiscal year and fiscal years thereafter

Ch. 142 (SB 2099) Robbins Teachers' retirement· annuity reserve

Existing statutes provide for the administration of discontinued local school district retirement systems by an annuity and reserve fund board.

This bill would authorize that board to authorize participants who have reached age 70 to withdraw their benefits.

Ch. 143 (SB 2315) Nielsen. Tehama County.

Existing law authorizes the judge of the superior court for Tehama County to convey to the City of Red Bluff title to any real property still held in trust by him or her for the occupants of the townsite of Red Bluff, as specified.

This bill would revise that authorization to apply to the presiding judge of that court

The bill would further exempt the courthouse square, as specified, from that authori-

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zation, and authorize title to the courthouse square to be conveyed instead to Tehama County The bill would also require the presiding judge to convey title to the courthouse square to Tehama County upon written application of the board of supervisors.

Ch. 144 (SB 2362) Bergeson. Local agencies· finances payment of claims.

Existing law permits the governing body of a county, city and county, city, district, or other political subdivision of the state, other than school districts, by resolution to authorize the issuance of warrants, the payment of claims by check, and the utilization of check warrants. Existing law permits the governing body to provide that when funds are available for the payment of approved claims, the approval of claims for payment shall, without the issuance of any warrant, be authorized to the custodian of its funds to pay the claims by check

This bill would delete the exclusion of school districts from that authority and would also provide that the governing body of a local agency or the governing body of the appropriate issuing officer, in the case of school districts not issuing their own warrants, may authorize the custodian of its funds to pay claims by electronic transfer The bill would make conforming changes in certain provisions of law requiring the auditor to issue warrants.

Ch 145 (SB 2366) Bergeson. Solvang Municipal Improvement District

Existing law contains provisions relating to a Solvang Municipal Improvement District which has been dissolved

This bill would repeal the provisions relating to that district.

Ch. 146 (SB 2367) Bergeson. Orange County Water District.

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 description of the boundaries of the district

Ch 147 (SB 2766) Nielsen Veterans' Home of California administrator and funding.

Under existing law, the Veterans' Home of California is under the management and control of the Department of Veterans Affairs and is administered by the Commandant, Veterans' Home of California, known as the Manager of the Division of Veterans Homes

This bill would designate the commandant as the Administrator of the Veterans' Home of California, and would make other related and conforming changes

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

Ch. 148 (AB 476) Grisham State employees· reemployment lists.

Existing law requires that for each class of civil service employment there be maintained a separate departmental reemployment list within a state agency, as well as a separate subdivisional reemployment list if subdivisions for the state agency have been set up with the approval of the State Personnel Board for layoff purposes.

This bill would delete the reference to the board and would instead specify the Department of Personnel Administration.

Existing law provides that the order in which names appear on reemployment lists shall be determined according to specified provisions of law and board rules, among other things.

This bill would require that the order of names be determined according to a specific provision of law and Department of Personnel Administration rules

Existing law provides that any employee of the Department of Forestry assigned to a certain unit who resigned from state service during a specified period in 1980 to accept similar employment with the County of Orange in a fire protection organization shall be placed upon a departmental reemployment list for the employee's class

This bill would delete this provision

Ch. 149 (AB 671) Katz. Transportation. High speed ground system.

Chapter 1259 of the Statutes of 1987 enacted and ratified the California-Nevada Super Speed Ground Transportation Compact, a compact between the States of Nevada and

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California creating the California-Nevada Super Speed Ground Transportation Commission to provide for the construction and operation of a super speed ground transportation system between southern California and Las Vegas, Nevada Those provisions were added to the Government Code and are to be repealed on January 1, 1992

This bill would delete those provisions from the Government Code, add similar provisions as uncodified general law, designated the California-Nevada Super Speed Ground Transportation Act, and repeal the provisions on January 1, 1992.

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

Ch 150 (AB 1354) Wright. PERS investments: small business venture capital—goal

Existing statutes confer exclusive control over the investment of the Public Employees' Retirement Fund upon the Board of Administration of the Public Employees' Retirement System (PERS)

This bill would authorize the board to maintain not more than 1% of the PERS' investment assets or $500,000,000 whichever is less, in small business venture capital and to make related annual reports to the Legislature This bill would be repealed on January 1, 1992

Ch 151 (AB 1563) Wright Highways informational signs

Existing law requires the Department of Transportation (department) to adopt rules and regulations to allow the placement of information signs near exits on those portions of State Highway Route 5 located in rural areas, to identify specific roadside businesses offering gas, food, lodging, or camping services

This bill would require the department to adopt rules and regulations to allow in rural areas the placement, on interstate and primary highway exits, of guide signs indicating the existence of a 24 hour year-round fire station within ½ mile of that exit The bill would authorize the department, upon a request from the Department of Forestry and Fire Protection or a city or county, to place and maintain signs in accordance with the adopted rules and regulations and would require the department to bear the costs of placing and maintaining the signs

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

Ch 152 (AB 1575) Eastin. Transportation. environmental review

This bill would require the Department of Transportation to prepare a study and present recommendations to the Legislature on ways to improve the efficiency of the environmental review process for state highway projects, as specified. The department would be required to complete its study and present its findings and recommendations to the California Transportation Commission for review and comment prior to presenting recommendations to the Legislature by January 1, 1990

The bill would require the study to include any recommended changes deemed advisable by the department in specified federal and state environmental requirements

Ch 153 (AB 2840) Harris Family law

(1) Under existing law, in proceedings contesting the custody of or visitation with a minor child, the court may appoint private counsel to represent the child if it determines the representation is in the best interests of the child. Under existing law, the parents are required to pay the reasonable compensation and expenses of the counsel, who represents the minor, in the proportions the court deems just

This bill would require the parties to pay the reasonable compensation and expenses of the counsel who represents the minor, in the proportions the court deems just

(2) Under existing law, a parent's duty to support his or her child continues for an unmarried child who has attained the age of 18, is a full-time high school student, and resides with a parent, until he or she completes the 12th grade or attains the age of 19, whichever first occurs

This bill would add a similar provision to the Family Law Act

(3) Under existing law, for purposes of verifying total gross income and amounts allowed for deductions for determining the ability of parents to pay the mandatory

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minimum child support award and to calculate the actual monthly payments to be made by each parent, copies of the parents' state income tax returns for the previous 2 years are subject to discovery by the parties and copies of the parents' tax returns for the previous 2 years may be required by the court.

This bill would provide that copies of the parents' federal and state income tax returns for the previous 2 years are subject to discovery by the parties and may be required by the court.

(4) Under existing law, in any case in which the parties do not agree in writing to a voluntary division of the community property and quasi-community property of the parties, the matter may be submitted by the court to arbitration for resolution if the total value of the community property in the opinion of the court does not exceed $25,000.

This bill would allow the court to submit the matter to arbitration if the total value of the community property in the opinion of the court does not exceed $50,000.

(5) Existing law provides a procedure for the assignment of wages for the payment of court-ordered spousal support upon a default in payment by a person, without notice to that person, as specified. A requirement for the use of this procedure is that a written notice has been given to the party ordered to pay support of the other party's intention to seek assignment, upon default Existing law specifies that the notice of intention may be given at the time of the entry of the decree of dissolution or any time subsequent thereto

This bill would instead authorize the notice to be given at the time of the filing of the petition for dissolution or any time subsequent thereto.

(6) Existing law specifies the contents of an abstract of a judgment or decree requiring the payment of money.

This bill would specify different contents for an abstract of a judgment or decree ordering a party to pay spousal, child, or family support to the other party and would authorize the Judicial Council to develop a form for these abstracts.

Ch. 154 (AB 2849) Johnston City and county subventions population estimates.

Existing law requires the Department of Finance to transmit to each city and each county by May 1 of each year an estimate of the percentage change in the population of the city or county. In addition, any city or county may apply to the department to provide another special estimate of its population or census for purposes of determining its shares of the distributions of motor vehicle license fee funds, off-highway motor vehicle identification fee funds, motor vehicle fuel license tax funds, use fuel tax funds, and cigarette tax funds. This special estimate or census is required to be accepted by the Controller only if certified to him or her at the request of the city or county for which the estimate or census was made. Any annual population estimate transmitted by the department by May 1 may be used for purposes of these distributions if a written request for certification to the Controller is received from the city or county within 45 days of the completion of the estimate. A certification of a city or county population estimate may be made only once each fiscal year

This bill would provide that any annual population estimate transmitted by the Department of Finance by May 1 may be used for purposes of the specified fund distributions unless a written request not to certify the estimate is received by the department from the city or county within 25 days of completion of the estimate. Any special estimate or census requested by a city or county would be certified only if the estimate or census is greater than the current certified population

The bill would also authorize during the 1987–88 fiscal year the certification of any updated population estimate or census for any city or county for which a previous certification was made during that fiscal year based on a request made by the city or county during a specified period.

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

Ch. 155 (AB 2914) Killea. Alcoholic beverages: symphony associations.

Existing law authorizes the annual renewal of a special on-sale beer and wine license authorized to be originally issued to a symphony association prior to January 1, 1987, as specified. A symphony association holding such a license may sell and serve alcoholic

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beverages only to persons attending concerts presented by the symphony association.

This bill would instead specify that a symphony association holding such a license may sell and serve alcoholic beverages only to persons attending concerts on the licensed premises.

Ch 156 (SB 1828) Bergeson. Local agencies: funds

Existing law permits the treasurer of a local agency, with respect to the deposit of the agency's funds, to waive security for the portion of deposits insured or guaranteed pursuant to federal law.

This bill would permit the treasurer, at his or her discretion, to waive security for the interest accrued on deposits, equivalent to and not less than the maximum amount insured pursuant to federal law, for which security has been waived, which, when added to the deposits, would cause the sum of the interest and deposits to exceed the maximum amount insured pursuant to federal law, provided that the interest is computed by the depository on the average daily balance of the deposits, paid monthly and computed on a 360-day basis.

Ch. 157 (SB 1916) Marks. Navigation: improvements.

The Improvement Act of 1911 authorizes the legislative body of a city, as defined, to order construction of specified improvements in streets, places, public ways, or property, easements, or rights-of-way, or tidelands or submerged lands. Authorized improvements include constructing, repairing, or improving public mooring places for watercraft, and building, repairing, and improving wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation, and the protection of lands. Also, the Municipal Improvement Act of 1913 authorizes the legislative body of a city or municipality, as defined, to make those or other specified improvements

This bill would include channel improvements within the authorized improvements under the Improvement Act of 1911

The bill would include, within the definition of a city for purposes of the Improvement Act of 1911 and of a city or municipality for purposes of the Municipal Improvement Act of 1913, any special district organized for the purpose of aiding in the development or improvement of navigation or commerce to, or within, the district

The bill would also correct an obsolete cross reference

Ch. 158 (SB 2382) Deddeh Insurance uninsured motorist coverage.

Existing law, with respect to uninsured motorist coverage, provides, among other things, that such insurance does not apply either 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 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

This bill would provide, in addition, that this insurance does not apply either as primary or excess coverage when there is bodily injury to the insured while occupying a motor vehicle rented or leased to the insured for public or livery purposes

Ch. 159 (SB 2518) Robbins Family law. responsive pleadings.

Existing law, the Family Law Act, details various procedures including those for actions for dissolution of marriage, child and spousal support, and child custody.

This bill would provide that in a hearing pursuant to the Family Law Act on an order to show cause, or for a modification of such an order, or in a hearing on a motion, other than for contempt, the responding party may seek affirmative relief alternative to that requested by the moving party, on the same issues raised by the moving party, as specified.

Ch. 160 (SB 2637) Lockyer. 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

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codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1988 and would not make any substantive change in the law

This bill would make nonsubstantive changes to an initiative measure which requires a ⅔ vote of the Legislature in order to be amended, and therefore this bill would require a ⅔ vote

Ch. 161 (AB 1286) Jones. Pesticides: pests.

(1) Under existing law, economic poisons are defined to include substances which are intended to be used for preventing, destroying, repelling, or mitigating any form of plant or animal life that is, or which the Director of Food and Agriculture may declare to be, a pest which may infest or be detrimental to vegetation, man, animals, households, or be present in any environment.

This bill would revise those provisions to instead define economic poison to include any substance used for preventing, destroying, repelling, or mitigating any pest, as defined, which may infest or be detrimental or be present in any agricultural or nonagricultural environment. The bill would define "pest" for these purposes to mean any of specified plants, animals, or microorganisms, with certain exceptions, that are, or are liable to become, dangerous or detrimental to the agricultural or nonagricultural environment, as well as anything that the director, by regulation, declares to be a pest.

(2) Existing law requires each registrant of an economic poison to pay a mill tax of $0 008 per dollar of sales for all sales of the product in this state

This bill would state that it is the intent of the Legislature that the laws relating to economic poison regulation require the Department of Food and Agriculture to register all economic poisons prior to their sale and to regulate and control economic poison use. The bill would also specify that the department is to collect the mill tax at the same rate on all economic poisons.

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

Ch 162 (AB 2710) Cortese. Earthquake reconstruction development-related fees.

Nothing in existing law exempts reconstruction due to damage caused by a natural disaster, as declared by the Governor, from local agency development fees.

This bill would exempt that reconstruction, as specified, from defined local agency fees

Ch 163 (AB 1540) Klehs Weapons

Existing law generally makes it a misdemeanor for any person to carry concealed within any vehicle which is under his or her control or direction or to carry upon his or her person any pistol, revolver, or other firearm capable of being concealed upon the person without having a license to carry the firearm. Existing law defines, for purposes of this law, certain pistols, revolvers, or other concealable firearm devices which have a barrel less than 12 inches in length, or any such concealable device which has a barrel 12 inches or more in length which is interchangeable with a barrel less than 12 inches in length

This bill would revise the lengths regarding pistols, revolvers, and certain other concealable firearms devices for purposes of this law from 12 inches to 16 inches, and it would exempt from the definition of concealable weapon, with respect to specified provisions requiring a license to sell a concealable firearm, certain unloaded firearms defined as relic, curio, or antique under specified provisions of federal law, and it would specify that the terms "pistol," "revolver," and "firearm capable of being concealed upon the person" may also include a device found to be a sawed-off shotgun, as defined.

This bill would also make certain technical, clarifying changes in the statutes relating to concealable firearms

Ch 164 (AB 1598) Cortese. Santa Clara Valley Water District

(1) Under existing law, one of the appointed directors of the Santa Clara Valley Water

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District is required to reside within that portion of the district which consisted of the area of the South Santa Clara Valley Water Conservation District on a specified date.

This bill would instead refer to that portion of the district which consisted of the area of the Gavilan Water Conservation District on that date, and would make nonsubstantive changes.

(2) Under existing law, the district may borrow up to $4,000,000 without calling an election to approve the indebtedness.

This bill would increase the amount that can be borrowed by the district without an election to $8,000,000

Ch 165 (AB 2746) Allen. All-terrain vehicles: safety helmets.

(1) Under existing law, on and after January 1, 1990, no person under the age of 15 years and 6 months may operate, ride, or be otherwise propelled on an all-terrain vehicle on public lands unless the person wears a safety helmet that meets specified standards.

This bill would make the safety helmet requirement applicable to all persons, regardless of age, and instead make the provisions operative on and after January 1, 1989, 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 166 (AB 3826) Vasconcellos Budget Act of 1987 augmentation contingencies or emergencies

(1) The Budget Act of 1987 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.

This bill would amend the Budget Act of 1987 to appropriate $0 from the Federal Trust Fund for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or Director of Finance.

This bill would appropriate $332,702,000, as scheduled, in augmentation of the budget appropriations from the General Fund, unallocated special funds, unallocated nongovernmental cost funds, and the Federal Trust Fund for contingencies or emergencies

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 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 167 (SB 1780) Hart Big Rock Mesa settlement

This bill would appropriate $25,000,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation to implement the Big Rock Mesa Landslide Litigation Sliding Scale Recovery Settlement Agreement

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

Ch 168 (AB 806) Floyd Diseases.

Existing law generally prohibits blood tests for acquired immune deficiency syndrome without the subject's consent.

This bill would require, notwithstanding that prohibition, that the Director of Corrections permit scientific investigations, conducted either by medical researchers operating under institutional review board approval or by the State Department of Health Services, or by the Centers for Disease Control under the United States Public Health Services, through access to the prison population, to solicit voluntary inmate participation in research, including administration of a blood test for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS), for the purpose of epidemiological studies and to assess the transmission of the virus within state

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penal institutions

The bill would require anonymity and confidentiality in conducting these investigations.

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

Ch 169 (SB 2483) Torres Death certificates.

Existing law requires each local registrar to send to the State Registrar the original certificate of death accepted by the local registrar

Existing law also requires that, as part of the certificate, under most circumstances, the last attending physician and surgeon state the cause of death on the certificate.

This bill would permit the county board of supervisors to require the local registrar to send a copy of each certificate sent to the State Registrar to the physician and surgeon making the statement of cause of death on the death certificate.

Ch. 170 (AB 612) Sher. Beverage containers: wine coolers: local preemption.

(1) Under existing law, the California Beverage Container Recycling and Litter Reduction Act, among other things, establishes a redemption value of at least 1¢ for every beverage container which is not a refillable beverage container sold in the state by a distributor on and after September 1, 1987, and provides for increases, under specified circumstances, of these values to at least 2¢ on and after December 31, 1989, or after December 31, 1992, 3¢. These values and other fees are deposited in the California Beverage Container Recycling Fund, which is continuously appropriated to the Department of Conservation. The act defines "beverage," for the purposes of the act, as meaning beer and other malt beverages, carbonated mineral and soda waters, and similar carbonated soft drinks A violation of the act is an infraction.

This bill would exclude from the definition of "beverage" any wine, or wine from which alcohol has been removed in whole or in part, whether or not sparkling or carbonated.

The bill would specify that, for purposes of the act, soft drink does not include 100% fruit juice to which carbonation is added.

The bill would additionally include wine and distilled spirit coolers, as defined, within the definition of beverage as of January 1, 1990, thereby imposing a state-mandated local program by creating a new crime. The bill would make a statement of legislative intent concerning the reason for the delayed operative date. The bill would make conforming changes to provisions concerning the labeling of beverage containers and the payment of redemption values to the department. The bill would also make an appropriation, because specified fees and the redemption values imposed on these beverage containers would be deposited in the California Beverage Container Recycling Fund.

(2) Existing law makes a statement that the act occupies the whole field of regulation of specified refunds relating to beverage containers, as provided in the act, and prohibits the enforcement or implementation of ordinances, resolutions, rules, or regulations of a city, county, or other public agency establishing refund or redemption values, deposits, or fees relating to beverage containers.

This bill would additionally include in this statement and prohibition containers of wine and distilled spirits products

(3) Existing law defines "community conservation corps" as meaning a nonprofit benefit corporation which meets specified requirements, including consisting of not less than 60 corpsmembers and engaging in recycling and litter abatement projects.

The bill would decrease to not less than 50 the numbers of corpsmembers required to form a community conservation corps.

(4) The bill would make a statement of legislative intent that the exclusion of wine from the definition of beverage is declaratory of existing law and that the Legislature never intended the act to apply to nonalcoholic wine.

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

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

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Ch. 171 (AB 3085) Cortese. Mobilehome parks: closure.

Existing law specifies the reasons for which a mobilehome park tenancy may be terminated by the management and the notice required for those terminations. Existing law also requires a person converting a mobilehome park to another use, except as specified, or closing a mobilehome park, or ceasing the use of the land as a mobilehome park to file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents with the local legislative body or its delegated advisory agency for review The legislative body or advisory agency may require as a condition of the change that the person take steps to mitigate the adverse impact on displaced residents. The person making the change is also required to provide copies of the report to a resident of each mobilehome in the park.

This bill would make the provisions relating to the impact report applicable when there is a closure, cessation, or change of use of a mobilehome park as the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated or as a result of any other zoning or planning decision, action, or inaction The bill would also require that the local governmental entity prepare and distribute the impact report and mitigate the adverse impact of that decision.

The bill would also require that the report be given to residents at the same time notice is given to advise tenants of a management request for the issuance of permits for a change of use of the mobilehome park.

This bill would incorporate additional changes in Section 798 56 of the Civil Code, proposed by AB 3720, to be operative only if AB 3720 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

Ch. 172 (AB 1192) Speier Birth certificates: financial information.

Existing law requires local registrars to collect birth certificate information.

Existing law requires that a birth certificate contain specified confidential information to be used for public health purposes only.

This bill would include within the types of confidential information which is requested to be collected for public health purposes, the principal source of pay for prenatal care and the expected principal source of pay for delivery.

These changes would become inoperative on January 1, 1999, or on the implementation date of the decennial birth certificate revision due to occur on or about January 1, 1999, whichever occurs first.

This bill would require that the State Department of Health Services notify the Legislature if the implementation date of the decennial birth certificate revision occurs prior to Janaury 1, 1999.

Since the bill requires the collection of additional information by local registrars, it would create a state-mandated local program.

In addition, since failure to provide information or the provision of false information in connection with certificates of live birth is 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, 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 declare 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.

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

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Ch 173 (AB 1405) Frazee. Consumer affairs

Existing law makes it a misdemeanor for any person conducting sales or leases by telephone, mail order, or catalog to accept money through the mails for goods or services ordered by mail or telephone and then to fail, as specified, to either deliver the goods or services ordered, make a full refund, provide notice of a delay or substitution, as specified, or deliver substituted goods or services of equivalent or superior quality Existing law further provides that a notice to the buyer shall accompany the providing of substitute goods or services which (1) informs the buyer of the substitution, (2) describes fully how the substitute differs from the goods or services ordered; and (3) discloses the buyer's right to reject the substitute goods or services and obtain a full refund of the amount paid, plus the cost of returning the substitute goods or services

This bill would provide that a vendor may omit a description of how substitute goods or services differ from the ordered goods or services from the required notice if certain specified requirements are complied with

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

Ch. 174 (AB 2325) Killea San Diego Bay water quality.

Existing law, in effect until January 1, 1993, creates the San Diego Interagency Water Quality Panel consisting of specified representatives, and requires members of the panel to be qualified scientists with experience relevant to the marine environment or public health

This bill would require members of the panel to be so qualified to the extent feasible and would make clarifying changes

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

Ch 175 (AB 2881) Longshore. 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 positions not requiring certification qualifications Existing law specifies that classified employees shall be subject to layoff for lack of work or lack of funds, and requires that the order of layoff of classified employees within the class shall be determined by length of service Existing law specifies that for purposes of these provisions, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as prescribed under current law This definition of the term "length of 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

Under existing law, nothing in the above provisions precludes the governing board of a school or community college district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean hire date

This bill would provide that, if the governing board of a school district or community college district enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean hire date, the governing board may define "length of service" to mean hire date for a classification of employee not represented by any exclusive bargaining unit.

Ch 176 (AB 2988) Speier School districts: naturalists.

Existing law authorizes the governing board of any school district or community college district to conduct programs or classes in outdoor science education and conservation education and to employ the services of instructors, supervisors, and other personnel as necessary

This bill would authorize the governing board of a school district to contract for the services of a naturalist, as specified.

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This bill would specify that the services provided by the naturalist would be under the exclusive control and management of the governing board, and that the naturalist would be subject to specified provisions regarding examination for tuberculosis, and criminal identification. This bill would require any naturalist under contract with the governing board of a school district pursuant to this bill and all services provided by a naturalist to be under the supervision of a certificated employee of the school district.

This bill would prohibit any person who has been convicted of specified sex offenses or controlled substance offenses from being permitted to render service as a naturalist

Ch 177 (AB 3133) Harris Motor vehicles· conditional sales contracts.

Existing law requires that a conditional sale contract for the purchase of a motor vehicle shall satisfy certain requirements, as specified, and, if printed, shall contain a statement in contrasting red print in at least 8-point bold type which warns the buyer that unless a charge is included in the conditional sale contract for this purpose, payment for public liability or property damage insurance is not provided by the conditional sale contract

This bill would instead require a warning in all conditional sale contracts for the purchase of a motor vehicle that the purchaser must meet certain minimum public liability insurance requirements. It would also require a warning concerning full replacement costs of the motor vehicle and the terms and conditions of supplemental coverage for collision damage, as specified.

Ch. 178 (AB 3390) Chandler Courts: Butte County.

Existing law establishes the North County and South County Judicial Districts in Butte County, operative upon the adoption of a specified resolution by the board of supervisors

This bill would rename those districts as the North Butte County Judicial District and the South Butte County Judicial District, respectively.

Ch 179 (AB 3543) Johnson Real property.

Existing law sets forth specific requirements that must be satisfied for an appraisal of real property to be considered a certified appraisal, as defined.

This bill would provide that if a person requests an appraisal of real property containing 1 to 4 residential units in conformity with the provisions governing certified appraisals, the appraisal may be termed a certified appraisal by the appraiser if a specified form approved and utilized by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation is used and completed as required by these agencies and the preparation of the form otherwise satisfies the requirements for certified appraisals, as specified.

Existing case law does not permit any beneficiary, trustee, or mortgagee to accelerate the maturity date of the principal and interest on any loan secured by specified real property and to exercise a power of sale or other remedy in the obligation, deed of trust, or mortgage upon the failure of a trustor or mortgagor to pay, as required, any taxes, rents, assessments, insurance premiums, or specified advances, unless the security interest in the property has been impaired as a result

This bill would permit the enforcement of express provisions in a deed of trust or mortgage that authorize the beneficiary, trustee, or mortgagee to accelerate the maturity date of the principal and interest of the loan or exercise any power of sale or other remedy contained in the deed of trust or mortgage if the trustor or mortgagor fails to pay, as required, any taxes, rents, assessments, insurance premiums, or specified advances without regard to whether or not impairment of the security interest in the property resulted.

Under existing case law, a lender may not require the use of insurance proceeds for the restoration of the secured property absent a showing that the lender's security interest in the property has been impaired.

This bill would permit the enforcement of the provisions of a deed of trust or mortgage on real property that authorize a beneficiary, trustee, or mortgagee to receive and control the disbursement of the proceeds of any policy of fire, flood, or other hazard

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insurance respecting the property whether or not impairment of the lender's security interest in the property has resulted.

Ch. 180 (AB 3591) Hughes. Commission on Teacher Credentialing library media teachers.

Existing law authorizes the Commission on Teacher Credentialing to issue a services credential authorizing services as a librarian to persons meeting specified criteria.

This bill would instead authorize that the commission issue a services credential authorizing service as a library media teacher, and would make other related changes.

Ch. 181 (AB 3629) Zeltner. Juveniles: restitution

Existing law provides that when a minor has violated a law, as specified, in addition to any other disposition, the juvenile court is required to levy a restitution fine to be deposited in the Restitution Fund, unless the court finds compelling and extraordinary reasons for a waiver, as specified.

Existing law also provides that when a minor has violated a law, as specified, as a condition of probation, the court shall require the minor to make restitution to the victim if the crime involved a victim or to the Restitution Fund if the crime did not involve a victim unless the court finds compelling and extraordinary reasons for a waiver, as specified.

This bill would provide that when a minor is committed to the Youth Authority, in lieu of imposing all or a portion of the restitution fine to be deposited in the Restitution Fund, the court shall order restitution to be paid to the victim in cases in which the victim has suffered economic loss as a result of the minor's criminal conduct unless the court finds compelling and extraordinary reasons for a waiver, as specified.

This bill also would make related conforming changes to other provisions of law.

Ch. 182 (AB 3709) Polanco. Crimes: restraining orders.

Existing law authorizes a court having jurisdiction over a criminal matter, upon good cause belief that intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur, to issue specified restraining orders

This bill would add to the list of orders so authorized, an order protecting victims of violent crime from contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant.

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

Ch. 183 (AB 3757) Stirling. Air pollutant emissions. abatement orders

Existing law generally prohibits the discharge of air contaminants beyond certain limits except as is otherwise specifically permitted, and authorizes the district board or a hearing board of an air pollution control district or air quality management district to issue an order for abatement, after a hearing, whenever the board finds any person in violation of specified laws or any order, rule, or regulation prohibiting or limiting the discharge of air contaminants into the air. Alternatively, a hearing board may issue an abatement order pursuant to a stipulation by the air pollution control officer and the person accused of the violation

This bill would also authorize the issuance of those abatement orders with respect to the construction or operation of any article, machine, equipment, or other contrivance, without a specified permit, whether the violation occurs before or after the effective date of the bill.

Ch. 184 (AB 3788) Kelley. Civil procedure· personal consumer records

Existing law provides that a person who, by subpoena duces tecum, seeks the production of personal records of a consumer, as defined, which are maintained by a witness as specified, must give notice to the consumer by delivering a copy of the subpoena, the affidavit supporting the issuance of the subpoena, and a specified notice to the consumer, as specified

This bill would add "veterinarian," "veterinary hospital," and "veterinary clinic" to the list of "witnesses" the subpoena of records from whom the above-described provision is applicable.

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Ch. 185 (AB 3906) Wyman County funds. cash difference funds.

Existing law authorizes the board of supervisors to establish a county officers cash difference fund for the use of any county officer or administrative head of any county department or judicial district handling county funds by adopting a resolution setting forth the amount of the fund

This bill would, alternatively, permit the board of supervisors, by resolution, to authorize the county auditor to perform various functions with respect to cash difference funds, as specified

Ch. 186 (AB 4346) Roybal-Allard. Criminal procedure

Under existing law, the prosecution in a criminal case is not required to furnish the address or telephone number of the victim or witness to the defendant, but only to the defendant's attorney, absent a showing of good cause, unless the defendant is acting as his or her own attorney.

This bill, in addition, would provide that when an address or telephone number is released to the defendant's attorney, the court shall order the defendant's attorney not to disclose the information to the defendant.

If the defendant is acting as his or her own attorney in a case involving force or violence, dangerous or deadly weapons, or witness intimidation and where there is a possibility that the defendant poses a continuing threat to the victim or witness, the bill would require the court to protect the address and telephone number of the victim or witness by providing for contact only through a court-appointed licensed private investigator or by imposing other reasonable restrictions, as specified.

Ch. 187 (SB 1979) Mello. Santa Cruz Metropolitan Transit District.

(1) Under the Santa Cruz Metropolitan Transit District Act of 1967, procedures are prescribed for disbursing funds of the Santa Cruz Metropolitan Transit District. Those procedures provide for payment to be made only upon warrants signed by the chairperson or vice chairperson of the district board of directors

This bill would, as an alternative, authorize the board to request the Auditor of the County of Santa Cruz to draw warrants on the district for claims approved by a majority of the board.

(2) Existing law requires that purchases of the district in amounts in excess of $3,000 be by competitive bidding.

This bill would increase that amount to $10,000

Ch 188 (SB 2224) Beverly Dispute resolution programs: evidence.

Existing law provides for the establishment, funding, and administration of dispute resolution programs. Existing law also provides that any proceeding conducted by a dispute resolution program is subject to a specified provision of the Evidence Code which relates to mediation.

This bill would provide that notwithstanding the express application of that provision of the Evidence Code to mediation all proceedings conducted by a dispute resolution program, as specified, are subject to that provision

Ch. 189 (SB 2331) Kopp. Actions and proceedings

Under existing law, if the plaintiff in an action or special proceeding resides out of state, or is a foreign corporation, the defendant may apply to the court by noticed motion for an order requiring the plaintiff to file an undertaking to secure the award of costs and attorney fees If the defendant's motion is filed not later than 30 days after service of summons on the defendant, no pleading need be filed by the defendant and all further proceedings are stayed until 10 days after the motion is denied, or if granted, until 10 days after the undertaking has been filed and a copy served on the defendant If the defendant's motion is filed later than 30 days after service of summons on the defendant and the defendant objects to the undertaking, the court may in its discretion so stay the proceedings.

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This bill would eliminate the above provisions for automatic stay of the provisions, providing instead for a discretionary stay or stays regardless of when the defendant's motion is filed, as specified The bill would also require a hearing to be held on an application for a stay not later than 60 days after service of summons when the defendant's motion for an order requiring an undertaking is filed not later than 30 days after service of summons.

Ch. 190 (SB 2369) Bergeson. Local agency organization and reorganization.

Existing law relating to changes of organization and reorganization of local government specifies that provisions governing the time within which an official, a conducting authority, or the local agency formation commission shall act, except for notice requirements, be deemed directory rather than mandatory.

This bill would additionally specify that the hearing and notice requirements on an application to initiate proceedings for a proposed change or organization or reorganization is mandatory.

Existing law requires the commission to determine the amount of appropriations subject to limitation pursuant to the California Constitution if a proposal for change of organization includes a city incorporation or district formation.

This bill would require that the commission also determine the amount of appropriations subject to limitation in accordance with a specified statute.

Existing law specifies that various terms and conditions may be imposed on a change of organization or reorganization but existing law prohibits these terms or conditions from directly regulating land use, property development, or subdivision requirements

This bill would add to those terms and conditions the transfer of authority and responsibility among affected entities for the administration of special tax and special assessment districts, as specified

Existing law relating to the effect of changes of organization on the allocation of property tax revenues contains references to repealed laws relating to district and municipal changes of organization.

This bill would revise that provision of law to refer to the Cortese-Knox Local Government Reorganization Act of 1985 and would make other nonsubstantive changes

Ch. 191 (SB 1819) B Greene Unemployment compensation: disability benefits

Existing law provides that the Director of Employment Development shall require for each uninterrupted period of disability that the first claim for disability benefits be supported by the certificate of a physician, a dentist, or a podiatrist, duly licensed under state law

This bill would provide that the first claim for disability benefits may be supported by the certificate of a nurse-midwife duly certified under state law It would also provide that for the purposes of disability related to normal pregnancy or childbirth, a claim may be supported by the certificate of a nurse practitioner, duly licensed and certified under state law, acting within the scope of his or her practice

Ch. 192 (AB 4556) Wyman Community services districts

Existing law sets forth various powers of community services districts.

This bill would provide that whenever the Board of Directors of the Stallion Springs Community Services District determines by resolution that it is feasible, economically sound, and in the public interest, and if a majority of the voters vote in favor of the adoption of the additional purpose, as specified, the district may construct, repair, and maintain mailboxes within district road rights-of-way, and adopt rules for the purpose of maintaining uniform standards of mailboxes within the district. The bill provides the power to carry on that activity may be divested in the same manner as the power was acquired.

The bill would authorize the Stallion Springs Community Services District to impose a reasonable charge, not to exceed $25, for this purpose

Ch 193 (AB 4349) Roybal-Allard. Crime. domestic violence

Existing law provides for a person charged with a misdemeanor act of domestic

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violence that the court may order the diversion of the defendant and refer the defendant for counseling

This bill would require the referral to be for batterer's treatment counseling directed specifically to the violent conduct of the defendant, but would provide that this requirement does not prohibit the court from ordering the defendant to be diverted and referred to another appropriate counseling program if it determines that there is no available batterer's treatment counseling program

This bill would state various legislative findings relative to the need to provide batterer's treatment counseling programs and to encourage counties without existing batterer's treatment counseling programs to establish a program on or before January 1, 1990

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

Ch. 194 (AB 3583) Sher Education: Minimum schoolday

Existing law provides a method by which the minimum schoolday in grades 1 to 3, inclusive, and grades 4 to 8, inclusive, in elementary schools may be computed.

This bill would provide a method by which the minimum schoolday in kindergarten in elementary schools may be computed by determining the number of minutes of attendance in any 10 consecutive schooldays and dividing that number by 10

This bill would specify that the above computation authorized by this bill shall not result in any increase in state apportionments

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

Ch 195 (SB 470) Royce Child welfare foster family homes and small family homes: child abuse.

(1) Under existing law, the Foster Family Home and Small Family Home Insurance Fund within the State Department of Social Services, pays or reimburses, on behalf of foster family homes and small family homes, as defined, specified claims of foster children, their parents, and guardians resulting from occurrences peculiar to the foster care relationship and the provision of foster care services up to the amount of $300,000 per home during a single calendar year. Existing law provides that these provisions shall become inoperative on June 30, 1988, and, as of January 1, 1989, are repealed.

This bill would delete the provisions which make inoperative and repeal provisions providing for the Foster Family Home and Small Family Home Insurance Fund

(2) Existing law prohibits an insurer from refusing to issue or canceling homeowners' or tenants' policies solely on the basis that the applicant or policyholder is engaged in foster home activities and excludes certain liability from the coverage of these policies Existing law provides that these provisions shall become inoperative on June 30, 1988, and are repealed as of January 1, 1989

This bill would delete the provisions which make inoperative and repeal the provisions prohibiting the above-described refusals to issue or cancellations of policies

(3) Existing law expressly provides that there is no cause of action against a foster parent for alienation of affection of a foster child Existing law provides that this provision shall become inoperative on June 30, 1988, and, as of January 1, 1989, is repealed.

This bill would delete the provisions which make inoperative and repeal the provision which expressly states that there is no cause of action for alienation of affection of a foster child

(4) Existing law requires the Office of Child Abuse Prevention to contract for the operation of 8 pilot projects to avoid the out-of-home placement of abused or neglected children. Existing law also requires the office to contract for the operation of 3 pilot projects designed to maximize the safety, security, comfort, and quality of life of children aged 14 years or under who are in self-care during the hours of parental employment or other unavailability Existing law also contains provisions for the manner of contracting for, monitoring, and evaluating these pilot projects. Under existing law, the above-described provisions are to be repealed as of January 1, 1989

This bill would, instead, make these provisions inoperative on July 1, 1989, and would repeal them as of January 1, 1990, except for the provisions relative to the monitoring and evaluating of the pilot projects, which would become inoperative on March 1, 1990,

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and repealed on January 1, 1991.

(5) This bill would reappropriate the unencumbered balance of the appropriation provided for the Foster Family Home and Small Family Home Insurance Fund in the Budget Act of 1987, as specified, and would provide that a specified amount of funds appropriated for the fund in the Budget Act of 1987 for claims payments is available for operation and maintenance of the fund, as specified.

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

Ch 196 (AB 3510) N. Waters. Courts El Dorado County.

Existing law does not authorize the position of court commissioner for the El Dorado County Superior Court.

This bill would authorize the appointment of one or more court commissioners for the El Dorado County Superior Court, upon the prior approval of the board of supervisors, as specified.

Ch 197 (AB 971) Costa. Transportation: railway corridor study group.

(1) Existing law does not charge any agency with responsibility for studying, developing, and recommending a plan for the development of a high-speed rail corridor between the northern and southern parts of the state.

This bill would, until January 1, 1991, create the Los Angeles-Fresno-Bay Area/Sacramento High-Speed Rail Corridor Study Group, specify the membership of the study group, including a requirement that specified county boards of supervisors make appointments to the group, thus imposing a state-mandated local program, direct it to study and develop a plan for development of a high-speed rail corridor, and require it to submit a preliminary report of its findings and recommendations to the Legislature by January 1, 1990, and a final report by July 1, 1990.

The bill would revert, to the Transportation Planning and Development Account in the State Transportation Fund, $150,000 of the balance, as specified, of certain funds appropriated in the Budget Act of 1985 to the Department of Transportation The bill also would appropriate $150,000 for purposes of the bill, including payment of state-mandated local program costs, from the Transportation Planning and Development Account, to be made available by the Director of Transportation in an amount equal to funds provided from nonstate sources

(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 198 (AB 2820) Johnston. Lodi Unified School District: classroom facilities.

Existing law authorizes the Lodi Unified School District to lease residential houses constructed after January 1, 1978, for use as classroom facilities to serve elementary school pupils, until June 30, 1989, as specified, and exempts those houses from the structural standards of the so-called Field Act

This bill would extend this authorization until June 30, 1990, and limit the Field Act exemption to those houses leased by the district as of January 1, 1988.

Ch. 199 (AB 2739) Costa. Horseracing: award funds

Under existing law, an association conducting a thoroughbred racing meeting is required to deposit 0 34% of the total amount handled in parimutuel pools with the official registering agency which is required to distribute the funds as breeder awards and stallion awards, as specified

This bill would revise the provisions for distribution of owners' premium awards and breeder awards, would increase owners' premium awards from up to 5% of the winner's share to 20%, breeder awards for wins from 15% to 20% and for 2nd and 3rd places from 10% to 15%, and would delete a prohibition on the distribution of stallion awards to the owner of a stallion which has been out of the state for breeding purposes during the

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calendar year. The bill would apply only to horseracing meetings that commence on or after the effective date of the bill.

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

Ch. 200 (AB 3010) Floyd. Electrical generators.

Existing law requires any owner, renter, or lessee who possesses an electric generator to notify the public utility or utility district of the presence of the generator on the premises.

This bill would, instead, require any owner, renter, or lessee who possesses and operates an electrical generator when the generator is connected to a commercial, industrial, or residential structure's electrical system which is connected to the service of a public utility or public utility district to notify the utility of the location of the generator.

Ch. 201 (SB 679) Rosenthal. Telephones: information providers. messages constituting harmful matter.

Under existing law, the Public Utilities Commission is directed to require telephone corporations to offer to residential telephone subscribers a means to delete access to information-access telephone services for a charge of not more than $5 and to require telephone corporations and information providers to institute a method of handling subscribers' complaints, as specified.

This bill would direct the commission to impose no charge on subscribers for this deletion of access option, to require telephone corporations to refund to subscribers any amounts paid for deletion of access prior to the effective date of this bill, and to determine and implement a method to recompense telephone corporations for the expenses of providing this deletion of access option

The bill would, in addition, direct the commission to require every telephone corporation which furnishes information-access telephone service to make available a separate telephone prefix number for information providers which provide messages constituting harmful matter, as defined, and for those which provide other than messages constituting harmful matter, and to request every information provider to designate which prefix corresponds to its type of messages. The bill would make every information provider which provides messages constituting harmful matter through any telephone number other than one within a prefix assigned to its type of service subject to specified civil penalties. The bill would direct the commission to require the telephone corporation to offer residential subscribers the option of deleting access to the telephone prefix number which accesses messages constituting harmful matter and to determine and implement a method to recompense telephone corporations for the expenses of providing this deletion of access option.

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

Ch. 202 (AB 513) Hill. Healing arts: pharmacy.

Existing law defines a manufacturer for purposes of regulating the practice of pharmacy and excepts from that definition a pharmacy which manufactures drugs on the immediate premises where the drug is sold to the ultimate consumer.

This bill would also except from that definition a pharmacy compounding a drug for parenteral therapy, pursuant to a prescription, for delivery to another pharmacy for delivering or administering the drug to a prescription patient under specified conditions.

The bill would require a pharmacy compounding a drug pursuant to that provision to report that information to the board within 30 days of commencing that compounding.

Ch. 203 (AB 1367) Tanner. Warranties. motor vehicle third-party dispute resolution.

Under existing law, on July 1, 1988, the Certification Account is created within the Automotive Repair Fund. This account is to be funded by fees imposed upon applicants for licenses as manufacturers or distributors or for renewal of licenses as manufacturers or distributors. The fees are to be collected by the New Motor Vehicle Board and are

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to be expended upon appropriation by the Legislature to pay the expenses of the Bureau of Automotive Repair in administering the program for certification of third-party dispute resolution processes. On or before January 1 of each calendar year, the bureau is to determine, as specified, the dollar amount to be collected by the Department of Motor Vehicles and to notify the board of this dollar amount. Existing law provides that the board may adopt regulations to implement the foregoing provisions

This bill would revise the provisions relating to the collection of fees to delete the references to applicants for licenses or renewal of licenses as manufacturers or distributors. The bill would instead require every manufacturer to file a statement on or before May 1 of each year which contains specified information and to pay a fee within a specified time after written notification by the board The bill would also make related changes A penalty would be assessed against the manufacturer for delinquent payments

This bill would require the bureau to notify the board of the dollar amount necessary to fully fund the third-party dispute resolution process on or before February 1, but would not specify the method by which the board is to determine the dollar amount

This bill would provide that the regulations which the board may adopt to implement the provisions relating to the collection of fees shall include, at a minimum, a formula for calculating the fee to be collected for each motor vehicle and the total amount of fees to be collected from each manufacturer

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

Ch. 204 (AB 2898) Lewis Orange County Harbors, Beaches and Parks District park conversion

Existing provisions of the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 require that property acquired with bond act grant funds be used by the grantee only for the purpose for which the funds were requested and that no other use be permitted except by a specific act of the Legislature.

This bill would authorize the Orange County Harbors, Beaches and Parks District, or any successor agency, to convert the Lower Santiago Creek Regional Park, which was acquired with bond act funds, to other uses if the district, or any successor agency, acquires substitute parklands or develops new recreational facilities on existing parklands, as specified The bill would require the district, or any successor agency, to enter into an agreement with the Department of Parks and Recreation governing the use of the substitute parklands or new recreational facilities prior to the conversion

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

Ch 205 (SB 729) McCorquodale Sales and use tax exemptions. student yearbooks and catalogs

The existing California Sales and Use Tax Law imposes a state tax on the sale or use of tangible personal property unless the sale or use is exempt from the tax This law provides that any public school, school district, or student organization shall not be considered a retailer for purposes of the law with respect to yearbooks and catalogs prepared for and by it and distributed to students, thereby exempting yearbook and catalog sales to students by these entities from the tax

This bill would further provide that any county office of education also shall not be considered a retailer with respect to yearbooks and catalogs prepared for and by it and distributed to students, thereby also exempting yearbook and catalog sales to students by any county office of education from the tax

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, if any, are minor and will not cause any financial burden to local government.

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This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch 206 (AB 2243) Bradley. Medi-Cal.

Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons Under existing law, an applicant or recipient who resides in an area served by a prepaid health plan is required to be informed that he or she has the option of being enrolled in the prepaid health plan.

This bill would, until January 1, 1992, require the State Department of Health Services to implement pilot programs, selecting prepaid health plans which meet prescribed criteria, to test the enrollment incentives, the improvement in health status, and the cost effectiveness of guaranteed eligibility and lock-ins in Medi-Cal prepaid health plans, if the State Director of Health Services determines that it is cost-effective and there would be no net costs to the state and secures the necessary federal waivers. The bill would require the department to report to the Legislature by December 15, 1990, concerning its findings with respect to certain assumptions set forth in the bill. This bill would provide that each beneficiary who accepts the offer to participate in a prepaid health plan service under the bill may not disenroll from the prepaid health plan for this period of eligibility except for good cause.

Ch 207 (AB 2839) Harvey. State funds. surplus personal property.

Under existing law, there is in the State Treasury a Surplus Personal Property Revolving Fund and a Service Revolving Fund under the control of the Department of General Services Existing law provides there be deposited in the Surplus Personal Property Revolving Fund cash resources of the Surplus Property-Hardware Program and requires that all costs attributable to the department for distribution of certain federal surplus personal property be paid out of this fund

This bill would abolish the Surplus Personal Property Revolving Fund and would require the Controller to transfer its assets, liabilities, and surplus to the Service Revolving Fund It would require that the cash resources of the Surplus Property-Hardware Program from certain federal surplus personal property be deposited in the Service Revolving Fund This bill would also require the department's costs attributable to the distribution of the federal surplus personal property be paid out of the Service Revolving Fund

Ch 208 (AB 2921) Harvey State procurement

Existing law generally requires every purchase of supplies or equipment in excess of $100 for any state agency to be made under the supervision of the Department of General Services and requires the Director of General Services to establish statewide purchasing standards Existing law, among other things, requires the department to issue a call for bids within 30 days after receiving a requisition for any supplies, material, or equipment that are regularly purchased within this state, and to award the purchase order or reject the bids within 45 days after the designated closing date

This bill would provide that awards for purchase estimates received during the last 90 days of the fiscal year may be made during the first 60 days of the following fiscal year, as specified

Ch 209 (AB 3204) Assembly Committee on Environmental Safety and Toxic Materials Lead acid batteries disposal

(1) Existing law prohibits the disposal of any hazardous waste, except as provided in the Hazardous Waste Control Law or the regulations adopted by the State Department of Health Services.

This bill would make a statement of legislative intent concerning the disposal of lead acid batteries and would generally prohibit any person from disposing of a lead acid battery except at specified locations as of January 1, 1989 The bill would authorize the disposal of lead acid batteries at a facility established and operated for recycling lead acid batteries or at an establishment which is a dealer, as defined

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The bill would require a dealer as of January 1, 1989, to accept a lead acid battery from a consumer in exchange for the purchase of a new lead acid battery. The department would be required to notify, within 30 days of the effective date of the bill, all manufacturers of lead acid batteries sold to consumers in this state of the requirements of the bill. Manufacturers of lead acid batteries would be required to notify specified distributors, wholesalers, and dealers of these requirements within 60 days of the effective date 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 impose a state-mandated local program by creating new crimes concerning the disposal and sale of lead acid batteries.

The 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. 210 (AB 3227) N. Waters. Courts.

(1) Existing law specified the number, compensation, and classification of the employees of the Placer County Municipal Court District.

This bill would revise the numbers, compensation, and classification of the employees of the Placer County Municipal Court District, 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. 211 (AB 3443) Chacon Elections.

Existing law requires the Secretary of State to make available voter information from magnetic tape files or printed indexes to, among others, any person for election or governmental purposes as determined by the Secretary of State.

This bill would authorize the information to be made available to any person for election, scholarly or political research, or governmental purposes, as determined by the Secretary of State.

Under a provision repealed effective January 1, 1988, the Secretary of State was required, not less than 20 days before submitting the copy of the ballot pamphlet to the State Printer, to make the copy available for public examination, and permitted a voter to seek a writ of mandate requiring amendment of the copy or its deletion from the ballot pamphlet upon clear and convincing proof the copy in question is false, misleading, or inconsistent with law.

This bill would reenact that provision

Existing law requires that an initiative or referendum petition received or filed in the office of the county clerk be preserved for 8 months, as specified, and restricts access to those petitions in accordance with specified provisions of law.

This bill would repeal this provision, and would make corresponding changes in related provisions of law.

Existing law requires any person assisting a voter in marking the voter's ballot to subscribe to a specified oath before assisting the voter. It requires precinct officers to return to the county clerk a list of assisted voters and the required oath

This bill would delete the requirement for return to the county clerk of the required oath by the precinct officers. It would make corresponding changes in related provisions of law.

Ch. 212 (SB 987) Dills. Public utilities: baseline rates.

Existing law requires the Public Utilities Commission to designate a baseline quantity of electricity and gas, as defined, necessary for a significant portion of the reasonable energy needs of the average residential customer and a separate baseline quantity of

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electricity applicable to specified all-electric residential customers The commission is directed to require electrical and gas corporations to file a schedule of rates and charges providing baseline rates according to a formula which applies to the 1st or lowest block of an increasing block rate structure and is established for residential consumption at a differential of from 15% to 25% below the system average rate, except as specified.

This bill would declare legislative findings regarding rates for public utility services, and would direct the commission to establish a program of assistance to low-income electric and gas customers in connection with the baseline program, as specified

The bill would delete the requirement that baseline rates be established at a differential of from 15% to 25% below the system average rate, and would instead direct the commission to ensure that the revenue requirements of an electrical or gas corporation furnishing electricity or gas under baseline rates be met, while avoiding excessive rate increases for residential customers, as specified. The bill would also require that the commission use increased revenues resulting from any increase in baseline rates exclusively to reduce rates for service above the baseline quantity, as specified, but not to eliminate any significant differential between baseline and nonbaseline rates for at least 30 months after the effective date of this bill, and would require these rate changes to be implemented by November 1, 1988. The bill would specify certain cost allocation principles in this regard.

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

Ch 213 (AB 1202) Chacon Voter registration

Existing law requires the Secretary of State to print or cause to be printed affidavits of registration and voter registration cards, and requires the county clerk to provide voter registration cards to citizens or organizations who wish to distribute those cards.

This bill would require the Secretary of State to prepare and print or cause to be printed an appropriate logo that may be displayed on the windows of offices, stores, and other establishments indicating the availability of voter registration cards for the public. *It would require the Secretary of State to provide these logos free of charge to any* person or organization who distributes voter registration cards.

Ch 214 (AB 2816) Chacon. Sentencing

Under existing law, no prisoner imprisoned under a life sentence may be paroled until that prisoner has served at least 7 calendar years

This bill would, instead, specify that no prisoner imprisoned under a life sentence may be paroled until the prisoner has served at least 7 calendar years or has served a term established pursuant to any other section of law establishing a minimum period of confinement under a life sentence before eligibility for parole, whichever is greater, and would make similar changes in the provision dealing with 2 or more consecutive life sentences.

Ch. 215 (AB 2961) Chandler. Anatomical donors. Medi-Cal.

Existing law requires each general acute care hospital, as defined, to develop a prescribed protocol for identifying potential organ and tissue donors and to notify an organ and tissue procurement organization and cooperate in the procurement of an anatomical gift or gifts.

This bill would require a general acute care hospital to comply with these requirements as a condition of participation in the Medi-Cal program

Ch. 216 (AB 3023) Mojonnier Boating and waterways

(1) 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, 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, and to apply a vessel registration stop order or title transfer stop order to the vessel.

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This bill would require that notice to include notice of the stop order.

(2) Existing law allows local regulation of the use or equipment of boats or vessels in special-use areas

This bill would define "special-use areas."

(3) Existing law requires the Department of Motor Vehicles to provide registrants of small vessels with a copy of safe operation guidelines

This bill would require the department to provide a copy of those guidelines, as prepared by the Department of Boating and Waterways, to all vessel registrants

(4) Existing law provides increased criminal penalties for certain violations relating to operation of vessels or other devices while intoxicated, upon a second or subsequent violation within 5 years

This bill would apply these penalties in additional cases where prior convictions exist, and provide increased penalties for those violations occurring within 7, rather than 5, years

(5) The bill would make corrective changes relative to, among other things, manslaughter while operating a vessel

(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 impose a state-mandated local program by providing for incarceration in the county jail in additional cases

The 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 217 (AB 3037) Chandler. Emergency medical services· use of defibrillators.

Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, each county may develop an emergency medical services program, to be governed by an emergency medical services agency (EMS) In addition, state administration for this act is vested with the Emergency Medical Services Authority

Existing law further requires each local EMS agency to have a medical director

This bill would permit the authority to establish minimum standards for the training and use of automatic external defibrillators by individuals not otherwise licensed or certified for the use of this device

The bill would provide that only those individuals who meet the standards established by the authority shall be approved for, and issued a prescription authorizing them to use, an automatic external defibrillator on a patient not specifically identified when a physician's prescription is given

Since a violation of the Medical Services System and the Prehospital Emergency Medical Care Personnel Act is a misdemeanor, the bill would impose additional duties upon 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

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

Ch 218 (AB 3101) Eaves. Courts San Bernardino County

(1) Existing law provides for the compensation of court commissioners and other municipal court personnel in San Bernardino County.

This bill would revise the compensation of court commissioners and other municipal court personnel in San Bernardino County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch 219 (AB 3102) Eaves Courts San Bernardino County

(1) Existing law specifies the compensation of personnel for the San Bernardino County Municipal Court District.

This bill would revise compensation of personnel of the San Bernardino Municipal Court District, 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 220 (AB 3261) O'Connell. Fishing apparatus.

(1) Under existing law, it is a misdemeanor to willfully disturb or injure any net or trap which is being legally used in state waters. Employees of the Department of Fish and Game are exempted from that provision while engaged in official duties.

This bill would create a state-mandated local program by also making it a misdemeanor to willfully disturb or injure any other apparatus to take fish which is being legally used in state waters.

(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 221 (AB 3347) Costa Recreational trails

Existing law requires that the Director of Parks and Recreation prepare and maintain a plan for the development and operation of a statewide system of recreational trails The director is required to give priority to specified trail routes in conducting studies of potential trail routes for inclusion in the system

This bill would require the director to give that priority to a trail route along the San Joaquin River from Friant Dam to Route 99

Ch. 222 (AB 3420) Wright. Workers' compensation: appeals board contempt.

Existing law permits the Workers' Compensation Appeals Board to direct and order a workers' compensation judge to try issues and hold hearings, as specified

This bill would also permit the appeals board to issue writs or summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for direct and hybrid contempt, as defined, in a like manner and to the same extent as courts of record

Ch 223 (AB 3563) Killea. Driving offenses· juveniles.

Under existing law, it is an infraction for a person under the age of 18 years to drive a motor vehicle with 0 05% or more, by weight, of alcohol in his or her blood. A person found to have committed a violation of that provision is required to participate in an alcohol education program or a community service program which provides an alcohol education component

This bill would authorize the court to order the Department of Motor Vehicles, and would require the department when so ordered, to suspend, revoke, or delay the issuance of the driving privilege of such a person if that person fails to show proof of completion of the program as required by the court.

Ch. 224 (AB 3566) Costa Dam safety regulation.

Existing law provides for the regulation and supervision by the Department of Water Resources of dams and reservoirs, as defined.

This bill would exclude from the definition of those terms, for purposes of state

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regulation, the levee of an island adjacent to tidal waters in the Sacramento-San Joaquin Delta, even when used to impound water, if the maximum possible water storage elevation does not exceed 4 feet above mean sea level.

Ch 225 (AB 3820) Bader. Forest products: transport.

(1) Under existing law, except within the Counties of Santa Barbara, Ventura, Los Angeles, Orange, San Diego, San Bernardino, Riverside, and Imperial, any person who removes any minor forest products, as defined, from the property where the products were cut and transports the products upon any public road or highway is required to possess specified documentation

This bill would delete the exception for those counties

(2) Under existing law, every owner of timber or timberlands is required to control or eradicate insect pests or plant diseases on lands owned by or under that person's control

This bill would prohibit the movement of eucalyptus wood containing live Eucalyptus Longhorn Borers or their larvae in trucks or trailers A violation of this provision would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch 226 (AB 1577) Hansen. Donated game

Under existing law, food served by food facilities is required to meet various requirements, with these requirements being administered by the State Department of Health Services

This bill would allow local enforcement agencies to approve the use of legally obtained donated fish and game, as defined, by nonprofit organizations authorized to serve meals to indigent persons.

Ch 227 (AB 2102) Elder. California State University payments to separating employees

Existing law provides for various payments to separating employees of the California State University (CSU), subject to certain memoranda of understanding

This bill would authorize the Trustees of CSU to provide for lump-sum payment for vacation for nonrepresented employees of CSU.

Ch 228 (AB 2749) Connelly. Marriage

(1) Existing law provides that provisions relating to the solemnizing of marriages are not applicable to members of any particular religious denomination having any peculiar mode of entering into a marriage relation; however, such a marriage must be declared, acknowledged, and recorded, as specified.

This bill would instead provide that the provisions relating to the solemnizing of marriages are not applicable to members of any particular religious society or denomination not having clergy for the purpose of solemnizing the marriage or entering the marriage relation if the parties entering the marriage make and sign a statement, as specified, and a License and Certificate of Declaration of Marriage along with the statement is filed with the local registrar of the county in which the license was issued within 4 days after the ceremony.

This bill would also make conforming changes regarding the registration and the content of the License and Certificate of Declaration of Marriage

(2) Existing law provides that if no record of the solemnization of a marriage is known to exist, the parties may join in a written declaration of the marriage, as specified, and that declarations of marriage are required to be acknowledged and recorded in a like manner as grants of real property.

This bill would instead provide that if no record of the solemnization of a marriage

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is known to exist, the parties may purchase a License and Certificate of Declaration of Marriage from the county clerk and that the certificate shall be filed with the local registrar of marriages.

(3) This bill also would make related conforming changes to other provisions of law.

Ch. 229 (AB 2752) Eaves. Vehicles trucks· motor carriers

(1) Existing law requires every vehicle subject to the jurisdiction, control, and regulation of the Public Utilities Commission or the Interstate Commerce Commission, and to specified provisions of the Vehicle Code, to display identifying symbols provided for in the Public Utilities Code.

This bill would require every motor carrier which is not regulated by the Interstate Commerce Commission or the Public Utilities Commission to obtain and display on its vehicles, which have a manufacturer's gross vehicle weight rating of 10,000 pounds or more, a carrier identification number obtained from the Department of the California Highway Patrol A violation of this requirement would be an infraction, 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. 230 (AB 2906) McClintock Ventura County Resource Conservation District.

(1) Under existing law, the Ventura County Resource Conservation District is governed by a board of directors composed of 9 members who are elected for terms of 4 years.

This bill would require the board to divide the board into 2 different election classes at its 1st regular meeting after January 1, 1989, as specified.

(2) Existing law requires those directors to be owners, or their agents, of land in the territory expected to be included in the division they will represent

This bill would specify that that requirement applies to territory included, rather than expected to be included, in the district.

(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. 231 (AB 2932) Speier Salaries: authorized deductions

Existing law permits a state employee to authorize deductions from his or her salary or wages for payment of specified obligations, including insurance premiums or other employee benefits

This bill would permit a deduction for payment for the support, maintenance, or care of the employee's child, children, or family for whom the employee has a duty of support, and would require the assessment of service charges for the deduction. This provision would become operative on July 1, 1989, and remain in effect only until January 1, 1994, at which time it would be repealed.

This bill would also authorize a court order for the deductions and payment of this support under certain circumstances. This provision would become operative on July 1, 1989, and remain in effect only until January 1, 1994, at which time it would be repealed

This bill would also require the Controller to provide for an agreement with an individual who receives a payment made with the deduction to relieve the state and its officers from liability arising from the payroll deduction

Ch 232 (AB 3098) Leslie. State employees: service longevity mementos.

Existing law authorizes appointing powers to present to a state employee or retired state employee who has completed 25 or more years of service, a certificate, plaque, or other suitable memento whose cost shall not exceed $15

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This bill would increase that maximum cost from $15 to $75

Ch. 233 (AB 3235) Leslie. Public employees· PEMHCA 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.

This bill would, for purposes of PEMHCA, additionally define "annuitant" as a person who was a state member for 30 years or more and who, at retirement, was a local member employed by a contracting agency.

Ch 234 (AB 3274) Filante. State Long-Term Care Ombudsman: hotline.

Existing law provides for the Office of the State Long-Term Care Ombudsman which, among other things, investigates complaints by residents of community care facilities and long-term health care facilities.

Existing law also requires the Office of the State Long-Term Care Ombudsman to establish a toll-free telephone hotline in Sacramento to receive telephone calls concerning crises discovered in either a long-term health care facility or a community care facility, as specified. That requirement will become inoperative on July 1, 1988, and will be repealed on January 1, 1989.

This bill would delete those provisions of existing law which would make that requirement inoperative on July 1, 1989, and would delete the provision repealing that requirement on January 1, 1989, thereby extending the hotline program indefinitely.

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

Ch 235 (AB 3445) Johnson Court costs

Under existing law, when a court orders a change of venue to another county, all costs incurred by that county which are not payable for the transfer, preparation, and trial of an action relating to prisons or a prisoner, the guarding, keeping, and transportation of the prisoner, and any appeal or other proceeding relating to the action and execution of the sentence, as specified, are a charge against the county in which the action originated

This bill would provide that the trial court may approve any cost as reasonable and necessary and would specify the procedures for imposing any additional costs which are not otherwise identified in this section, thereby imposing a state-mandated local program This bill would also require that these procedures for the payment of costs apply to proceedings to extend the detention of certain youthful offenders from the control of the Youth Authority where the venue is changed.

The California Constitution requires 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 236 (AB 4399) Filante Elderly persons.

Under existing law, there are various programs established for the purpose of preventing the institutionalization of frail elderly persons and functionally impaired adults These include the In-Home Supportive Services program, pursuant to which the state pays providers for certain supportive services to aged, blind, or disabled persons in their own homes, and Adult Day Health Care whereby the Department of Aging provides a day program in an Adult Day Health Care center for Medi-Cal recipients.

Existing law requires the Department of Aging to establish a respite care registry program for frail elderly persons and functionally impaired adults, selecting up to 5 program sites, as specified, to provide services until July 1, 1988, at which time the statutory authority for the program would become inoperative and, as of January 1, 1989, would be repealed

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This bill would delete that provision making the statutory authority for the program inoperative on July 1, 1988, and would, instead, repeal the program on January 1, 1990.

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

Ch 237 (AB 2043) Hughes Rehabilitation services.

Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities, as defined.

Existing law provides that a person shall be deemed eligible to participate in a work-activity program, utilizing funds appropriated to the Department of Rehabilitation, when the department verifies that the individual meets specified eligibility criteria, and until July 1, 1988, provides that when the department determines that these criteria have been met, the individual shall be deemed to be presumptively eligible for a period of not to exceed 90 days, and shall be placed in a work-activity program.

Existing law provides, until July 1, 1988, that during this 90-day period the work-activity program provider shall evaluate the client's performance and that a habilitation team, which consists of a regional center caseworker, the work-activity program case-responsible person, a habilitation specialist designated by the department, the client, and where appropriate, the client's parent, legal guardian, or conservator, shall determine the individual's initial eligibility, and if the client is determined to be eligible, shall make decisions concerning continued eligibility.

Existing law provides that the department shall be responsible for the development of an individual habilitation component for each work-activity program client, and until July 1, 1988, provides that upon an initial determination by the team that the client is eligible, the team shall develop the individual habilitation component for the client

Until July 1, 1988, existing law establishes a system whereby individuals meeting specified criteria shall be referred to the habilitation team, who shall determine whether these clients should be recommended to the department for consideration for vocational rehabilitation services

Under existing law, commencing with the 1984–85 fiscal year, the department is required to establish a rate for each work-activity provider which shall be the sum of the rate which that provider would receive under specified provisions of law, plus a percentage increase based upon the ratio which $1,800,000 bears to the amount provided for these services in the 1984–85 Budget Act, except that the approved rate shall not be less than 85% of the rate paid in the 1983–84 fiscal year The work-activity provider rate set by the department in the 1984–85 fiscal year for a work-activity program shall remain the rate of the work-activity program until July 1, 1988, subject to rate adjustments provided for by law, unless the department establishes a new rate procedure and new rates are effective prior to that date

Under existing law, the department is authorized until July 1, 1988, to set rates for new work-activity programs. Until July 1, 1988, existing law sets forth a rate structure methodology used by the department for determining rates for new work-activity programs which have no historical cost period.

This bill would make those provisions of existing law permanent, and would revise the rate structure for work-activity centers, commencing July 1, 1988

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

Ch 238 (AB 2728) Chandler. Agriculture chemicals, livestock remedies, commercial feeds

(1) Existing law prohibits the sale of livestock drugs in this state unless the seller registers with the Director of Food and Agriculture, as specified. Various other laws restrict the usage of these drugs, and a violation of these laws is punishable as a misdemeanor

This bill would instead make a violation of these laws an infraction punishable by a fine of up to $500 for the first offense and a misdemeanor punishable by a fine of from $100 to $1,000 for subsequent offenses

(2) Existing law authorizes the director to refuse to issue or renew, or to suspend or revoke, a livestock drug registration or restricted drug license for any violation of laws relating to livestock drugs This refusal or suspension is required to be conducted pursu-

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ant to the Administrative Procedure Act (APA).

This bill would instead prescribe a specified hearing procedure in order for the director to take these actions.

(3) Existing law requires every person who manufactures or distributes commercial fertilizer, as specified, to obtain a license from the director Failure to do so is punishable as a misdemeanor.

This bill would instead make a violation of this requirement an infraction for the first offense and a misdemeanor for subsequent offenses.

(4) Existing law defines "specialty fertilizer" as a commercial fertilizer distributed primarily for nonfarm use, as specified.

This bill would instead define "specialty fertilizer" as commercial fertilizer labeled for home gardens and other specified noncommercial uses.

(5) Existing law requires certain fertilizers to be registered with the director and a penalty may be assessed for failure to do so

This bill would delete the penalty provisions and instead make any violation of the registration provisions an infraction for the first offense and a misdemeanor for subsequent offenses

(6) Existing law requires that every lot, parcel, or package of commercial fertilizer be labeled, as specified. A violation of this requirement is punishable as a misdemeanor.

This bill would instead punish a violation of this requirement as an infraction, if a warning is previously given, for a first offense and as a misdemeanor for subsequent offenses

(7) Existing law authorizes the director to refuse to issue or renew, or to suspend or revoke, a fertilizer license or registration for any violation of laws relating to fertilizers This refusal, revocation, or suspension is required to be conducted pursuant to the APA.

This bill would instead prescribe a specified hearing procedure in order for the director to take these actions.

(8) Existing law prohibits the distribution or movement of any lot of commercial fertilizer or feed on which a hold order has been issued by the director without permission of the director.

This bill would additionally prohibit the movement, distribution, or sale of a feed or fertilizer product that has been quarantined by the director without permission of the director Violation of this restriction would be a misdemeanor, thus imposing a state-mandated local program by creating a new crime.

(9) Existing law prohibits as a misdemeanor the distribution of commercial feed unless it is labeled, as specified

This bill would instead punish the sale or distribution of commercial feed without a label as an infraction, if at least one warning is previously given, for a first offense, and as a misdemeanor for subsequent offenses The bill would also punish, as an infraction for the first offense and as a misdemeanor for subsequent offenses, the sale or distribution of commercial feed that contains poisonous, deleterious, or nonnutritive substances, thus imposing a state-mandated local program by creating a new crime.

(10) Existing law requires persons who distribute or manufacture commercial feed, as specified, to obtain a license from the director Violation of this requirement is a misdemeanor.

This bill would instead punish a violation of this requirement as an infraction for a first offense and as a misdemeanor for subsequent offenses

(11) Existing law authorizes the director to refuse to issue or renew, or to suspend or revoke, a commercial feed license for any violation of laws relating to commercial feeds This refusal, revocation, or suspension is required to be conducted pursuant to the APA.

This bill would instead prescribe a specified hearing procedure in order for the director to take these actions.

(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 a specified reason.

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Ch. 239 (AB 2793) Chandler Small city public contracts.

Existing law requires the California Uniform Construction Cost Accounting Commission to recommend for adoption by the Controller, uniform construction cost accounting procedures for implementation by public agencies in the performance of, or contracting for, construction on public projects

This bill would also require the commission to recommend for adoption by the Controller cost accounting procedures designed especially for implementation by California cities with a population of less than 10,000

Ch. 240 (AB 2886) Chandler. Agricultural quarantines

(1) Existing law prohibits any person from violating any plant quarantine regulation adopted by the Director of Food and Agriculture Violation of this prohibition is an infraction for the first offense and a misdemeanor for subsequent offenses

This bill would also prohibit any person from possessing, propagating, planting, processing, selling, or taking any other action with regard to a plant or thing subject to a quarantine which has been imported or moved in violation of the quarantine This prohibition would impose a state-mandated local program by creating a new crime

The bill would also authorize the Attorney General, upon a complaint by the director, or the county counsel upon request of the county agricultural commissioner, as the case may be, to seek injunctive relief and to bring an action for civil penalties against a person who violates laws relating to quarantines, in an amount up to $10,000. These recoveries by the Department of Food and Agriculture would be deposited in the Department of Food and Agriculture Fund and designated to cover costs related to the enforcement of plant quarantine and pest control 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 241 (AB 4095) Elder Public retirement systems· fiduciary standards, duties, and powers.

Existing statutes establish or provide for the establishment of various public retirement systems.

This bill would require the Teacher's Retirement Board and the Board of Administration of the Public Employees' Retirement System to review their controlling statutes and to report to the Legislature on or before March 1, 1989, all recommended changes in and additions to those statutes.

Ch. 242 (SB 2258) B Greene Telecommunications devices for the deaf or severely hearing impaired and the disabled.

Under existing law, the Public Utilities Commission implements programs whereby telecommunications devices are furnished to telephone subscribers who are deaf or severely hearing impaired and to statewide organizations representing the deaf or severely hearing impaired and whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled, and to adjust overall rates not to exceed a total of 10¢ per telephone line of each subscriber per month to pay for all of these programs. The commission is required to establish a separate fund for each of these programs.

This bill would, until July 1, 1990, direct the commission to establish a rate recovery mechanism through a surcharge of not more than ½% uniformly applied to a subscriber's intrastate telephone service, other than one-way radio paging service and universal telephone service, for these purposes. The bill would direct the commission to establish this surcharge at a level to produce revenues of $32,000,000 for 1988.

The bill would delete the requirement for a separate fund for each program

The bill would direct the commission to report to the Legislature, by December 31,

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1988, and annually thereafter, on the fiscal status of these programs, including specified matters.

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

Ch 243 (SB 2618) Rosenthal. Agriculture. dairy products.

Existing law prescribes the content requirements of nondairy frozen dessert

This bill would reduce the percentage of edible oil or fat other than milk fat from not less than 2% to ½%

Ch. 244 (AB 2750) Eastin Crimes limitation on total subordinate terms.

(1) 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 subordinate terms for consecutive offenses which are not "violent felonies," the total of the subordinate terms for consecutive offenses that are all residential arsons, as defined, may exceed 5 years but shall not exceed 10 years

This bill would eliminate the limitation of twice the base term on the total terms of imprisonment if the defendant is convicted of at least 2 residential arsons

(2) This bill would incorporate additional changes in Section 1170 95 of the Penal Code, proposed by AB 2825, to be operative only if AB 2825 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last

Ch 245 (AB 3018) Klehs Controlled substance offenders· registration

Existing law requires a person convicted of any of specified controlled substances offenses to register, as specified, with the law enforcement authority of the city, county, or city and county in which he or she resides or is temporarily domiciled, within 30 days after coming into that city, county, or city and county Existing law provides that a knowing violation of any of these registration requirements is a misdemeanor

This bill would impose state-mandated local programs upon local law enforcement authorities with respect to registering offenders and enforcing the registration requirements by extending these registration requirements to a person who is convicted of unlawfully preparing for sale upon, or selling or giving away a controlled substance to a minor under the age of 14 upon, school grounds or public playgrounds, 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 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. 246 (AB 4030) Felando. Fish and game

Existing law requires persons engaged in businesses relating to commercial fishing to be licensed, as specified, and to pay specified taxes based on the weight of fish landed These provisions were substantially revised by Chapter 1049 of the Statutes of 1986

This bill would make conforming changes to other provisions of the Fish and Game Code and would make other technical changes.

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Ch. 247 (AB 2721) Sher Fire protection appropriation. [2]

Under existing law, the Department of Forestry and Fire Protection, in accordance with a plan approved by the State Board of Forestry, provides fire prevention and firefighting implements and apparatus for prevention and suppression of fires in state responsibility areas.

This bill would appropriate $2,272,000 from the Special Fund for Economic Uncertainties to the department as a severe fire hazard augmentation for specified purposes.

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

Ch 248 (AB 3926) Roybal-Allard State civil service termination

Existing law authorizes an appointing power, in lieu of adverse action and rejection during probation, to terminate, demote, or transfer a civil service employee who fails to meet minimum requirements for continuing employment.

This bill would require that the state terminate the employment of a person pursuant to that provision if the only cause for action against the employee is failure to meet the employment eligibility requirements of the federal Immigration Reform and Control Act of 1986

Ch 249 (AB 2789) Vasconcellos. Budget Act of 1987. augmentation contingencies or emergencies [3]

(1) Item 6100-161-001 of the Budget Act of 1987 appropriated $1,022,492,000 from the General Fund to the Department of Education for local assistance for special education programs

This bill would reappropriate $15,008,000 to Item 6100-161-001 of the Budget Act of 1987 from the unexpended balances of various appropriations, as specified

The Budget Act of 1987 appropriated $3,000,000 in equal amounts from the General Fund and unallocated special funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance

This bill would appropriate $41,848,000, 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) Under existing law, funds appropriated to the State Department of Education for local assistance are apportioned to school districts and county offices of education in accordance with specified calculations and procedures.

This bill would require the Superintendent of Public Instruction to make specified reports to the State Controller and the Director of Finance, and with regard to annual local revenues and annual Public Employee Retirement System employee contributions in connection with specified apportionments On the basis of these reports, the State Controller would be required to transfer surplus amounts, as specified, 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. 250 (SB 1651) Marks Courts. San Francisco

The Budget Act of 1987 appropriates money from the Special Account for Capital Outlay for the purpose of constructing and remodeling court facilities in San Francisco and Orange Counties Existing law provides that the money is available for expenditure until June 30, 1988

This bill would provide for the reversion from the unencumbered balance of those appropriations of specified sums to the Special Account for Capital Outlay The bill would also appropriate $1,717,000 to the Judicial Council for the relocation of specified court facilities in San Francisco

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

Ch. 251 (AB 2893) Elder. Public employees

Existing law imposes a time limit of one year for bringing a legal action or proceeding

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to correct a grievance or enforce a right under any civil service law

This bill would make the one-year limitation inapplicable to cases in which a civil service employee is filing a claim for a salary the amount of which is not in dispute

Ch 252 (SB 1267) Maddy. Nurses

(1) Existing law authorizes specified licensing boards to adopt regulations that require licentiates to provide particular information as a condition of relicensure

This bill would authorize those boards to use information from a scientifically selected random sample of licentiates and to collaborate with the Office of Statewide Health Planning and Development in the collection or analysis of this information.

(2) Existing law establishes the Minority Health Professions Education Foundation, which is authorized to solicit and receive private or public sector funds and make recommendations concerning the disbursement of those funds in the form of loans or scholarships to students from underrepresented minority groups accepted to enroll in schools of medicine, dentistry, nursing, or other health professions

This bill would create the California Registered Nurse Education Program within the Minority Health Professions Education Foundation. The bill would require persons participating in this program to be either persons from demographically underrepresented groups or persons who agree to serve in a health manpower shortage area, as specified This bill would authorize persons from demographically underrepresented groups to apply for awards to persons agreeing to serve in health manpower shortage areas The bill would provide that persons who apply for awards that require them to serve in health manpower shortage areas may be, but are not required to be, persons from demographically underrepresented groups or persons from underrepresented minority groups, as defined The bill would require the Minority Health Professions Education Foundation to make recommendations to the Director of the Office of Statewide Health Planning and Development concerning specified matters.

The bill would require the Minority Health Professions Education Foundation, in developing this program, to solicit the advice of designated groups.

The bill would make not more than 5% of the funds available under the program available for a pilot project designed to test whether it is possible to encourage articulation from associate degree programs to baccalaureate of science nursing programs

The bill would establish the Registered Nurse Education Fund for purposes of the program established by this bill. By creating a new fund and making provision for continuous expenditures from it, this bill would make an appropriation

These provisions of the bill would be effective only until January 1, 2000, in the absence of further legislation.

(3) Existing law provides that the biennial fee to be paid upon the filing of an application for renewal of licenses for registered nurses shall be not more than $50

This bill would require the Board of Registered Nursing, subject to that limitation, to increase that fee by not less than $5 and would require that not less than $5 of the fee be credited to the Registered Nurse Education Fund, thereby imposing a tax for state purposes

These provisions of the bill would be effective only until January 1, 2000, in the absence of further legislation.

Ch 253 (SB 2118) Beverly. Pawnbrokers and secondhand dealers.

Existing law, with respect to secondhand dealers, provides that if a transaction takes place within the territorial limits of an incorporated city, or city and county, a report shall be submitted to the chief of police, and if the transaction takes place outside the territorial limits of an incorporated city, or within the limits of an incorporated city which does not maintain a police department, that report shall be submitted to the sheriff of the county.

This bill would instead provide that if the transaction takes place within the territorial limits of an incorporated city, the report shall be submitted to the police chief executive, as specified If the transaction takes place outside the territorial limits of an incorporated city, the report is required to be submitted to the sheriff of the county, as specified

Existing law provides, with respect to pawnbrokers, that if any pledged article is not

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redeemed during a 4-month redemption period, and the borrower and pawnbroker do not mutually agree in writing to extend that period, the pawnbroker is required to no fy the borrower within 30 days after expiration of a redemption period.

This bill would prohibit a pawnbroker from charging interest from the day after the expiration of the 30-day period if the pawnbroker fails to notify the borrower within 30 days after the expiration of the redemption period.

Existing law provides, with respect to pawnbrokers, that if a transaction takes place within the territorial limits of an incorporated city, a report shall be transmitted to the police chief executive of the city, and if the transaction takes place outside the territorial limits, the report shall be submitted to the sheriff of the county, as specified.

This bill would authorize those reports to be submitted by mail or at any other place agreed upon by the pawnbroker and the law enforcement officer.

The bill would also provide that no licensed pawnbroker shall promise any seller of tangible personal property that the seller may repurchase property sold to the pawnbroker.

Ch. 254 (AB 2811) Stirling. Victims of crime.

Existing law provides for the assistance to residents of this state in obtaining restitution for pecuniary losses suffered as a direct result of criminal acts and defines "victim" for those purposes.

This bill would specifically exclude from the definition of "victim" any person who is convicted of a felony until that person has been discharged from probation or released from a correctional institution and discharged from parole, if any.

This bill would authorize a person convicted of a felony to apply for victim assistance at any time, but would prohibit the consideration of the application until the person is discharged from probation or released from a correctional institution and discharged from parole, if any

The bill would also specify that assistance may be granted to a victim who has been convicted of a felony only after the applications of victims who have not been convicted of a felony have been acted upon and any applicable awards have been made to them

This bill would prohibit the granting of assistance to a person while the person is held in a correctional institution.

Ch. 255 (AB 3598) Jones. Public Employees' Retirement System Second Tier.

The Public Employees' Retirement Law provides an alternative, optional retirement plan designated the Second Tier, for certain members of the Public Employees' Retirement System and provides, in a section which will self-repeal on January 1, 1989, or an irrevocable election 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 require that the permanent separation occur before having any Second Tier rights, rather than occurring prior to July 1, 1985, and would change the self-repeal date from January 1, 1989, to January 1, 1990.

Ch. 256 (SB 1408) L. Greene. State employees Reduced Worktime Act

Under the Reduced Worktime Act, it is the policy of the state to, where feasible, make reduced worktime available to state employees and employees of the California State University who are unable to, or who do not desire to, work standard working hours on a full-time basis.

This bill would state legislative findings, declarations, intent, and policy regarding that act.

Ch. 257 (SB 2714) Roberti. State boards. appointments.

The existing Public Resources Code specifies a deadline for Senate confirmation of the Governor's appointments to the State Mining and Geology Board and the State Board of Forestry. However, these provisions have been superseded by general provisions of the Government Code.

This bill would repeal these superseded provisions of the Public Resources Code

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Ch. 258 (AB 131) Jones Income taxes

The existing Personal Income Tax Law and Bank and Corporation Tax Law allow taxpayers a credit under both laws for providing state low-income housing. The allocation of the credit is administered by the Mortgage Bond Allocation Committee.

This bill would make a technical correction by changing "Mortgage Bond Allocation Committee" to "Mortgage Bond and Tax Credit Allocation Committee," thereby reflecting the committee's name as changed by Chapter 658 of the Statutes of 1987

The existing Personal Income Tax Law contains provisions which allow taxpayers a credit for contributions made to the Vietnam Veterans Memorial Fund

This bill would renumber those provisions to eliminate duplicate section numbers

The existing Bank and Corporations Tax Law requires the Franchise Tax Board to adopt regulations which it deems necessary to prevent avoidance of tax liability 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

This bill would provide, instead, that the Franchise Tax Board may adopt regulations necessary to ensure that the tax liability or net income of any taxpayer from sources in this state required to be determined by a combined report, as specified, is properly reported The board would be prohibited from adopting regulations which determine, prescribe, or affect (1) the inclusion or exclusion in the combined report of specified entities, or (2) after the period of inclusion, cause the income or expenses of an entity which is excluded from a combined report to be included in a combined report.

Ch 259 (AB 649) Condit Department of Conservation: mines and mining

Under existing law, the Department of Conservation includes the Division of Mines and Geology, the Division of Oil and Gas, the Division of Resource Conservation, and the Division of Recycling The department, with the approval of the Department of General Services, is authorized to issue publications, construct and maintain exhibits, and perform other acts and functions to disseminate information relating to its activities The State Geologist is the Chief of the Division of Mines and Geology Every mine is required to file an annual report with the State Geologist showing the character of the mine, the method of working the mine and its general condition, and the total mineral production for the year

This bill would delete the requirement that the Department of General Services approve actions of the Department of Conservation relating to dissemination of information about its activities The bill would delete the requirement that the State Geologist employ geologists and other employees and to fix their compensation

The bill would define the term "geologic hazard" and would require the Division of Mines and Geology to carry out programs, in cooperation with other public agencies, that will reduce the loss of life and property by mitigating geologic hazards

The bill would also repeal and recodify without substantive change various provisions relating to mines and mining

Ch 260 (AB 1119) Zeltner Emergency medical services crimes.

(1) Existing law requires the county health officer to notify an emergency medical technician, as defined, that he or she has provided emergency medical or rescue services and has been exposed to a person afflicted with a disease listed as reportable which can, as determined by the county health officer, be transmitted through oral contact or secretions of the body, including blood, provided specified conditions are satisfied

Existing law further provides 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 State Department of Health Services as reportable to the department, 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

This bill would make these provisions applicable to prehospital emergency medical

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care personnel, as defined, rather than to emergency medical technicians

To the extent that this bill would require the health officer to make notifications to additional persons, it would impose a state-mandated local program.

(2) Existing law requires local EMS agencies to annually submit their emergency medical services plans to the affected health systems agency Existing law requires emergency medical care committees to make a prescribed report at least annually to specified entities, including the affected health systems agency However, federal law providing for designation of health systems agencies has been repealed.

This bill would delete the above-described obsolete references to health systems agencies.

(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 261 (AB 1766) Wright Unemployment compensation disability benefits intercept program

Existing law authorizes the Employment Development Department to withhold 25% of each weekly unemployment compensation payment owing to an individual in order to enforce the individual's child support obligations to the extent required by federal law The law specifies a procedure for the withholding and forwarding of amounts withheld to the State Department of Social Services

This bill would extend the application of these provisions to all support judgments and to unemployment compensation disability benefit payments This bill would require the voluntary plan payer to forward the child support deductions from the disability payments directly to the appropriate county Claims for refunds for overwithholding would be resolved by the appropriate certifying county

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

Ch 262 (AB 2998) Chandler Bicycle lanes

(1) Existing law generally prohibits motor vehicles from driving in designated bicycle lanes, except as specifically authorized Existing law authorizes a motor vehicle to enter a bicycle lane to prepare for a turn, without any limitation

This bill would restrict entry of a motor vehicle into a bicycle lane to prepare for a turn to within 200 feet of the intersection Therefore, this bill would impose a state-mandated local program by changing the definition of a crime

The bill would make other technical, nonsubstantive 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 263 (AB 3071) Eastin Solid waste landfills closure and maintenance.

(1) Existing law requires any person operating a solid waste landfill, as defined, on January 1, 1988, to submit a closure plan and a postclosure maintenance plan, as specified, to the enforcement agency, as defined The owner and operator is required to close and maintain the landfill during postclosure in accordance with those plans approved by the enforcement agency and the California Waste Management Board

This bill would make that requirement apply to persons operating or applying to become an operator after January 1, 1988, and would require the closure and postclosure maintenance to be in accordance with the most recent plans, thereby imposing a state-mandated local program. The bill would also require revision of the plans to be approved

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by the board and the enforcement agency.

The bill would also require those later commencing operators to submit evidence of financial ability to provide for the cost of closure and postclosure maintenance, thereby imposing a state-mandated local program.

The bill would authorize the enforcement agency to recover any costs incurred under those provisions by charging a fee which is imposed on an applicant for a solid waste facilities permit or a revised permit.

The bill would also require the submittal to be made to the regional water board, as defined in the bill, which regional water board would be required to approve or disapprove under specified provisions of the Water Code.

(2) Existing law requires the California Waste Management Board to grant or allocate funds from the Solid Waste Disposal Site Cleanup and Maintenance Account in the General Fund to, among others, the regional water quality control boards for landfill permit inspection and enforcement programs.

This bill would require those grants and allocations to be made to the State Water Resources Control Board instead of the regional water boards.

The bill would make other changes to activities of the state and regional water boards to conform those activities to other provisions of existing law.

(3) The bill would define closure plan, postclosure maintenance plan, regional water board and state water board for purposes of specified provisions of law relating to solid waste and would make other related changes.

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

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

Ch. 264 (SB 1664) Presley. Bond acts: county correctional and youth facilities.

Existing law contains various bond acts to finance the construction of county correctional facilities, including the County Correctional Facilities Capital Expenditure Bond Act under which the proceeds of the sale of bonds in the amount of $495,000,000 is available for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities, including juvenile facilities.

This bill would enact the County Correctional Facilities Capital Expenditure and Youth Facility Bond Act of 1988, which, if adopted, would authorize for purposes of financing the construction, reconstruction, remodeling, replacement, and deferred maintenance of county correctional facilities, county juvenile facilities, and youth centers and youth shelters, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $500,000,000.

The bill would provide for submission of the bond act to the voters at the next statewide election in accordance with specified law.

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

Ch. 265 (SB 2552) Keene. Corporate reorganization: competing offers.

Existing law provides 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 also provides 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

This bill would provide that if a tender offer or written proposal for approval of a reorganization is made to some or all of a corporation's shareholders by an interested party, as defined, specified by the bill as an Interested Party Proposal, an affirmative written opinion as to the fairness of the consideration to the shareholders of the corporation is required to be delivered to the shareholders, as specified. The bill would require that the opinion be provided by a person who is not affiliated, as specified, with the offeror and who engages, for compensation, in the business of advising others as to the

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value of properties, businesses, or securities. These provisions of the bill would not apply to an Interested Party Proposal if the corporation that is the subject of the proposal does not have shares held of record by 100 or more persons, as specified, or if the transaction has been qualified under specified provisions of the Corporate Securities Act of 1968

The bill would also provide that if a tender of shares or a vote or written consent is being sought pursuant to an Interested Party Proposal and a later tender offer or written proposal for a reorganization that would require a vote or written consent of shareholders is made to the corporation or its shareholders, specified as a Later Proposal, by any other person at least 10 days prior to the date for acceptance of the tendered shares or the vote or notice of shareholder approval on the Interested Party Proposal, the shareholders shall be informed of the Later Proposal and be forwarded any written material provided for this purpose by the later offeror at the later offeror's expense The bill also would require the shareholders to be afforded a reasonable opportunity to withdraw any vote, consent, or proxy previously given before the vote or written consent on the Interested Party Proposal becomes effective, or be given a reasonable time to withdraw any tendered shares before the purchase of the shares pursuant to the Interested Party Proposal.

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

Ch. 266 (AB 1452) Johnston. Electrical and gas corporation facilities: eminent domain by municipal corporations and redevelopment agencies: financing

Existing law provides procedures for the acquisition of privately owned public utility facilities by public agencies, including municipal corporations.

This bill would make the acquisition of the facilities of an electrical or gas corporation by a municipal corporation not previously engaged in furnishing electricity or gas to customers on a regular and ongoing basis, through the use of certificates of participation, or by a redevelopment agency through the use of any evidence of indebtedness, for the purpose of furnishing electricity or gas to customers, subject to an election held pursuant to specified provisions of the Revenue Bond Law of 1941 requiring, among other things, submission of the proposition to the voters which, in the case of a redevelopment agency, would mean those persons who would be served by the facilities

Ch. 267 (AB 2502) Killea Controlled substances

Existing law prescribes various penalties for offenses relating to the sale, manufacture, possession, or distribution of controlled substances

This bill would provide that any person who possesses any moneys or negotiable instruments in excess of $100,000 which have been obtained as a result of the unlawful sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture certain controlled substances, with knowledge that the moneys or negotiable instruments have been so obtained, and any person who possesses any moneys or negotiable instruments in excess of $100,000 which are intended by that person for the unlawful purchase of certain controlled substances and who commits an act in substantial furtherance of the unlawful purchase, shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for 2, 3, or 4 years. An additional intent element would be prescribed by this bill with respect to criminal defense attorneys who receive such moneys or negotiable instruments in payment of legal fees. This bill would impose a state-mandated local program by creating new crimes.

This bill would provide that in determining the guilt or innocence of a person charged under the above-described provisions, the trier of fact may consider specified evidence and inferences in addition to any other relevant evidence

Ch 268 (AB 2819) Lancaster State employees nonindustrial disability benefits.

Existing law provides that a state employee who is nonindustrially disabled is entitled to receive nonindustrial disability benefits, if specified conditions are met, for a period of not to exceed 26 weeks during any one disability period, in an amount of ½ of full pay, but not to exceed $125 per week

This bill would make that law also applicable to excluded employees, supervisory

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employees, and nonelected officers and employees of the executive branch who are not in state civil service, except that the maximum weekly payment shall be established by regulations adopted by the Department of Personnel Administration.

Ch 269 (AB 3022) N. Waters. Child abuse and neglect reporting

Existing law requires specified persons to report known or reasonably suspected cases of child abuse, as specified

This bill would make various technical and conforming changes in that law.

Ch 270 (AB 3190) Frazee Fires

(1) Under existing law, for purposes of burning activities, the state is divided into 2 zones In Zone A, which includes specified counties in southern California, it is unlawful to burn flammable materials in a state responsibility area, an area receiving fire protection by the Department of Forestry and Fire Protection, or on certain federal lands at any time without a specified permit In Zone B, which includes all portions of the state not in Zone A, it is unlawful to burn flammable materials in those areas without a permit between May 1 and the date the Director of Forestry and Fire Protection declares that the hazardous fire conditions have abated for that year, or at any other time the director has declared that unusual fire hazard conditions exist.

This bill would authorize the issuing agency to require the permittee to contact the agency to determine permit suspension status prior to burning

(2) Existing law authorizes the director, a county fire warden with the approval of the director, or specified federal officers to issue a proclamation suspending or prohibiting burning under permit or other uses of open fire on public or private lands outside incorporated cities, except that specified campfires and smoking are not prohibited on specified lands unless specifically noticed in the proclamation.

This bill would authorize the director's designee to issue a proclamation, prescribe the form of the proclamation, authorize a proclamation to contain restrictions on burning under a permit, and provide that smoking and campfires are not prohibited or restricted unless so provided in the proclamation The bill would define "campfire" for these purposes, and would define "open fire" and redefine "campfire" for the purpose of existing prohibitions against fires in hazardous fire areas. The bill would impose a state-mandated local program because violations of the provisions restricting burning would be misdemeanors.

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

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

Ch 271 (AB 3300) Wright Orders. family law

Existing law authorizes the issuance of restraining orders for the prevention of domestic violence under the Family Law Act and the Uniform Parentage Act These orders generally expire after one year, although a particular provision of the Family Law Act provides that certain orders under that act may have an initial duration of up to 3 years.

This bill would amend another section of the Family Law Act, and a section of the Uniform Parentage Act, to provide that certain orders under those acts may have an initial duration of up to 3 years

This bill would also provide that certain specified restraining orders against domestic violence may, upon the request of the moving party, be served by any law enforcement officer who is present at the scene of reported domestic violence

Ch 272 (AB 3314) Duplissea. Bail.

Existing law directs the judge or magistrate, in fixing the amount of bail, to take into consideration certain matters, including, when considering an offense 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

This bill would additionally direct the court or magistrate when fixing the amount of

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bail and considering an offense wherein a violation of certain controlled substance offenses is alleged, to consider whether the defendant is currently released on bail for an alleged violation of those same controlled substance offenses.

Ch. 273 (AB 3697) Harris. Real property trespassing

Existing law specifies the dimensions and wording of a sign required for industrial property subject to posting against trespassers and loiterers, and defines this industrial property, as specified This bill would make clarifying, technical changes to these provisions

Ch 274 (AB 3773) Hauser. Real property· subdivided lands.

Existing law requires a real estate broker to conduct a reasonably competent and diligent visual inspection of the property offered for sale and to disclose to a prospective purchaser all facts materially affecting the value or desirability of the property if the broker has a written contract with the seller to find or obtain a buyer

This bill would exempt real estate brokers from performing the above inspection and disclosure if the transfer involved is of subdivided lands required to be preceded by a public report or the transfer of subdivided lands that can be made without a public report under specified exemptions, unless the property has been previously occupied

Ch 275 (AB 3891) Harris Expert witnesses: fees

Existing law requires the payment of reasonable compensation to a person not a party to a civil action or proceeding who is required to testify as an expert witness, as specified

This bill would provide, instead, that a party to a civil action or proceeding who requires the testimony of an expert, as defined, except a party or employee of a party, or that of a treating physician or other health care practitioner, as specified, shall pay the reasonable and customary hourly or daily fee for the actual time consumed in examination The party designating the expert would be responsible for any further charges, as specified. The bill would also provide for the method of payment of expert witness fees, as specified, and make related changes

Ch 276 (AB 3919) Johnston Mortgages insurance

Existing law provides 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

This bill would clarify that a lender may not require hazard insurance against risks to the improvements on the property as a condition to receiving or maintaining the loan and would define "hazard insurance coverage" as insurance against losses caused by perils which are commonly covered in policies described as, among other things, a "Homeowner's Policy," "General Property Form," "Standard Fire," "Standard Fire with Extended Coverage," or comparable insurance coverage, as specified The bill would also eliminate the requirement that the replacement value of the improvements be established by the property insurer selected by the borrower

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

Ch 277 (AB 4002) Stirling Preliminary examination

(1) Existing law provides that if the magistrate postpones the preliminary examination beyond a 10 court day period, the defendant is required to be released

This bill would specify that the defendant shall be released if he or she is in custody.

(2) Existing law provides that a preliminary examination shall be open and public, but that the magistrate shall, at the request of the defendant and upon a finding that the exclusion of the public is necessary in order to protect the defendant's right to a fair and impartial trial, exclude all but specified persons

This bill would delete an erroneous cross-reference from the above provision

Ch 278 (AB 4193) Harris. Civil procedure jury fees in unlawful detainer actions

Existing law provides that the right to trial by jury may be waived by the failure to deposit a sum equal to one day's jury fees 25 days prior to the date set for trial

This bill would specify that in unlawful detainer actions the fees are to be deposited

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at least 5 days prior to the date set for trial.

Ch. 279 (SB 1976) Robbins. Earthquake insurance.

Existing law requires insurers issuing policies of residential property insurance to offer coverage for loss or damage caused by earthquakes.

This bill would prohibit an insurer from rejecting or canceling a policy of residential property insurance after an offer of earthquake coverage is accepted solely because the insured has accepted that offer of earthquake coverage, except in cases in which the policy is terminated by the named insured

Ch. 280 (AB 3896) Burton. Probate: compensation of public administrators.

Existing law provides that the public administrator shall receive the same compensation and allowances as are granted by the Probate Code to other administrators.

This bill would provide that the compensation of a public administrator and his or her attorney shall not be less than the compensation and allowances in effect at the time of appointment of the public administrator.

The bill also contains a statement of legislative intent.

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

Ch. 281 (AB 4549) Wright Competency to testify in subsequent civil proceedings.

Existing law prohibits any person who presides at a judicial or quasi-judicial proceeding from testifying in any subsequent civil proceeding as to any statement or conduct which occurred at the prior proceeding, except as to a statement or conduct that could give rise to civil or criminal contempt, constitute a crime, be the subject of investigation by the State Bar or Commission on Judicial Performance, or give rise to proceedings for the disqualification of a judge because of bias or prejudice.

This bill would prohibit an arbitrator from testifying in any subsequent civil proceeding as to any statement, conduct, decision or ruling, which occurred at or in conjunction with the prior proceeding except as specified above.

Ch. 282 (AB 176) Campbell. State procurement contracts.

Existing law relating to state procurement contracts requires that after the closing date for receiving bids, the contract of purchase be awarded or the bids rejected by the Department of General Services within 45 days unless a protest is filed.

This bill would create an exception to this provision and authorize the department, after the 45-day period, in its sound discretion, to either award the contract of purchase to the lowest responsible bidder meeting specifications who remains willing to accept the award or reject all bids.

This bill would provide that the amendments made by this bill 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 283 (AB 3111) Jones Public officers criminal convictions

Existing law provides that a public office becomes vacant when the incumbent is convicted of a felony, any offense involving a violation of his or her official duties, or other specified crimes A public officer is deemed to have been convicted when the trial court judgment is entered

This bill would provide that a trial court judgment for purposes of this law means a judgment by a trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding. It would provide that the disqualification from holding office or forfeiture of office upon conviction is neither stayed by the initiation of an appeal from the conviction, nor set aside by the successful prosecution of the appeal It would state that these changes are declaratory of existing law

The bill would further provide that a public officer shall not assume office or shall be suspended immediately from office upon the entry of a plea of guilty, the entry of a plea of nolo contendere, or the rendering of a verdict of guilty. This inability to assume office or the suspension from holding office would be lifted if the trial court sets aside or otherwise nullifies the plea or verdict before the trial court judgment is entered.

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Ch 284 (AB 3144) Floyd Alcoholic beverages

Existing law provides that a wholesaler's license shall not be issued or renewed to any off-sale licensee.

This bill would permit a wholesaler's beer and wine license if restricted to the sale of wine to be renewed for the holder of both an off-sale beer and wine license and a beer and wine wholesaler's license, as specified

Existing law provides that a winegrower who manufactures, produces, bottles, processes, imports, or sells wine only, or any officer, director, or agent of the winegrower, may hold the ownership of any interest in any retail license for the sale of alcoholic beverages, or the business conducted under that license, provided that the winegrower or his or her officer, director, or agent has entered into an undertaking approved by the Department of Alcohol Beverage Control in which the winegrower or his or her officer, director, or agent agrees not to sell or furnish, or permit the sale of, his or her wine to the holder of the license so long as the winegrower's ownership in the license continues, or enter into any collusive scheme to unfairly sell or promote the wine of another winegrower in his or her retail businesses in return for the same treatment in the retail businesses of the other winegrower

This bill would restrict the ownership interest in the license specified under these provisions to an on-sale license only and to on-sale business conducted under that license

This bill would also make clarifying, technical changes to these provisions

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

Ch 285 (AB 3207) Tanner Disaster relief individual and family grant assistance.

Under existing law, $17,500,000 is transferred from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operation Account in that fund for allocation by the Department of Finance, as specified. Of the funds transferred, $10,000,000 is required to be allocated to the State Department of Social Services for allocation to provide individual and family grant assistance to persons incurring damage due to earthquakes occurring in October 1987 in Los Angeles and Orange Counties. Existing law provides that any moneys so transferred to the department that are not encumbered as of July 1, 1988, shall be transferred as of that date to the Housing Rehabilitation Loan Fund for use, as specified.

This bill would provide for the retention by the State Department of Social Services, from the $10,000,000 allocated to it that is not encumbered as of July 1, 1988, of $500,000 in order to provide additional individual and family grant assistance until October 1, 1988, and would provide for the transfer of the unencumbered portion of that $500,000 to the Housing Rehabilitation Loan Fund on October 1, 1988.

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

Ch. 286 (AB 3815) O'Connell. Escheat.

Existing law provides for the escheat of property to the state if it is held by a person other than its owner for a period of time without contact by the owner.

This bill would specify that the property received by the state does not permanently escheat to the state.

Existing law generally provides, in the case of property held by business associations, banking, and financial organizations, safe deposit boxes, life insurers, fiduciaries, retirement plans, employee benefit plans, and businesses, and personal property held by a governmental entity for escheat after 7 years.

This bill would generally reduce that period to 5 years. However, there would be no change for traveler's checks or money orders.

Existing law requires financial organizations to attempt to notify the owner at least 6 months, but not more than 12 months, before the property will escheat.

This bill would require notice at least 3 years, but not more than 3½ years, after the date of last activity or communication, and would make related changes

Ch. 287 (AB 3907) Eastin. Restitution· plea bargaining.

Existing law provides for the payment of restitution upon conviction for, or plea of guilty or nolo contendere to, crimes which result in damage for which the restitution

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is ordered.

This bill would provide that a plea of guilty or nolo contendere to an accusatory pleading charging a public offense, other than specified felonies, which public offense did not result in damage for which restitution may be ordered, made on the condition that charges be dismissed for one or more public offenses arising from the same or related course of conduct by the defendant which did result in damage for which restitution may be ordered, may specify the payment of restitution by the defendant as a condition of the plea or any probation granted pursuant thereto, so long as the plea is freely and voluntarily made, there is factual basis for the plea, and the plea and all conditions are approved by the court. The bill would require the court to obtain a waiver from the defendant, as prescribed, as to a dismissed count, if restitution is imposed which is attributable to the count dismissed pursuant to the above-described plea bargain

Ch. 288 (SB 508) Presley Homeless youth emergency service projects

Existing law provides for the Homeless Youth Act of 1985, which requires the Office of Criminal Justice Planning to enter into grant award agreements with 2 private non-profit organizations for the establishment of homeless youth emergency service pilot projects in the City and County of San Francisco and the County of Los Angeles The act will be repealed on January 1, 1989

This bill would extend the effectiveness of the act permanently, and would delete references to pilot projects.

The bill would express the intent of the Legislature that funds for specified projects as well as for any needs documented in the office's evaluation of the projects would be provided to the office in the annual Budget Act

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

Ch 289 (SB 2257) Dills Alcoholic beverages temporary retail permit

Existing law authorizes the Department of Alcoholic Beverage Control to issue a temporary retail permit to a transferee of a retail license to continue the operation of a retail premises during the period a transfer application for the license from person to person at the same premises is pending, as specified

This bill would instead authorize the department to issue a temporary permit to a transferee of any license to continue the operation of the premises, as specified

Existing law requires the application for a temporary permit to be accompanied by a fee of $50

This bill would increase that fee to $100

Existing law provides that a temporary permit issued by the department shall be for a period not to exceed 60 days and would allow the extension of a temporary permit for an additional 60-day period upon payment of an additional $50 fee

This bill would authorize the issuance of a temporary permit for a period to not exceed 120 days and would allow the extension of a temporary permit for an additional 120-day period upon payment of an additional $100 fee. The bill would make related changes and remove a specified restriction upon temporary licenses.

Ch 290 (AB 1146) N. Waters Fairs.

(1) Existing law requires, until January 1, 1989, all county fairs and citrus fruit fairs to follow specified procedures prior to entering into a carnival contract, and prohibits the fairs from entering into a contract for more than 3 years without the approval of the Department of Food and Agriculture.

This bill would delete the January 1, 1989, repeal date for these provisions resulting in a state-mandated local program by continuing this requirement.

(2) Existing law authorizes the department to expend funds for promotional and public relations purposes for county fairs, district agricultural association fairs, and citrus fruit fairs.

This bill would authorize the department to expend funds for promotional and public relations purposes for the California Exposition and State Fair.

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

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procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000

This bill would provide that 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. 291 (AB 2912) Speier. Sex offender: testing.

Existing law requires any person who is required to register as a sex offender prior to discharge, parole, or release from a state correctional institution, to provide 2 specimens of blood and a saliva sample to the institution.

This bill would additionally require any person who is required to register as a sex offender prior to discharge from a county jail or the granting of probation to provide those specimens and samples to the institution, or, in the case of persons granted probation, to a person and a place designated by the probation officer It would thus create a state-mandated local program by imposing new duties upon local governmental officials

The California Constitution requires 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 292 (AB 4113) Bradley Employee housing· labor camps· community housing

(1) The Employee Housing Act authorizes any city, county, or city and county to assume enforcement responsibility of the act The act includes provisions governing the issuance of permits to, and regulation of, labor camps

This bill would require a local enforcement agency exercising this authority to submit the following information to the Department of Housing and Community Development (a) the number and location of camps, and the number and location of camps found operating without a permit, (b) the number and location of inactive camps and the number of occupants residing in the camp when it was most recently occupied, (c) the number of preoccupancy inspections, occupancy inspections, and reinspections performed, (d) a schedule of permit fees charged and the total amount of fees collected, and the total amount of reinspection fees collected, (e) specified information regarding complaints and violations, (f) the number and location of camps receiving exemptions, and (g) the number of staff hours dedicated to the implementation of the Employee Housing Act

The bill would require the department to gather the information from permittees for which it acts as the enforcement agency, and from enforcement agencies, and to include the information in its annual report submitted pursuant to existing law regarding housing programs This bill would also require the information to reflect the previous calendar year and to be submitted to the department by June 30 of each year

The provisions of the bill requiring submission of information to the department would impose a state-mandated local program upon those local agencies with enforcement jurisdiction on the effective date 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, 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

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Claims Fund for costs mandated by the state pursuant to this act, for a specified reason.

Ch. 293 (SB 973) Hart State bonds.

(1) Existing law relating to the construction and leasing of public buildings requires that the plans and specifications for the construction of a public building be prepared by the Department of General Services, requires the State Public Works Board to reimburse the department for costs from funds available for that purpose, and requires that a public building be constructed subject to the provisions of the State Contract Act. In addition, it requires that a building constructed under authority of the board shall be transferred to the jurisdiction, and operated and maintained by, the department after the receipts from the operation of the building are no longer required for the payment on principal or interest on applicable revenue bonds or certificates.

Existing law exempts from the above requirements certain public buildings constructed for lease-purchase to the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Maritime Academy, and any community college district

This bill would delete the requirement that this exemption apply only to certain public buildings, thus broadening the exemption to include all buildings constructed for lease-purchase to the above entities pursuant to the State Contract Act.

(2) Existing law permits a community college district to enter into an agreement with any person, firm, or corporation to construct a building to be used by the district upon a designated site and lease this building and site to the district. It further requires that the agreement contain certain terms and conditions and that the agreement be entered into with the lowest responsible bidder.

This bill would permit a community college district, to buy, sell, or lease public buildings or equipment, or both, from the State Public Works Board, notwithstanding the above provisions.

(3) Existing law authorizes the State Public Works Board, among other things, to acquire and construct public buildings

This bill would permit the board to issue bonds, notes, or other obligations to finance the acquisition or construction of a public building, facility, or equipment as authorized by the Legislature, as specified.

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

Ch. 294 (SB 1883) Beverly Local agency deposits

Existing law permits treasurers of local agencies to deposit local agency funds with depositories responsible for securing moneys by pooled securities Existing law prescribes the eligible securities which include promissory notes complying with specified conditions One of those conditions is that no promissory note shall provide for negative amortization Another condition is that a promissory note on which any payment is more than 90 days past due is ineligible

This bill would remove the prohibition against negative amortization and instead provide that any 1st mortgage or 1st trust deed which secures a promissory note providing for negative amortization shall be removed from the securities pool and replaced with an eligible security if the loan to value ratio exceeds 85% of the original appraised value of the security property as a consequence of negative amortization The bill would require that a promissory note shall be removed from the securities pool when any payment on the note is more than 60 days past due and would delete, on January 1, 1994, the promissory notes which meet the specified conditions as eligible securities The bill would also provide that a promissory note on which any payment is more than 60 days past due, rather than 90 days past due, is ineligible.

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

Ch. 295 (SB 2036) Mello. Kelp bed leases.

Under existing law, the Fish and Game Commission is authorized to lease, for not more than 20 years, to any person, the exclusive privilege to harvest kelp in any designated kelp bed, or part thereof, not to exceed 25 square miles or 50% of the total area, as

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specified, if the commission determines that the lease is in the public interest. Existing law prohibits a lease from being assigned, as specified, prohibits granting of subleases or other rights by the lessee, and requires that each lease contain a statement of the contents of the law prohibiting assigning leases or granting subleases or other rights by the lessee.

This bill would exclude subleases from the limitation regarding the area to which a lessee may have exclusive harvesting privileges. The bill would also make the prohibition on assignment of leases or granting of subleases or other rights applicable only if there is no prior approval by the commission, as specified.

The bill would make a conforming change to provisions regarding royalty payments by lessees of kelp beds to include sublessees.

Ch. 296 (AB 1571) Speier. Hazardous substances: underground tanks: County of San Mateo.

Existing law regulates the transportation of hazardous substances to underground storage tanks.

This bill would require any person, with specified exceptions, who sells, or authorizes the delivery of, hazardous substances, to any underground storage tank located in the County of San Mateo, to transmit to the county, by January 1, 1990, a complete list of the deliveries made from January 1, 1989, to December 31, 1989. Failure to transmit the information would impose liability for a civil penalty of not more than $1,000. The bill would repeal these provisions as of January 1, 1991.

The bill would declare the findings of the Legislature that the bill does not constitute a special statute

Ch 297 (AB 1720) Costa Water pollution and conservation bonds.

(1) Under the Water Conservation Bond Law of 1988, which will take effect if adopted by the voters at the November 8, 1988, general election, the Department of Water Resources would be authorized to make loans to local agencies to aid in the construction of eligible projects and to aid in the funding of voluntary, cost-effective capital outlay water conservation programs and groundwater recharge facilities.

This bill would revise the interest rate for these loans based on the type of loan being made. The bill would also delete the California Water Commission as an agency that is required to approve the loans and would revise and specify the amount of funds that may be lent and expended for various programs pursuant to that law.

(2) The bill would also make clarifying changes in the California Safe Drinking Water Bond Law of 1988, which will take effect if adopted by the voters at the November 8, 1988, general election.

(3) The bill would require the Water Conservation Bond Law of 1988 and the California Safe Drinking Water Bond Law of 1988 to include the amendments made by this bill when submitted to the voters.

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

Ch. 298 (AB 2973) O'Connell. Dog bites.

Existing law establishes liability for injuries suffered by any person who is bitten by a dog, as specified.

This bill would exclude military or police work from any private right of action for dog bites suffered by any person while the dog was defending itself from an annoying, harassing, or provoking act, or assisting an employee of the military or police agency, as specified.

This bill would also provide that these provisions shall apply only where the governmental agency has adopted a written policy on the necessary and appropriate use of a dog in the specified military or police work, except as specified

Ch. 299 (AB 3119) Allen. Emergency medical services

Under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, each county may develop an emergency medical services program, to be governed by an emergency medical services agency (EMS). In addition,

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state administration for this act is vested with the Emergency Medical Services Authority

Existing law further requires each local EMS agency to have a medical director.

This bill would permit the medical director of the local EMS agency to approve or conduct any scientific or trial study of the efficacy of the prehospital emergency use of any drug, device, or treatment procedure within the local EMS system, utilizing any level of prehospital emergency medical care personnel

The bill would require the study to be consistent with any requirements established by the Emergency Medical Services Authority for scientific or trial studies conducted within the prehospital emergency medical care system, and, where applicable, existing requirements for the sale or delivery of new drugs or devices

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

Ch 300 (AB 3599) Wright. Hazardous waste: fees

(1) Existing law requires that each person 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 July 1, 1988 Existing law also imposes, until July 1, 1988, an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities 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, 1989. The bill would create a crime in that extended period, thereby imposing a state-mandated local program The bill would make the funds in the Hazardous Waste Control Account available for expenditure by the department upon appropriation by the Legislature

(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. 301 (AB 3720) Hauser Mobilehomes

Existing law, the Mobilehome Residency Law, specifies responsibilities and obligations of the management and homeowners of a mobilehome park It provides that a tenancy shall be terminated by the management only for specified reasons, including the nonpayment of rent, as specified. It also provides procedures for obtaining a judgment of abandonment regarding an abandoned mobilehome, including providing that copies of the petition may be served upon specified persons by publication, and that a hearing on the petition shall be scheduled no more than 60 days following the initial posting of a notice of abandonment, as specified

This bill also would delete the provision allowing for service of the petition for a judgment of abandonment by publication and would require the petition to be served by registered mail with a return receipt requested The bill would provide that the hearing on the petition for a judgment of abandonment shall be scheduled no less than 60 days following the initial posting.

This bill would further specify the method for giving notice required by the Mobilehome Residency Law unless otherwise specified

This bill would incorporate additional changes in Section 798 56 of the Civil Code, proposed by AB 3085, to become operative only if AB 3085 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 302 (SB 1954) Davis Hazardous waste: burning and incineration

(1) Existing hazardous waste control laws prohibit the disposal of any hazardous waste at an unpermitted facility or unauthorized point.

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This bill would prohibit the burning or incineration of hazardous waste at an unpermitted facility or unauthorized point and specify the criminal penalties for a violation of that prohibition thereby imposing a state-mandated local program by creating a new crime The bill would also make a related change.

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

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

Ch 303 (SB 139) Mello Health Alzheimer's disease and related disorders

Under existing law, the State Department of Health Services administers a grant program to postsecondary higher education institutions to establish diagnostic and treatment centers. The department also administers a grant program for research to discover the cause of, and a cure for, Alzheimer's disease These grants are required to be reduced by the amount of available federal funds Existing law prohibits any grant from exceeding 25% of the total funds appropriated for these grants in the 1983–84 Regular Session of the Legislature

This bill would provide that establishment of the centers shall be subject to the department's grants review process.

The bill would require the funds for these purposes to be used first to maintain, enhance, and to prevent program cutbacks of, existing centers

The bill would prohibit any grant from exceeding 25% of the total funds appropriated for the grants in the 1987–88 Regular Session of the Legislature.

The bill would expand the grant program for research to also include the treatment, cure, strategies for coping with, prevention, incidence, and prevalence of Alzheimer's disease and related disorders, as specified

The bill would also provide that, upon request, the department shall submit information to the Legislature

Existing law requires the Office of Statewide Health Planning and Development to establish and administer a 4-year demonstration project for the establishment of 3 Alzheimer's disease institutes to provide treatment for patients suffering from Alzheimer's disease and related dementias and requires the office to submit a final report to the Legislature on the project and related matters on or before January 1, 1990 Existing law repeals the statutory authorization for that project on July 1, 1990, unless a later enacted statute, which is enacted before July 1, 1990, deletes or extends that date.

This bill would, instead, require the final report to be submitted 42 months following the date that the designation is executed for the first Alzheimer's disease institute site and would repeal the statutory authorization for that project site 48 full months after the date that the designation for the first Alzheimer's disease institute is executed, unless a later enacted statute deletes or extends that date

Under existing law, the Department of Aging is responsible for outreach and public information dissemination regarding Alzheimer's disease and related disorders and their families, as provided

This bill would, instead, require the Health and Welfare Agency to provide oversight and coordination of programs serving these persons, as provided

Under existing law, the Department of Aging is required to establish an Alzheimer's Disease Task Force, as specified.

This bill would repeal these provisions and, instead, require the Health and Welfare Agency to establish an Alzheimer's Disease and Related Disorders Advisory Committee, provide for its composition, and prescribe its duties

This bill would appropriate $15,000 from the General Fund to the Health and Welfare Agency for expenses of the Alzheimer's Disease and Related Disorders Advisory Committee

Ch 304 (SB 565) Presley State Coastal Conservancy Westport.

Under existing law, the State Coastal Conservancy has specified powers and duties relating to projects in the coastal zone.

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This bill would, on November 9, 1988, appropriate $1,500,000 from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 for Jones Ranch in Mendocino County in augmentation of the other appropriation from the Environmental License Plate Fund made by the bill. The bill would transfer $2,500,000 from the State Energy Conservation Assistance Account to the Environmental License Plate Fund, as a loan, repayable as prescribed The bill would appropriate $2,500,000 from the Environmental License Plate Fund to the conservancy for acquisition of all or part of the Jones Ranch. The bill would require the conservancy to prepare a plan for disposition of the property and, upon completion of the plan, require the transfer to the Department of Parks and Recreation of those portions suitable for expansion of Westport-Union Landing State Beach, and authorize the disposition of the remaining portions of the property, as specified. These provisions would not become operative until the Registrar of Charitable Trusts in the Department of Justice confirms to the Secretary of State that the owner of the Jones Ranch has transferred title in trust, as specified

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

Ch. 305 (SB 677) McCorquodale. State safety members of PERS.

The Public Employees' Retirement Law defines, for the Public Employee Retirement System (PERS), "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state safety members than for state miscellaneous members

This bill would include as an employer the Prison Industry Authority and would include a certain job classification of prison industries employees within the state safety membership category, thereby increasing the amount of the state's continuously appropriated monthly contributions which would constitute a General Fund appropriation.

This bill would require inclusion also of any parenthetical speciality job classes when the core class has already been included in the state safety membership category, if the Department of Personnel Administration and the State Personnel Board approve that inclusion and notice thereof is received by the Board of Administration of PERS This bill would also make certain technical corrective changes

Ch. 306 (SB 1430) Watson. Aid to Families with Dependent Children: employment.

Existing law provides for an employment and training services program, under the Greater Avenue for Independence Act of 1985 (GAIN), to provide services necessary to permit Aid to Families with Dependent Children (AFDC) program recipients to acquire unsubsidized employment, which is administered by each county welfare department, in a manner consistent with regulations developed by the State Department of Social Services

Pursuant to existing law, each county, or a consenting group of counties, with the cooperation of community college districts, county offices of education, and private industry councils, are required to develop a plan for the program which is subject to the approval of the State Department of Social Services. Each plan must provide, or arrange for the provision of, as a minimum, specified types of employment, training, and supportive services, including child care, except that when any of these services are not provided for by a county, its plan shall include a justification for not providing these services Large counties, as defined, or 2 or more counties submitting a joint plan equal to or larger than a large county, are required to provide all of the specified services, or justify not providing the services

Existing law requires all AFDC applicants or recipients required to register for employment or training services under federal law to register for this program, with all other AFDC applicants or recipients to be permitted to participate voluntarily in the program. Each county and, with specified exceptions, each registrant, is required to enter into a basic contract specifying program components to be utilized by the participant, and the services to be provided by the county. Existing law specifies the methods for determining a participant's initial and subsequent program assignments.

Existing federal law requires that state plans for implementation of the Aid to Families

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with Dependent Children program require that applicants, as a condition of eligibility for state aid containing federal financial participation shall register for manpower services, training, employment, and other employment-related activities, with certain exceptions.

This bill would declare that the GAIN program is intended to be the employment and training program required by federal law for federal participation in the AFDC program.

Existing law requires, as a condition of eligibility for AFDC benefits, that applicants and recipients register with the Employment Development Department for the work incentive program, manpower services, training, and employment

This bill would impose a state-mandated local program by requiring counties which have not implemented the GAIN program plan to register AFDC applicants and recipients for the work incentive program, and would require the State Department of Social Services to contract with the Employment Development Department to provide services to those individuals, as specified.

Existing law authorizes the State Department of Social Services to establish a Work Incentive Demonstration Program, pursuant to which the department is required to contract with the Employment Development Department to provide certain services to applicants and recipients of aid under the AFDC program who are required to register and participate in the GAIN program.

This bill would repeal that provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, 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. 307 (SB 1943) Craven Agricultural commodities inspection.

Existing law authorizes the Director of Food and Agriculture to investigate and certify to shippers or other financially interested parties the analysis, classification, grade, quality, or condition of any fruit, vegetable, or other agricultural product under regulations that the director may prescribe, including the payment of reasonable fees.

This bill would provide that the regulations may also include the frequency of payment of the fees, the procedure for payment, the procedure for refunds, and the penalties for late payment.

Ch. 308 (SB 2021) C. Green. Fish.

(1) Existing law restricts or prohibits taking or possession of certain species of fish A violation of these provisions is a misdemeanor

This bill would change an exception from the prohibition against taking of giant seabass for those giant seabass incidentally taken in commercial fishing operations by gill net or trammel net from 2 fish per vessel to one fish per vessel.

The bill would also, until January 1, 1992, prohibit the retention, possession, sale, or purchase of angel shark under specified alternative lengths.

Since a violation of the bill would be a misdemeanor, 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.

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Ch 309 (SB 2330) Kopp Bonds excessive amounts

Existing law provides that the court if a bond is given in an action or proceeding, or the officer if a bond is given other than in an action or proceeding, may determine that the amount of the bond is excessive and order the amount reduced to an amount that in the discretion of the court or officer appears proper.

This bill would provide that the court or the officer, as applicable, may determine that the amount is excessive and order a reduction if the bond is given or ordered

Ch. 310 (SB 2365) Bergeson. County recorder. destruction of records.

Existing law permits the county recorder to destroy any original document left with and recorded by the recorder which is undeliverable by mail and uncalled for for 10 years or more after the date of recording

This bill would shorten that period to 2 years with respect to these documents if they have been recorded by permanent photographic means.

Existing law prescribes the duties of the county recorder with respect to the recording of involuntary liens

This bill would provide that, in the event the notice of recording of an involuntary lien is returned to the recorder by the postal service as undeliverable, the recorder is not required to retain the returned notice

Ch 311 (SB 2412) Kopp Crimes· transit districts

Under existing law, the commission of certain specified unlawful acts on or in facilities or vehicles of a public transit system or on or in the facilities or vehicles of entities subsidized by the Department of Transportation are infractions punishable by a fine not to exceed $250 or by prescribed community service

This bill would include within the above prohibited acts the writing, spraying, scratching, or otherwise affixing of graffiti, as defined, on or in system facilities or vehicles, thereby imposing a state-mandated local program by expanding the scope of an existing infraction

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

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

Ch 312 (SB 2721) Watson Professional societies immunity

Under existing law, professional societies, as defined, which have at least a majority of the eligible persons or licentiates in the area served by the particular society, are immune from damages or 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

This bill would expressly declare that it is the intent of the Legislature to maximize the public benefit resulting from professional referral services and to standardize the prerequisites for liability protection granted professional associations

This bill would also make clarifying, technical changes to these provisions

Ch 313 (AB 224) Vasconcellos 1988–89 Budget [4]

This bill would make appropriations for support of state government for the 1988–89 fiscal year

The bill would take effect immediately as an urgency statute

Ch 314 (AB 1819) Bates Public social services. GAIN

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

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AFDC program is administered and partially funded by the counties

Existing law provides, through the Greater Avenues for Independence Act of 1985 (GAIN) for an employment and training services program for AFDC recipients, which is administered by each county welfare department, in a manner consistent with regulations adopted by the State Department of Social Services and pursuant to a plan which reflects the full employment goal of the plan, an assessment of the county's current and projected unsubsidized employment needs, and other factors

Under existing law, counties are required to submit their plan to the State Department of Social Services within a specified period of time, but a county may phase in the participation in its program for all qualified persons over a period of up to 2 years from the date upon which the program commences to operate in the county

This bill would extend that maximum authorized phase-in period to 3 years

Under existing law, counties are required to continually monitor their GAIN program expenditures throughout the fiscal year, and if a county determines that its anticipated expenditures will exceed that year's allocation due to an unexpected event, the county shall submit a reduction plan to the State Department of Social Services Existing law specifies the procedures for the implementation of the reductions

This bill would impose a state-mandated local program by revising the procedures which counties must follow in their reduction implementation plans

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

This bill would provide that no reimbursement to local agencies and school districts is provided in the bill for costs mandated by the state pursuant to the bill because reimbursement is provided in the annual Budget Act

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

Ch 315 (AB 2775) Floyd Educational programs· false fiscal reports.

Under existing law, the Commission on Teacher Credentialing is required to revoke the credential of any person who knowingly and willfully reports false fiscal expenditure data relative to the conduct of any educational program

This bill would revise that requirement by requiring the commission to privately admonish, or suspend or revoke the credential of, any certificated person who knowingly and willfully reports false fiscal expenditure data relative to the conduct of any educational program

This bill would require the superintendent of schools of each county and the State Department of Education to report to the Commission on Teacher Credentialing, for purposes of those provisions, the identity of any certificated person who knowingly and willfully reports false fiscal expenditure data relative to the conduct of any educational program This requirement would apply only if, in the course of his or her normal duties, a county superintendent of schools or a representative of the State Department of Education discovers information that gives him or her reasonable cause to believe that false fiscal expenditure data relative to the conduct of any educational program has been reported. The requirement that would be imposed by this bill upon the county superintendents of schools would impose state-mandated local program reimbursable costs.

The California Constitution requires 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 316 (AB 2905) Tucker Chronically or terminally ill children. demonstration project.

Existing law requires that the State Department of Health Services establish a 3 year

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demonstration project for one intermediate care facility for chronically or terminally ill children, as specified

This bill would require that the state department extend the demonstration project until July 1, 1989

Existing law requires that an intermediate care facility for chronically or terminally ill children be limited to a capacity of 8 day care clients This bill would change the capacity to 12

Existing law requires that the department submit an evaluation report to the Legislature by July 1, 1988.

This bill would require that if the report recommends that the program be expanded, the report identify funding sources, including any waivers needed, for funding the recommended expansion.

This bill would authorize that, of the funds allocated for the fiscal year 1987–88 for this demonstration project, unencumbered funds, not to exceed $20,000, may be retained and expended for this purpose for the fiscal year 1988–89, and would thereby constitute an appropriation

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

Appropriation: yes.

Ch. 317 (AB 2943) N. Waters. Agricultural Vocational Education.

Under existing law, the Legislature recognizes that agriculture is the most basic and singularly important industry in the state.

Existing law establishes within the State Department of Education an agricultural vocational unit to assist school districts in the establishment and maintenance of agricultural vocational education programs, as specified.

Under existing law, school districts are not required to create these programs

This bill would require that the curriculum of school districts that choose to participate in the state program of agricultural vocational education contain specified components The bill would require that student learning activity developed to supplement these components contribute to the grade of the student, as specified

Ch. 318 (AB 2970) Seastrand California State University: auxiliary organization

Existing law sets forth various provisions governing the establishment and operation of auxiliary organizations of the California State University

This bill would specify that any obligation of an auxiliary organization, which obligation is authorized by the Trustees of the California State University, is an obligation of the State of California This bill would further set forth certain declarations of legislative intent relating this provision to a designated federal tax statute.

Ch. 319 (AB 3547) Hannigan. In-home supportive services

Existing law provides for the In-Home Supportive Services (IHSS) program, through which qualified aged, blind, and disabled persons receive services in order to permit them to avoid institutionalization. The IHSS program is administered and partially funded by the counties.

Under existing law, recipients may receive IHSS services not to exceed a specified monthly cost, and adjusted annually to reflect cost-of-living changes occurring subsequent to January 1, 1983

This bill would increase the maximum cost of services, as specified. It would provide that the cost-of-living adjustment be made annually for changes occurring subsequent to January 1, 1989, with the first adjustment taking effect on July 1, 1990. The bill would also provide interim service level adjustments which would be operative only until July 1, 1990.

To the extent this bill would increase the counties' responsibilities under the IHSS program by requiring the adjustment of the maximum cost of IHSS services a recipient may receive, 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, including the creation of a State Mandates Claims

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Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that no reimbursement is provided in this bill for a specified reason.

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

Ch 320 (AB 3957) Sher Beverage container redemption: nonprofit dropoff programs: processing fees

(1) Under the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a minimum redemption value of at least 1¢ The act requires any nonprofit dropoff program which pays redemption values and redemption bonuses for redeemed beverage containers to accept all types of redeemable beverage containers

This bill would allow a nonprofit dropoff program which was in existence on January 1, 1986, and which refused as of that date to accept a certain type of beverage container, to continue to refuse that type of beverage container

(2) Existing law prohibits any beer importer from transporting any beer for sale into this state without a certificate of compliance issued by the Department of Alcoholic Beverage Control Existing law requires the Department of Conservation to establish a processing fee for any type of beverage container which has a specified scrap value and requires every beverage manufacturer to pay the department the applicable processing fee for each container sold or transferred to a distributor or dealer The department is required to calculate the processing fee at least annually or whenever the statewide average scrap value changes by more than 15%, as specified

This bill would, instead, with respect to beer and other malt beverages, deem the person or entity named on the certificate of compliance issued by the Department of Alcoholic Beverage Control to be the beverage manufacturer for the purpose of the payment of these fees. The bill would require the department to provide written notice requiring payment of processing fees and, if the person or entity fails to pay the fees, as specified, the Department of Alcoholic Beverage Control would be required to prohibit the offering or sale of that beverage brand within the state The Department of Alcoholic Beverage Control would also be authorized to suspend or revoke the certificate of compliance for failure to comply with these provisions The department would be required to enter into a contract with the Department of Alcoholic Beverage Control to reimburse it for carrying out this provision

The bill would delete the requirement that the processing fee be calculated annually, and would instead require the processing fee to be calculated by October 1, 1990, or whenever the scrap value changes, as specified.

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

This bill would impose a state-mandated local program by creating a new crime, since certain persons would become subject to provisions of the act requiring the payment of processing fees, the violation of which is an infraction pursuant to other provisions of law

The 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 321 (AB 4419) Bradley Architecture.

Existing law authorizes 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 the California Architects Licensing Examination, or any examination deemed equivalent Under existing law, the determination of equivalency of an examination includes a specified determination by the licensing authority in the candidate's home jurisdiction and by the board. The law also requires principals of all parties to any business association formed in this state to provide architectural services to be licensed

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This bill would recast the above provision and would require the completion of the California examination or another written examination acceptable to the board

The bill would, until July 1, 1989, provide that the issuance of an architect's license based on reciprocity to any person licensed as an architect in another jurisdiction applying for licensure in this state based on passage of an examination on and after January 1, 1987, and who is not a legal resident of this state, shall be contingent upon acceptance of the California examination for reciprocity licensure in the state in which the applicant is licensed. After July 1, 1989, that condition would apply to any person who is not a legal resident of this state, is licensed as an architect in another jurisdiction and is applying for licensure based on reciprocity

The bill would delete the requirement that all principals of an architectural business be licensed

The bill would make it grounds for disciplinary action for an architect to take specified actions with respect to another person, not authorized for reciprocity licensure

The bill would also contain a statement of legislative intent.

This bill would state that the provisions operative on July 1, 1989, shall not apply to any person who has applied for a license based on reciprocity before July 1, 1989.

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

Ch 322 (SB 1383) Lockyer. Peace officers judicial security

Under existing law, specified persons are peace officers while engaged in the performance of their duties and have the authority to act as peace officers and to carry firearms, as specified

This bill would provide that the coordinator of security for the judicial branch is such a peace officer

The bill would declare that it is to take effect immediately as an urgency statute, but would provide that its provisions shall become operative July 1, 1988

Ch 323 (SB 1717) Robbins Certification of teachers pupil personnel services specialization

Existing law requires the Commission on Teacher Credentialing to issue services credentials with a specialization in pupil personnel services 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 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

This bill would remove the October 1, 1987, cutoff date and would require the commission to issue services credentials with a specialization in pupil personnel services 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 in the process of obtaining that credential through a previously approved program of study

Ch 324 (SB 2114) Rosenthal. Charter-party carriers of passengers· certificates and permits

Under existing law, the operations of charter-party carriers of passengers are conducted under the Passenger Charter-Party Carriers' Act subject to the jurisdiction and control of the Public Utilities Commission pursuant to annual certificates of public convenience and necessity or annual permits, in accordance with the type of transportation service furnished

This bill would provide for the issuance of certificates and permits valid for 3 years, unless suspended or revoked, and would make other related changes.

The bill would direct the commission to report to the Legislature by January 1, 1992, on its experiences with 3-year certificates and permits and its recommendations with respect to returning to annual certificates and permits and to issuing certificates and permits which would be valid until revoked.

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Ch 325 (SB 2536) Craven Osteopathic physicians and surgeons

Existing law specifies the grounds for disciplinary action to be taken against osteopathic physicians and surgeons

This bill would add the charging of an unconscionable fee, as defined, to those grounds

Ch. 326 (AB 3036) Vasconcellos State lands. Agnews State Hospital

Existing law authorizes the Director of General Services, with approval of the state agency concerned to, among other things, grant and convey or quit claim rights-of-way if certain conditions are satisfied

This bill would require the state, notwithstanding any other provision of law, for approximately $1,500,000 in certain improvements and for reasonable administrative fees, to dedicate a certain right-of-way to the City of Santa Clara for a road on the west campus of Agnews State Hospital

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

Ch 327 (AB 4069) Clute Mobilehome parks tenant purchases

Under existing law, the Department of Housing and Community Development may make loans from the Mobilehome Park Purchase Fund to finance the acquisition and conversion of mobilehome parks by resident organizations and to reduce monthly housing costs of low-income residents Existing law requires resident organizations applying for this assistance to comprise at least ⅔ of the households residing in the mobilehome park at the time application is made to the department.

This bill would specify that (1) membership in the resident organization at the time the application was submitted to the department is not a requirement for receiving a loan to reduce a low-income resident's monthly housing costs and (2) the ⅔ of households who are members of the resident organization when funding is received need not be the same households that were required at the time the application was made The bill would also revise the definition of "low-income resident" for these purposes to delete the requirement that the person has resided in the mobilehome park prior to the application for a loan

Ch 328 (SB 525) Craven. Mobilehome park purchases: loans

Existing law establishes the Mobilehome-Manufactured Home Revolving Fund, which is derived from fees or other moneys accruing to the Department of Housing and Community Development, except as otherwise expressly provided by law The fund is continuously appropriated to the department for purposes of the Mobilehomes-Manufactured Housing Act of 1980 Existing law establishes a program to provide loans for the purchase of mobilehome parks under specified conditions

This bill would appropriate $1,000,000 from the Mobilehome-Manufactured Home Revolving Fund for loans to purchase mobilehome parks under these provisions of existing law

Ch. 329 (SB 1814) Marks. Elections.

Existing law provides that an election precinct board consists of one inspector, 2 judges, and 3 clerks, but the county clerk may find that a different arrangement of election officers is more suitable for a precinct board and may consist of a specified variation of judges, clerks, and inspectors.

This bill would make a change in that variation, as specified

Existing law requires the county clerk, at the time an individual files nomination papers, to give the individual a blank form of the Code of Fair Campaign Practices

This bill would require that the form be given at the time the individual is issued nomination papers, and would make other technical changes in this and related provisions

Existing law providing for a Code of Fair Campaign Practices is operative only until January 1, 1989, and as of that date is repealed

This bill would repeal this provision, and would impose a state-mandated local program by extending indefinitely the duties imposed on the county clerks thereunder

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Existing law requires precinct board members immediately upon the closing of the polls, to deface any unused ballots according to a specified procedure or by following alternate specified methods. It also requires the clerk conducting the election to deface any unused ballots remaining in the control of the clerk.

This bill would provide alternate procedures to be used in lieu of those procedures.

Existing law governing the recall of state and local officers requires that a notice of intention to recall include a statement of the reasons for the proposed recall and the names and business or residence addresses of at least one but not more than 5 proponents of the recall.

This bill would require that the notice of intention contain the printed name, signature, and business or residence address of at least one but not more than 5 proponents.

Existing law provides that the officer sought to be recalled may file an answer in not more than 200 words to the statement of the proponents

This bill would require that the answer contain the printed name, signature, and business or residence address of the officer sought to be recalled.

Existing law provides that the Housing and Homeless Bond Act of 1990, enacted by Chapter 48 of the Statutes of 1988, shall be submitted to the voters at a statewide election to be held on November 6, 1990

This bill would repeal the provision requiring the submission of that act to the voters at that election

The California Constitution requires 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. 330 (SB 2785) Marks Veterans: benefits

Under existing law, various state benefit programs, including the "Cal-Vet" farm and home purchase program, are made available to veterans, as defined Existing law requires, on and after July 27, 1988, all applications for Cal-Vet benefits to be filed with the Department of Veterans Affairs within 30 years from the date of the applicant's discharge or release from active duty, with specified exceptions.

This bill would include among the veterans eligible for these benefit programs persons who have been granted veteran status by the Secretary of Defense under the GI Bill Improvement Act of 1977, including those who served in the Merchant Marine Service of the United States The bill would also specify that, to qualify for Cal-Vet benefits, all veterans, on and after January 1, 1993, subject to the specified exceptions, must file an application within 30 years from their date of discharge or release from active duty

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

Ch. 331 (AB 1104) Elder Public Employees' Retirement System.

The existing Public Employees' Retirement Law establishes the Public Employees' Retirement System (PERS).

This bill would make technical and clarifying changes in provisions relating to prior service, previous state service, local system service, redeposit by local members of previously withdrawn member contributions, benefits based on redeposited contributions, service credit for public service, and the effect of certain contract amendments electing an alternative retirement formula upon certain inactive local members

The law provides, for certain state miscellaneous and industrial members and for members employed by the judicial branch of state government, an alternative, optional retirement plan designated the Second Tier 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%, earliest service retirement at age 50 with 10 years of credited state service, a 0.50%-at-age-50 to 1.25%-at-age-65 service

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retirement formula which is not integrated with social security, and an election for Second Tier by members of the original tier for only future service or for both past and future service with a refund of the accumulated employee contributions in the original tier.

This bill would authorize members in the Second Tier to irrevocably elect, between November 1, 1988, and October 31, 1989, or during such a 12-month period in each 5th year thereafter, to become members of the original tier for future service only or for both past and future service and require payment of specified contributions and interest These membership changes would increase the amount of the state's continuously appropriated monthly contributions and those increases would constitute appropriations. This bill would authorize members in the original tier to irrevocably elect, within a 30-day period every 5 years, rather than in an annual 30-day period, to become subject to Second Tier benefits, authorize new hires to exercise their right to elect to become subject to the original tier, within one year, rather than 120 days, of becoming a member, and extend the termination of the period during which the Department of Personnel Administration is required to make annual reports in April on the savings resulting from the Second Tier. from 1990 to 1994. This bill would make other related, technical, clarifying, corrective, and updating changes

The retirement law authorizes a contracting agency and its employees to share the costs of optional benefits which the agency has elected for, if the contract is amended therefor, and authorizes independent agreements therefor in memoranda of understanding which may be inconsistent with the contract but which are not part of the contract between the contracting agency and the system

This bill would authorize those independent agreements to agree to share the costs of any benefit or cost.

The existing Public Employees' Medical and Hospital Care Act is administered by the Board of Administration of the Public Employees' Retirement System for the benefit of public employees and annuitants

This bill would establish the Annuitants' Health Care Coverage Fund which would be a trust fund and a retirement fund and would be continuously appropriated for prefunding health care coverage for annuitants and paying related administrative costs Each employer would be authorized to participate. The board would be required to invest the funds and to annually determine each employer's contribution rate for full funding of its obligation and transmit the rate to the employer

This bill would also appropriate $150,000 from the Public Employees' Retirement Fund to PERS for the revision made by this act of the Second Tier.

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

Ch 332 (AB 1398) Clute. Airport land use commissions.

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 The airport land use commission is required to adopt and periodically update a comprehensive land use plan providing for the orderly growth of each public airport and the area surrounding the airport

Existing law authorizes the Department of Transportation to make grants and loans from a specified subaccount in the Aeronautics Account in the State Transportation Fund to a political subdivision for the acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled by the political subdivision, and continuously appropriates funds in the subaccount to the department for that purpose.

This bill would make an appropriation by additionally authorizing the department to make grants of the continuously appropriated funds to an airport land use commission for the preparation of a new or updated comprehensive land use plan.

Ch. 333 (AB 1527) Longshore Mobilehomes: ombudsman

Existing law that will remain in effect until January 1, 1990, provides for the designation of a mobilehome ombudsman in the Department of Housing and Community Development to provide assistance in taking and resolving complaints relating to manu-

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factured homes and mobilehomes, except that the ombudsman is not empowered to provide assistance in resolving or coordinating the resolution of complaints concerning mobilehome park rental agreements, leases, and rent disputes

This bill would require the ombudsman to refer alleged violations of law or regulations within the Department of Housing and Community Development's jurisdiction to the Division of Codes and Standards within the Department of Housing and Community Development

The bill would also require the management of mobilehome parks to post, as specified, the name, address, and phone number of the ombudsman in a conspicuous place

This bill would appropriate $99,000 from the Mobilehome-Manufactured Home Revolving Fund to the department for expenditure in the 1988–89 fiscal year for the purposes of carrying out the bill's provisions

Ch 334 (AB 2508) Speier. Pilots for San Francisco, San Pablo, and Suisun Bays

(1) Under existing law, the public members of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun receive compensation, as determined by the board, not to exceed $300 each per month

This bill would increase the maximum permissible compensation for public members to $600 per month.

Under existing law, moneys received by the board are credited to the Board of Pilot Commissioners' Special Fund

This bill would appropriate $5,500 from that fund to the board to carry out the above described increase in compensation for the 1988–89 fiscal year The appropriation would become operative on January 1, 1989.

(2) Under existing law, an inland pilot may apply for both a pilot license and an inland pilot license and, if qualified, receive a pilot license

This bill would delete that provision

(3) Under existing law, the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays is required, upon petition as prescribed, to hold a public hearing for the purpose of obtaining information and data concerning recommendations to be made to the Legislature on pilotage rates

This bill would prohibit the board from receiving written evidence at a hearing unless 10 or more copies of the evidence have been deposited with the board as public documents a specified number of days prior to the date set for the commencement of the hearing

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

Ch 335 (AB 2691) Johnston California Pepper Commission

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

This bill would create the California Pepper Commission with a prescribed membership and districts, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill The commission would be authorized to carry on programs of production research relating to peppers. The bill would authorize the commission to levy an assessment, not to exceed specified amounts, according to the marketing year, on producers and handlers to be paid to the commission by the handler, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill, thereby making an appropriation

The bill, except as necessary to conduct an election, would not become operative until the producers and handlers of peppers, by referendum, vote in favor of the bill, as prescribed The bill would also provide for the suspension and termination of the operation of its provisions and for concluding the operations of the commission.

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

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

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The 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 336 (AB 2743) Mojonnier County-owned buildings.

Existing law provides that for certain repair work upon county-owned buildings, counties containing a population of 2,000,000 or over are exempt from provisions of the Public Contract Code requiring repairs exceeding a specified amount upon public buildings to be done by contract if the cost is under a specified amount and if the board of supervisors determines that detailed plans for the building are obsolete or do not exist and it is impracticable to have plans and specifications prepared for the proposed work

This bill would state that for purposes of the exemption the population shall be determined by the last federal or special census or subsequent estimate validated by the Population Research Unit of the Department of Finance and would delete the requirement involving the lack of detailed plans.

Ch 337 (AB 2755) D Brown. Personal income taxation bank and corporation taxation refund actions

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, with respect to a taxpayer action for the refund of taxes, the Franchise Tax Board is permitted, at the time it demurs or answers, to demand that the action be tried in the Superior Court of the County of Sacramento and that demand is required to be granted.

This bill would provide under both laws that any action against the Franchise Tax Board for the refund of taxes shall be commenced and tried in any city or city and county in which the Attorney General maintains an office

Ch 338 (AB 3072) Seastrand. Collection agencies

Existing law, the Collection Agency Act, provides for the licensing and regulation of collection agencies Existing law also provides for the repeal of the Collection Agency Act, effective June 30, 1989.

This bill would extend that repealing date to June 30, 1992

Ch 339 (AB 3073) Seastrand Bonds

Existing law requires process servers, professional photocopiers, and notary publics to file a bond with the county clerk. The law requires the county clerk to file and the county recorder to record the bond of a notary public

This bill would require the county clerk to also file and the county recorder to record the bonds of a process server and a professional photocopier, thus imposing a state-mandated local program, and would require those persons to pay a specified fee for the recording.

Existing law provides for a $3 fee for the filing of notary public bonds

This bill would increase that fee

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

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

Ch 340 (AB 3094) Allen. Fish and game licenses license agents reports

Existing law authorizes the Department of Fish and Game to permit persons, except as specified, to be license agents to issue punch cards, licenses, license stamps, and license tags Existing law requires unissued and expired punch cards and license documents to be returned to the department, and, if they are not returned within 20 days of the end of the license year, the department is prohibited from providing additional punch cards and license documents until they are returned Existing law also provides that, if they are not returned by 60 days following the last day of the license year, those items are not eligible for refund or credit

This bill would, instead, prohibit the department from providing additional punch

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cards and license documents if unissued and expired punch cards and license documents are not returned within one month and 20 days of the end of the license year. The bill would also require the department to bill for punch cards and license documents not returned after the 60 days and, if they are returned for credit after the 60 days, the bill would expressly require the license agent to pay interest and penalties, as specified. The bill would also make punch cards and license documents which are not returned to the department within 6 months, instead of 60 days, following the last day of the license year, ineligible for credit.

Ch 341 (AB 3099) Areias. Weights and measures

(1) Existing law applicable to persons engaged in packaging or labeling of commodities prohibits distribution of commodities unless in conformity with regulations of the Director of Food and Agriculture which are required to govern, among other things, statements of the net quantity of contents in terms of weight, measure, or numerical count

This bill would also provide for regulation of statements relating to time in the labeling of commodities, as specified.

The bill would also revise requirements relating to statements of quantity in pounds, ounces, and decimal fractions thereof

Since violations of these provisions are misdemeanors, 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. 342 (AB 3135) Eastin Vehicle leasing

Existing law provides that if any solicitation to enter into a vehicle lease contract includes a statement of the amount of any payment, the number of required payments, or that any capitalized cost reduction or other payment is required at the inception of the lease, the solicitation shall also include specified information

This bill would make that requirement applicable in the case of a solicitation which includes a statement of any or no downpayment. It would require specified information to be contained in a clear and conspicuous statement, as specified. A violation of these provisions would be a misdemeanor, thus constituting 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. 343 (AB 3154) Kelley. Weights and measures. local administration.

Existing law requires the Director of Food and Agriculture to annually report to the Legislature on his or her findings from a weights and measures local administration cost analysis where funds are inadequate for an efficient enforcement program.

This bill would instead require the director to report this information to the Legislature upon request.

Ch 344 (AB 3231) Killea. County recorders· fees.

Existing law, until January 1, 1990, increases fees from $1 for filing an instrument, paper, or notice, plus $2 for recording the first page and $1 for recording each additional page or fraction of a page to $4 for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded, plus $2 for each additional page or fraction of a page.

This bill would retain those increased fees indefinitely and require that $1 for recording the first page and $1 for each additional page or fraction of a page be available solely to support, maintain, improve, and provide for the full operation for modernized crea-

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tion, retention, and retrieval of information in each county's system of recorded documents.

Existing law, until January 1, 1990, increases from $6 to $8 the fee for recording a release of a lien, encumbrance, or notice executed by the state or a local governmental agency, where the original lien, encumberance, or notice was recorded without a fee

This bill would retain the $8 fee indefinitely, and would require that $2 for recording each release of lien pursuant to the bill be available solely to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in each county's system of recorded documents.

Ch. 345 (AB 3325) Duplissea. Driving offenses: Youthful Drunk Driver Visitation Program.

Under existing law, the court may require, as a condition of probation for a person convicted of a 1st offense of driving a vehicle while under the influence of alcohol, any drug, or both, driving with an excessive blood-alcohol concentration, or driving while addicted, that the person participate in the Youthful Drunk Driver Visitation Program and visit trauma facilities, alcohol treatment facilities, or the county morgue under specified conditions. The court is required to give preference to persons over 18 and under 21 years of age and the program is authorized to include a personal conference after the visitation with a specified judge.

This bill would remove the lower age limit for that preference and authorize the conference to be, additionally, with the person responsible for coordinating the program

Ch. 346 (AB 3377) Tanner. Local agencies: financial transactions

Existing law regulates generally the financial affairs of local agencies but does not specifically establish when a local agency's obligation of contract commences with regard to financial transactions.

This bill would provide that a local agency's obligation of contract, with regard to a financial transaction, shall commence when the legislative body of the local agency adopts a resolution formally adopting, approving, or entering into any financial transaction, or when the treasurer of the local agency, acting on his or her authority, enters into any financial transaction unless the parties mutually agree that the obligation commences at some other point in the transaction.

This bill would also define various terms and state the findings and declarations of the Legislature concerning when the obligation of contract of a local agency with respect to a financial transaction commences

Ch. 347 (AB 3401) Floyd. Larceny· cheating

Existing law prohibits persons from engaging in any game, device, sleight of hand, pretensions to fortune telling, trick, or other means whatever, in order to fraudulently obtain from another person money or property of any description.

This bill would specify that the term "fraudulently obtains," as used above, includes, but is not limited to cheating, including for example, gaining an unfair advantage for any player in any game through a technique or device not sanctioned by the rules of the game.

Ch. 348 (AB 3565) Hannigan. State nautical school

Existing law requires that a nautical school, known as the California Maritime Academy, be maintained at the Port of San Francisco, as specified.

This bill would authorize the California Maritime Academy Board of Governors to contract with private, nonprofit auxiliary organizations for the provision to the academy, on a nonprofit basis, as specified, of certain commercial and other programs or services that conform to the purposes of the academy.

Ch 349 (AB 3604) N Waters Grizzly Flats Community Services District: water standby charges

In the absence of special legislation the maximum water standby or availability charge

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that may be imposed by a community services district is limited to $10 per year per acre or parcel of less than an acre.

This bill would authorize the Grizzly Flats Community Services District to impose a water standby or availability charge of not to exceed $48 per year, or $4 per month, per parcel

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

Ch. 350 (AB 3641) Campbell Election results recount.

Existing law provides that, for voter-requested recounts of election results, the recount shall be commenced not more than 7 days after the clerk's receipt of the request for the recount It provides that not less than one day prior to commencement of the recount, the clerk shall post a notice and notify specified individuals, including candidates and proponents of initiative and referendum measures, of the date and place of the recount

This bill would provide that the recount shall not be commenced until the 1st day following notification of the specified individuals It would impose a state-mandated local program by requiring that the clerk notify those persons in person or by telegram not less than 1 day prior to commencement of the recount

The California Constitution requires 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. 351 (AB 3740) Harvey Oil and gas wells assessments.

Existing law provides for the levy of assessments on operators or owners of oil and gas wells to support supervision by the Department of Conservation

The charges are due and payable on the first of July in each year and installments of one-half are delinquent if not paid on or before August 15th or the next February 1st, respectively

This bill would eliminate levies of the charges for assessments of less than $10, and would provide that other assessments of less than $500 are delinquent if not entirely paid before August 15th

Ch 352 (AB 3836) N Waters. Corporations. appointment of agents, officers, and directors

Existing law permits an agent, designated for service of process under specified provisions of the Corporations Law, to file a signed and acknowledged written statement of resignation as the agent

This bill would provide that by regulations adopted by the Secretary of State, the resignation of an agent may be effective if the agent disclaims having been properly appointed the agent The bill would also allow a person named as an officer or director to indicate that the person was never properly appointed as the officer or director.

Ch 353 (AB 3839) O'Connell Sea cucumbers

(1) Under existing law, invertebrates may not be taken between the high tidemark and 1,000 feet below the low tidemark without a permit from the Department of Fish and Game unless expressly permitted, as specified.

Existing law also designates California halibut trawl grounds as waters not more than 25 fathoms deep and not less than one nautical mile from the mainland shore in a specified area, and restricts use of trawl nets in those grounds, including prohibiting over 500 pounds of fish other than halibut to be possessed from the use of trawl nets, excepting sharks, skates, and rays. Violations of the restrictions and prohibitions are misdemeanors.

This bill would expand the area of restriction by deleting the restriction to waters not

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more than 25 fathoms deep for that designation and would except sea cucumbers from the weight limitation on other species possessed when using trawl nets in those areas. The bill would, thereby, impose a state-mandated local program by changing the areas affected by the prohibition, thus creating a new crime in the new areas

The bill would declare legislative findings relating to the sea cucumber fishery.

(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 354 (AB 3845) Frizzelle Hearing aid dispensers.

Existing law requires a person licensed as a hearing aid dispenser, upon the consummation of a sale of a hearing aid, to deliver to the purchaser a written receipt signed by or on behalf of the licensee and containing, among other things, the terms of any guarantee or express warranty, if any, made to the purchaser with respect to that hearing aid or hearing aids

This bill would, in conformity with other provisions of existing law which require all new and used assistive devices sold at retail in this state to be accompanied by the retail seller's written warranty, instead, require the licensee to deliver a written receipt evidencing the terms of any guarantee or written warranty, as required by those provisions, made to the purchaser with respect to the hearing aid or hearing aids

A violation of these provisions would constitute a new crime, thus imposing a state-mandated local program

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

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

Ch 355 (AB 3898) Allen Marine life refuges

(1) Under existing law, fish may not be taken in a marine life refuge except under a permit issued by the Department of Fish and Game, except that specified fish, mollusks, or crustaceans may be taken in specified marine life refuges under a sportfishing license

This bill would add the taking of specified fish in certain marine life refuges in Orange County

The bill would also require fin fish taken in those refuges to be taken only by hook and line or by spearfishing gear

Violations of the gear requirements would be a crime pursuant to existing law. 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. 356 (AB 4063) Baker Insurance insolvency

Existing law authorizes the Insurance Commissioner to direct the winding up and liquidation of an insolvent insurer and to make application to the court for approval of a proposal to disburse or to invest the insurer's assets. The commissioner is authorized to acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of, or deal with, any real or personal property at its reasonable market value, or, upon such terms and conditions as he or she may deem proper, if the market value of the property does not exceed $1,000, or to invest and reinvest the insurer's assets or funds as he or she may deem suitable for the best interests of the creditors, if the investment or reinvestment does not exceed $1,000, without permission of the court

This bill would increase the maximum amounts to $20,000, as to the market value of

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the property, and to $100,000, as to the value of investment or reinvestment, respectively, up to which the commissioner may act without obtaining the permission of the court The bill would, also, provide that this court permission shall not be required for investments or reinvestments of these assets or funds in the funds administered by the Treasurer

Under existing law, the commissioner is the custodian of all moneys collected by him or her or coming into his or her possession in the course of any proceeding under the provisions regulating liquidation of insurers and is authorized to deposit this money in a bank approved by the court.

This bill would, under prescribed conditions, authorize the commissioner to deposit the money in a bank which is a member of the Federal Deposit Insurance Corporation (FDIC), so long as the total deposit did not exceed those federal insurance limits, in a centralized State Treasury system bank account, or in funds administered by the Treasurer without approval of the court

Ch. 357 (AB 4074) Chacon. Charters: cities, cities and counties

(1) Existing law provides a procedure for the amendment by initiative of the charter of a city, or a city and county

This bill would delete the provision limiting that procedure only to amendments of charters. It would instead provide that certain city or city and county charter proposals shall be submitted to the voters at either a special election, at any established municipal election date, or at a regular election date established by state law, provided that there are at least 88 days before the election These proposals include a charter proposed by a charter commission, an amendment or repeal of a charter proposed by the governing body of a city or a city and county on its own motion, or by a petition signed by specified percentages of the voters of a city or a city and county, and a recodification of a charter proposed by the governing body on its own motion if the charter provisions are not substantially changed thereby

This bill would provide that charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election

This bill would require that the total number of registered voters be determined according to the county clerk's last official report to the Secretary of State

This bill would make various changes in the form of the initiative petition to be used

(2) Existing law provides a procedure for the enactment, revision, amendment, or repeal of a charter of a city, or a city and county

This bill would repeal and recodify those provisions It would change this procedure by enacting provisions which, among other things, would

(a) Make initiative procedures applicable to the enactment, amendment, or repeal of a charter.

(b) Limit eligibility for candidacy to a charter commission to registered voters rather than electors

(c) Require elections for a charter commission to be called and consolidated with a regularly scheduled election.

(d) Impose a state-mandated local program by requiring all cities and cities and counties to print copies of the proposed charter

(e) Require that charter proposals by a charter commission, as well as amendments and repeals thereof proposed by the local governing body, be submitted to the voters at either a special election, at any established municipal election date, or at a regular election date set by state law, provided there are at least 88 days before the election.

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

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

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Ch. 358 (AB 4247) Hauser. Sea urchins: landing tax.

Under existing law, ¼ cent of the ½ cent additional landing tax paid for landing sea urchins is deposited in the Sea Urchin Resource Enhancement Account in the Fish and Game Preservation Fund for support of the recommendations of the Commercial Sea Urchin Advisory Committee. The remaining ¼ cent is deposited in the fund without reference to a specific account

This bill would repeal the account, deposit the entire ½ cent into the fund, and provide that the amount representing ¼ cent shall be used solely for the Sea Urchin Resources Enhancement Program with the Department of Fish and Game maintaining internal accountability The bill would make other related, conforming changes

Ch 359 (AB 4364) Costa Merced County Flood Control District

Under existing law, the Board of Supervisors of the Merced County Flood Control District is required to call an election in a zone or zones if it determines after public hearing to proceed with a project in a zone or zones

This bill would permit the board to proceed with a proposed project without calling an election, subject to procedures permitting the filing of a written protest against the project by a majority of property owners, as prescribed

Ch 360 (AB 4548) Hauser Commercial fishing: freshwater fish

Existing law specifies certain freshwater fish that may be taken for commercial purposes pursuant to regulations adopted by the Fish and Game Commission

This bill would authorize the commission to authorize the use of commercial fishing gear and fishing methods to take any of the fish specified in those areas of the state otherwise closed to this use pursuant to the Fish and Game Code

Ch 361 (AB 4557) Sher. Air pollution

Under the Lewis Air Quality Management Act, all personal property and equipment of the Southern California Air Pollution Control District became the property of the South Coast Air Quality Management District on February 1, 1977.

This bill would delete that obsolete provision

Ch. 362 (AB 4653) McClintock. Administrative hearings

Existing law relating to adjudicatory hearings by state administrative agencies, as defined, enumerates various agencies to which those provisions expressly apply

This bill would revise that enumeration of agencies.

Existing law requires a 10-day notice prior to an adjudicatory hearing, and requires that the notice to the respondent include a statement that the respondent may be but need not be represented by counsel, among other things

This bill would revise this statement

Ch 363 (SB 1723) L Greene Boundaries

Existing law describing the geographic boundaries of Sacramento County contains an erroneous reference.

This bill would correct that erroneous reference in the geographic description of the boundaries of Sacramento County.

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

Ch 364 (SB 1856) B. Greene Garbage disposal districts: loans.

Existing law makes the county board of supervisors the governing body of garbage disposal districts and prescribes the powers and duties of garbage disposal districts. Existing law permits a county, pursuant to a resolution of its board of supervisors, to distribute funds to a special district. Existing law permits a county by resolution to make loans to specified districts not to exceed 85% of the district's anticipated revenue for the fiscal year in which it is made or the next ensuing fiscal year although garbage disposal districts are not expressly included.

This bill would similarly permit the board of supervisors acting as the district board to borrow funds from the county or from another garbage disposal district, would permit the board to lend available district funds to another garbage disposal district, and would

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specify the terms and conditions of the loans

Ch 365 (SB 1861) Davis Ventura County flood control

Under existing law, the Ventura County Flood Control District is authorized 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, and 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, as specified

This bill would make clarifying and other technical changes in those procedures.

Ch 366 (SB 2893) Hart Highways landscaping and lighting

The existing Landscaping and Lighting Act of 1972 permits a city, county, or special district to levy assessments for the installation of park or recreational improvements, as specified, for 30 years. Existing law also permits those entities to issue bonds, under the Improvement Bond Act of 1915, for those purposes

This bill would make those provisions applicable to other prescribed improvements.

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

Ch 367 (AB 3082) Cortese Local government finance vehicle license fees.

Existing law requires the Controller to distribute a specified percentage of the vehicle license fees collected by the state to each city and city and county in the proportion that the population of each city or city and county bears to the total population of all cities and the city and county Existing law requires, in general, that the population research unit of the Department of Finance determine the population of newly incorporated cities and those with incorporated territory, with certain exceptions. For cities incorporated after the 1980 federal census, the Controller is required, only until July 1, 1990, to ascertain the population by multiplying the number of registered voters by 3. For cities incorporated after January 1, 1987, the Controller is required, on and after July 1, 1990, to ascertain the population for 8 full fiscal years after incorporation by multiplying the number of registered voters by 3.

This bill would change the July 1, 1990, date for the termination and operation of the above exceptions for population determinations to July 1, 1991.

Ch. 368 (AB 3087) Nolan Enterprise zones study

Existing law provides a procedure whereby the Department of Commerce may designate not more than 10 geographic areas as enterprise zones

This bill would require the department to conduct a study on the necessity and advisability of expanding the number of enterprise zones available for designation throughout the state. It would require the report to be submitted to the Governor and to the Legislature no later than June 30, 1989

Ch 369 (AB 3100) Vasconcellos. California State University. student housing

Existing law authorizes the Trustees of the California State University to construct, operate, and control various housing facilities, including dormitories and other housing facilities, for use by students, faculty members, and university employees.

This bill would direct the Trustees of the California State University to conduct a study, as specified, on the feasibility of constructing student housing that would meet the needs of students of the university who have minor children, and would require the trustees to report the results of that study to the education policy and fiscal committees of the Legislature no later than July 1, 1989

Ch 370 (AB 3195) Elder STRS service credit prior military service

The State Teachers' Retirement Law authorizes a member to elect to receive additional service credit for certain military service on the condition that the member was employed in a position requiring STRS membership within one year prior to entering the military service.

This bill would, in addition, authorize a member who is a state employee or a retirant who retired on or after December 31, 1981, and who was at retirement a state employee

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with at least 10 years of credited service in the system, as specified, to elect to receive, without any prior-employment condition, additional service credit for service of not less than one year in the armed forces or Merchant Marine, as specified, of the United States, 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 retirant pay all reasonable administrative costs and contributions sufficient to cover the total employer and employee cost thereof, at rates to be determined by the Teachers' Retirement Board. Administrative costs paid to STRS 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 371 (AB 4176) Moore Education.

Existing law establishes an 11-member Child Nutrition Advisory Council to recommend plans and guidelines for school meal service and nutrition education programs. The members of the council are appointed by the State Board of Education and includes one lay person.

This bill would require the Child Nutrition Advisory Council to recommend plans and guidelines for school and child care meal service and nutrition This bill would also revise the membership of the council by adding a child care food program sponsor to the council thereby increasing the membership of the council to 12 members

Ch 372 (SB 548) Watson Lead exposure

Existing law does not require the State Department of Health Services to design and implement a screening program for lead exposure

This bill would require the department to design and implement a screening program for lead exposure of children not older than 7 years old in migrant labor camps where lead-based paint has been identified, as specified.

The bill would appropriate $200,000 for its purposes

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

Ch 373 (SB 1918) Petris. Mobilehomes

Under existing law, applications to renew an occupational license or decal held by a manufacturer, distributor, dealer, salesperson, or transporter of manufactured homes, mobilehomes, or commercial coaches must be received by the Department of Housing and Community Development or postmarked during the month of expiration

This bill would provide that an expired occupational license may be reinstated upon application within 60 days of application and upon payment of all renewal fees and the payment of a reinstatement fee equal to 50% of the renewal fees These fees would be deposited under existing law into the continuously appropriated Mobilehome-Manufactured Home Revolving Fund Consequently, the bill would make an appropriation

This bill would further provide that an applicant for renewal of an expired occupational license may continue to operate with that expired license, under existing requirements, until the renewal application is approved or denied

Violation of these existing requirements is a crime, and this bill would impose a state-mandated local program by extending the period within which the requirements 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

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

Ch 374 (AB 726) Kelley Local agencies. financial reports

Existing law requires the officer of each local agency, as defined, who has charge of the financial records to furnish to the Controller a report of all the financial transactions of the local agency during the next preceding fiscal year The report, with certain exceptions, is required to be furnished within 90 days after the close of each fiscal year and to be in the form required by the Controller

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The bill would state the findings and declarations of the Legislature concerning the need to automate the process of reporting these records to the Controller

The bill would require the Controller to conduct a feasibility study for special districts' reporting of financial transactions, as specified. The bill would require the Controller to submit the report to the Legislature by March 31, 1989

The bill would appropriate $20,000 from the General Fund to the Controller for the purposes of the act.

Ch. 375 (AB 4561) Polanco. Transportation Rate Fund and fees.

Existing law directs the Public Utilities Commission to require specified highway carriers whose rates are unregulated to pay specified reduced fees until July 1, 1988, and authorizes the commission to increase the fees on other carriers whose rates are regulated up to a maximum of ½%, if necessary, to maintain adequate financing until July 1, 1988 The fees are deposited in the Transportation Rate Fund and are continuously appropriated to the commission for specified regulatory purposes.

This bill would delete the July 1, 1988, termination date for the collection of these fees from the carriers whose rates are unregulated, and would continue indefinitely the commission's authority to increase the fees of the other carriers, up to the stated maximum, thereby making an appropriation.

The bill would also appropriate $94,000 from the Transportation Rate Fund to the commission for expenditure during the 1988–89 fiscal year for purposes of the bill.

The bill would delete certain obsolete provisions.

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

Ch. 376 (AB 1877) Filante. Mental health

Under existing law, the State Department of Mental Health is the regulatory agency for various mental health programs, including the Short-Doyle Mental Health Act, under which counties provide, or contract for the provision of mental health services pursuant to approved county plans

This bill would require the State Department of Mental Health, in conjunction with the Conference of Local Mental Health Directors, the California Medical Association, and the California Psychiatric Association, to develop and disseminate to all county mental health departments a medical evaluation field manual that describes in complete detail how to implement new or more cost-effective medical evaluation programs. The field manual would be required to include specified elements

This bill would appropriate $36,000 to the State Department of Mental Health, in order to implement this bill

Ch 377 (AB 3153) Kelley Fish and game scientific, educational, and propagation permits

Under existing law, the Department of Fish and Game is authorized to issue permits to take or possess plant or animal life for scientific, educational, or propagation purposes. The fee for the permit is generally $15 per year, adjusted as specified, except that no fee is required for the banding of birds and the exhibition of specimens by specified institutions and for students under the direct supervision of the instructor in, and for faculty members conducting, commercial fishing classes in specified schools The fee for unsupervised special students is $8 per year, as adjusted The fees for these permits are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund

This bill would change the general permit fee to $30, restrict its issuance to residents of this state, and make that permit valid for 24 months from the date of issuance The bill would make the supervised free student permit valid for 12 months and only if the instructor has obtained a general permit or a free faculty permit, as specified The bill would increase the fee for the special student permit, which is valid for one year, from $8 to $10, as adjusted, and would authorize the department to issue a permit to a nonresident, valid for 24 months from the date of issuance, for a fee of $100, as adjusted The bill would make an appropriation by increasing revenue to the continuously appropriated fund

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Ch 378 (AB 3209) Tanner. Hazardous waste management plans.

Existing law requires the State Department of Health Services to provide direction and technical data to counties on the management of hazardous wastes and to prepare and transmit to the counties guidelines for the preparation and adoption of county hazardous waste management plans Specified councils of governments are also authorized to prepare regional hazardous waste management plans Under existing law, until June 30, 1990, 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, among other things, of providing grants to counties and councils of governments to prepare those plans. Existing law requires the department to disburse $1,750,000 on or before January 1, 1988, and on July 1, 1988, to counties and to disburse 35% of specified amounts to councils of governments by those dates The amount disbursed to each county is based upon the amount of waste shipped offsite in each county in proportion to the tonnage shipped offsite by all counties

This bill would instead require the department to make the July 1, 1988, disbursement only to counties and councils of governments which have submitted plans to the department, and would require the county or council of governments to submit an expenditure report to the department before the department approves the plan. The department would also be required to disburse any remaining funds to specified counties which request additional funding The department would also be required to instead disburse $122,000 to the Southern California Association of Governments on July 1, 1988. These changes in the disbursement provisions make an appropriation.

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

Ch. 379 (AB 3330) Costa Commercial fishing violations.

(1) Until January 1, 1988, the Fish and Game Commission was authorized to revoke or suspend a certificate of boat registration or a commercial fishing license of a master of a vessel for specified violations relating to commercial fishing

This bill would reenact those provisions, to be effective until January 1, 1992.

(2) Existing law continuously appropriates the Fish and Game Preservation Fund, among other purposes, to the commission to carry out its duties under the Fish and Game Code This bill would add to those duties, thereby making an appropriation

Ch 380 (AB 3409) Frizzelle State Teachers' Retirement System: subrogation proceedings

Existing statutes establish the State Teachers' Retirement System (STRS) under the administrative control of the Teachers' Retirement Board

This bill would authorize the board to initiate subrogation proceedings against 3rd parties proximately causing injury to or death of a STRS member, for whom a disability allowance or family allowance is payable Recoveries would be required to be applied first to the amount paid or payable by STRS, including court costs, attorney fees, and expenses, which requirement constitutes a continuing appropriation from the Teachers' Retirement Fund

Ch. 381 (AB 3679) Frazee California Environmental Protection Program.

Under existing law, moneys in the California Environmental License Plate Fund may be appropriated for specified projects and purposes of the California Environmental Protection Program.

This bill would provide that any funds appropriated from the fund for the construction of a visitor center at Buena Vista Lagoon may be used to reimburse the City of Oceanside for any funds the city has advanced for that construction.

Ch 382 (AB 3887) Grisham State Teachers' Retirement System

A provision of the existing State Teachers' Retirement Law (STRL) requires the State Teachers' Retirement System (STRS) to notify retirants of specified possible income tax liabilities.

This bill would delete that provision

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The STRL authorizes employment of an investment manager with specified qualifications to perform specified duties and continuously appropriates sufficient funds therefor from the Teachers' Retirement Fund.

This bill would, instead, authorize the employment of investment managers and would expand those duties, as specified. That authorization would increase the continuous appropriation and, therefore, constitutes an appropriation

The STRL also defines various terms and provides for certain elections for membership in the Public Employees' Retirement System, and for determining postretirement allowance increases

This bill would make technical, corrective, updating, and clarifying changes in those provisions

Ch 383 (AB 3938) Jones. Manufactured structures.

(1) Existing law authorizes the Department of Housing and Community Development to establish a schedule of fees with respect to registration and titling of manufactured homes, mobilehomes, commercial coaches, truck campers, and floating homes

This bill would authorize, rather than require, the adoption of regulations The bill would delete provisions requiring registration of truck campers to be annually renewed. The bill would substantially revise exemptions from registration for nonresidents, and, since knowing violation of the registration requirements is a misdemeanor, these changes would impose a state-mandated local program Additionally, because these registration fees are deposited in the Manufactured Home License Fee Account in the General Fund, which is continuously appropriated, this bill would make an appropriation The bill would make corrective and clarifying changes, delete obsolete provisions relative to the assumption by it of registration and titling functions, and consolidate existing law. For purposes of the dealer's obligation to notify the department, the bill would specify that a completed transaction shall be deemed to have occurred, with respect to the transfer of a used commercial coach, at the time the lessee has signed a lease with an option to buy and taken possession of the commercial coach The bill would permit the department to accept alternative evidence of ownership with respect to a truck camper for which no manufacturer's certificate of origin has been issued.

(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 384 (AB 4197) Isenberg. Osteopathic physicians and surgeons

Existing law does not provide for a diversion program for osteopathic physicians and surgeons whose competency may be impaired due to drug or alcohol abuse.

This bill would authorize the Board of Osteopathic Examiners to establish diversion evaluation committees to evaluate licensees who request participation in a diversion treatment program for drug or alcohol abuse

This bill would establish the power and duties of the committees and would establish the standards of a program and the terms for participation in a program

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contingent Fund of the Board of Osteopathic Examiners Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 385 (AB 4510) M Waters Physician's assistants.

(1) Existing law requires the Physician's Assistant Examining Committee to require programs for the education and training of physician's assistants to utilize specified testing to give trainees credit for past health care education and experience

This bill would authorize rather than require the committee to require those programs to utilize those procedures

(2) Existing law does not provide for a program for the rehabilitation of physician's assistants whose competence is impaired due to abuse of dangerous drugs or alcohol

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This bill would require the Physician's Assistants Examining Committee to establish and administer a diversion program for those physician's assistants and would specify the procedures and standards for that program

(3) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Physician's Assistant Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch. 386 (SB 406) Presley Correctional facilities

Existing law requires the issuance of restricted vocational nurse's licenses to specified persons who were employed as medical technical assistants or as senior medical technical assistants by the Department of Corrections or the Department of the Youth Authority, and who served in the medical corps of any of the armed services or who served in the United States Public Health Service Existing law also provides, however, that the licenses authorize the holders thereof to practice vocational nursing only within a facility of the Department of Corrections or the Department of the Youth Authority and that they are valid only for the period of employment

This bill would provide, instead, that those persons who were issued the above-restricted licenses and who were employed at the psychiatric unit of the California Medical Facility at the time of the unit's transfer from the Department of Corrections to the State Department of Mental Health on July 1, 1988, shall continue to hold their licenses

Under existing law, a correctional officer employed by the Department of Corrections or any employee of the Department of Corrections designated by the Director of Corrections, among others, are peace officers, as specified, and may carry firearms if authorized and under the terms and conditions as specified by the employing agency

This bill would include as peace officers any medical technical assistant series employee designated by the Director of Corrections or designated by the Director of Corrections and employed by the State Department of Mental Health to work in the California Medical Facility

Existing law provides for the adoption of standards for, and inspection of, local detention facilities by the Board of Corrections For that purpose, "local detention facility" generally means local facilities for the confinement of adults or of both adults and minors for more than 24 hours

This bill would provide that "local detention facility" also includes any adult detention facility that holds prisoners under contract on behalf of cities, counties, or cities and counties

Existing law limits the circumstances under which a minor may be detained in a jail or other secure facility for the confinement of adults

This bill would specify that these limitations do not apply to prevent a peace officer or employee of an adult detention facility or jail from escorting a minor, lawfully arrested for driving under the influence of an alcoholic beverage, any drug, or both, into a detention facility or jail for the purpose of administering an evaluation, test, or chemical test for alcohol or drugs, if specified conditions are met including, among other things, that the minor is not locked in a cell or room within the adult detention facility or jail, is under the continuous, personal supervision of a peace officer or employee of the detention facility or jail, and is not permitted to come in contact or remain in contact with adults that are in custody

Existing law provides that, in order for a county to be eligible for funding under certain jail bond acts, it shall begin construction or renovation work within 3 years of an act that became effective October 1, 1986

This bill would change the 3-year limit to 4 years

The New Prison Construction Bond Act of 1988, as proposed by Chapter 43 of the Statutes of 1988, will, if adopted by the electors, authorize the issuance of general obligation bonds in the amount of $817,000,000 to provide for the acquisition, construction, renovation, remodeling, and deferred maintenance of state youth and adult correctional facilities, and for certain local correctional facilities As proposed, that act would create the 1988 Prison Construction Fund into which the proceeds from the sale of the bonds would be deposited

This bill would authorize the transfer of the proceeds from the sale of those bonds into

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the New Prison Construction Fund, the 1984 Prison Construction Fund, or the 1986 Prison Construction Fund, as specified The proposed amendments would be included in the New Prison Construction Bond Act of 1988, as it would be submitted to the electors.

The bill would express the intent of the Legislature not to affect law relating to employee benefits.

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

Ch. 387 (SB 696) Mello. Pajaro Valley Water Management Agency.

(1) Under existing law, the Pajaro Valley Water Management Agency may impose charges upon landowners within the agency in an amount not to exceed $5 per acre per year for each acre of land, or $5 per year for each parcel of land less than one acre, subject to a maximum amount of $300,000 in any single year.

This bill would increase the maximum permitted charge to $20 per acre or parcel and would permit the charge to include an additional amount not to exceed $10 per dwelling unit per parcel, subject to a maximum total amount of $330,000 in the 1988–89 fiscal year, and would authorize the agency to thereafter increase the actual charge imposed in the prior fiscal year to reflect increases in the cost of the service for which the charge is imposed, subject to a maximum amount of $500,000 in any fiscal year.

(2) Under existing law, all agency contracts for the construction of any unit of work or for any services estimated to cost over $10,000 are required to be let to the lowest responsible bidder in accordance with specified provisions.

This bill would delete services from that bidding requirement and would generally authorize the agency to purchase professional services in the open market.

(3) The bill would require the county counsels of Monterey, San Benito, and Santa Cruz Counties to jointly prepare an impartial analysis of any agency measure qualifying for the ballot which pertains exclusively to the agency, thereby imposing a state-mandated local program.

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

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

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

Ch. 388 (SB 2814) Davis. Elections city council members. statewide ballot

Existing law provides that if the 1st general municipal election following an incorporation election will occur less than one year after the incorporation election all of the city council members shall hold office until the 2nd general municipal election. Of the 5 council members elected at the 2nd general municipal election, the 3 receiving the lowest number of votes hold office for 2 years and the 2 receiving the highest number of votes hold office for 4 years. Subsequently, elected council members hold office for 4 years. This provision states it is applicable only to city council members elected at an incorporation election held on or after September 15, 1961.

This bill would, instead, require if the 1st general municipal election following an incorporation election will occur less than one year after the incorporation election, or occurred on or after November 1, 1987, and less than one year after the incorporation election, that of the 5 elected members, the 3 receiving the lowest number of votes hold office until the 2nd general municipal election and the 2 receiving the highest number of votes hold office until the 3rd general municipal election. This bill would delete the provision making these requirements applicable only to council members elected at an incorporation election held on or after September 15, 1961.

Existing law requires that a minimum of 131 days elapse between legislative approval of a proposed amendment to the California Constitution and its submission to the voters.

This bill would provide that, notwithstanding the 131-day requirement, among other provisions, ACA 54 of the 1987–88 Regular Session, as chaptered by the Secretary of State, shall be submitted to the voters at the general election on November 8, 1988, only if the Secretary of State determines that the publication of a supplemental ballot pamphlet is

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not required for ACA 54 alone.

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

Ch. 389 (AB 421) La Follette. Escrow.

Existing law prohibits certain specified conduct by any title insurance company, controlled escrow company, or underwritten title company with respect to escrow accounts.

This bill would, in addition, require any such company accepting any item or draft in connection with any escrow to deposit or submit the item or draft for collection to a financial institution, as defined, by the close of the next business day.

Under existing law, it is a misdemeanor to willfully violate the provisions regulating title insurance.

This bill would impose a state-mandated local program because it would create a new crime.

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

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

Ch. 390 (AB 2252) Elder. PERS: retirement benefits: health benefits

(1) The existing Public Employees' Retirement Law (PERL) provides for a local safety membership category consisting, among others, of local firefighters, as defined, whose benefits are generally higher than those for local miscellaneous members and authorizes contracting agencies to elect to make local safety member benefits applicable to specified categories of employees.

This bill would, in a provision which is optional to contracting agencies, expand the definition of "local firefighter" to include any officer or employee of a contracting agency performing a fire training function for a contracting agency This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The PERL establishes the Public Employees' Retirement System and provides various benefits for various membership categories

This bill would prohibit any contract or contract amendment from providing any retirement benefit for some, but not all, members in specified local membership categories This bill would also express related legislative intent

(3) The PERL authorizes contracting agencies to elect, subject to specified conditions, to grant up to 2 years of additional service credit to members who retire during a specified period but this authorization is repealed on September 29, 1988

This bill would extend that authorization until January 1, 1993. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(4) The existing Public Employees' Medical and Hospital Care Act (PEMHCA), requires that PEMHCA be administered by the Board of Administration of the Public Employees' Retirement System for the benefit of public employees and annuitants and authorizes the board to administer self-funded or minimum premium health benefits plans and to contract for related administrative services, subject to specified conditions and time limitations

This bill would reduce those conditions and eliminate the time limitations.

(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

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

Ch 391 (AB 2582) Duplissea. Elections deceased candidates, justice court judges, and constables.

(1) Existing law provides that if a candidate whose name appears on the ballot at any election dies after 12:01 a m of the 59th day before the election, the votes cast for that candidate shall be counted and if the deceased candidate receives a majority of the votes cast, he or she shall be considered elected, the office shall be vacant at the beginning of the term for which he or she was elected, and the vacancy shall be filled in the same manner as if the candidate died subsequent to taking office for that term

This bill would provide that notwithstanding any other provision of law an election, except an election for a judicial office, shall not be conducted, and no votes cast for that office shall be counted, and if counted the votes shall be null and void, if an incumbent is a candidate for statewide, countywide, or citywide office, or for a nonpartisan office, as specified, at an election at which only one other candidate, excluding write-in candidates, has qualified to have his or her name placed on the ballot for that office, and either the challenger or the incumbent dies after 12 01 a.m of the 68th day before the election

This bill would impose a state-mandated local program by requiring that a special election be called and conducted to fill the vacancy caused by the death of either the challenger or the candidate-incumbent, and would specify certain timelines applicable to that election

This bill would require the Secretary of State or clerk to take appropriate action to ensure that voters do not erroneously vote in a canceled election, and would impose a state-mandated local program by requiring the clerk to provide signs, or materials for making signs, to the precinct board for posting within each voting booth or compartment advising voters that an election has been canceled due to the death of either the challenger or the candidate-incumbent and that a special election will be held to fill the vacancy

This bill would impose a state-mandated local program by requiring that filing of nomination papers for a nonpartisan office, except for a judicial office, be reopened when an incumbent who is a candidate for a statewide, countywide, or citywide office, or for a nonpartisan office, as specified, which he or she currently holds at a nonpartisan election at which only one other candidate, excluding any write-in candidate, has qualified to have his or her name placed on the ballot and either the challenger or the incumbent dies after the 88th day but before the 68th day before the election It would specify procedures applicable to the filing of nomination papers in this situation

(2) Existing law authorizes the board of supervisors of any county to divide the county into judicial districts for the purpose of electing judges and other officers of municipal and justice courts and to change district boundaries and create new districts. In certain small counties, including Lassen County, the board of supervisors may by ordinance abolish the office of constable for a justice court and require that the duties of constable be performed by the sheriff and or marshal However, if the constable holds an elective office, the ordinance may become effective only upon the approval of the voters of the county

This bill would expressly ratify a specified justice court reorganization in Siskiyou County which created a new justice court judicial district and would declare null and void elections to fill the judge positions in the superseded justice courts The bill would require the Board of Supervisors of Siskiyou County to call a special election for the offices of judge and constable of the new justice court and would require the special election to be consolidated with the general election

The bill would also authorize the Board of Supervisors of Lassen County by ordinance or resolution to designate the county sheriff as ex officio constable of the justice court judicial districts in the county, without the approval of the county voters

(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

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Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would state a legislative declaration that this bill contains costs mandated by the state, that reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $500,000, reimbursement 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 392 (AB 2805) Duplissea Vehicles. theft investigations.

Under existing law, a member of the California Highway Patrol, city police department, and sheriff's department whose primary responsibility is vehicle theft investigations, may, for the purpose of determining rightful ownership or possession, inspect vehicles, of a type requiring registration, in any public garage, repair shop, parking lot, new or used car lot, automobile dismantler's lot, vehicle shredding facility, vehicle leasing or renting lot, vehicle equipment rental yard, vehicle salvage pool, or similar establishment Additionally, implements of husbandry and other specified equipment may be inspected in those places or on the highway, as specified.

This bill would expand the places where inspections could be made to include any terminal and any agricultural or construction work location where work is being actively performed. The bill would also add forklifts to the equipment which may be inspected in those places or on the highway

Ch. 393 (AB 2836) Stirling. Filings. registrations, notices, and fees

(1) Existing law provides that certain persons, as defined, may register trademarks with the Secretary of State

This bill would allow other entities and organizations to file applications for trademarks with the Secretary of State.

(2) Existing law requires a trademark applicant to submit 5 specimens of the proposed trademark with each application to the Secretary of State.

This bill would reduce the number of required specimens from 5 to 3 and would also require a translation of the trademark or any part of it, if it is not in the English language

(3) Existing law provides that a trademark and its registration shall be assignable with the goodwill of the business in which it is used, or with that part of the goodwill of the business connected with the use of and symbolized by the trademark, as specified

This bill would provide that assignment information shall be by instruments in writing duly executed and acknowledged and may be filed with the Secretary of State, as specified

(4) Existing law does not provide that the Secretary of State may cancel a certificate of registration if a check or other remittance accepted in payment of the filing fee for a trademark application is not paid upon presentation.

This bill would allow the Secretary of State to cancel a certificate of registration if the check or other form of remittance accepted in payment of the filing fee for a trademark application is not paid upon presentation and would also require the Secretary of State to give notice to the registrant of nonpayment with an additional 30 days to make payment by cashier's check or the equivalent from the date of the notification letter

This bill would also delete the requirement that the Secretary of State shall cancel certain registrations which are more than 10 years old and not renewed, as specified. It would also require the Secretary of State to cancel registrations issued through ministerial error, as specified

(5) Existing law requires the Secretary of State to notify trademark registrants of the necessity of renewal within the year next preceding the expiration of the 10 years from the date of registration by writing to the last known address of the trademark registrant

This bill would repeal this requirement.

(6) Existing law authorizes the filing of certain notices with the Secretary of State, including a notice of attachment of equipment, a notice of attachment of farm products or inventory of a going business, a notice of a judgment lien on personal property, a notice of federal lien, a financing statement, a state tax lien, and related notices Existing law establishes a fee for conducting a search for the notices and for issuing a certificate,

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and a fee for furnishing copies. Under existing law, the fee is not to exceed $15, plus a fee for copies, in the case of the above-mentioned notices, except that the fee in the case of the tax lien is $11 plus a copying fee. However, existing law authorizes a person to request a combined certificate for those notices, and the fee for the combined certificate is $11.

This bill would provide that the fee of the Secretary of State with respect to any one of those notices shall be set in an amount not to exceed the fee for the combined certificate. It would provide that the fee for the combined certificate is $12, with no copy fee, but that fee would become operative only after the Uniform Commercial Code Program Optical Disk System has been installed and is functioning. Until that time, the fee would be $11 plus a copy charge of $1 for the 1st page and 50¢ for each additional page

This bill would also make related changes to these provisions.

Ch. 394 (AB 2903) Hansen. Landslide hazard identification program.

Existing law requires until January 1, 1989, the Director of Conservation to establish a landslide hazard identification program which develops maps of landslide hazards and assists local and state agencies in land use and permit decisions in areas subject to landslide hazards.

This bill would extend the January 1, 1989, repeal date for the landslide hazard identification program to January 1, 1995 The bill would require the Legislative Analyst, as part of the 1994–95 budget process, to review implementation of the Landslide Hazard Identification Act by the Division of Mines and Geology and to submit an evaluation, including specified items, to the appropriate budget committees of the Legislature.

Ch. 395 (AB 3026) Lancaster. Vehicles: drivers' licenses· judgments.

(1) Under existing law, the Department of Motor Vehicles is authorized to refuse to renew, suspend, or revoke the driver's license of a person who meets the definition of a negligent operator Points are given for violations and accidents to determine who is a negligent operator for this purpose

This bill would authorize the department, on and after July 1, 1989, to require a negligent operator whose license is suspended or revoked to submit proof of ability to respond in damages, as defined, and to maintain that proof of ability to respond in damages for 3 years, as specified

(2) Existing law does not condition the privilege of operating a motor vehicle upon the payment of small claims court judgments

This bill would authorize certain small claims court judgment creditors, whose judgments arose from a motor vehicle accident which has remained unsatisfied for more than 90 days after the judgment becomes final, to file a notice, as specified, with the department and require the department to suspend the privilege of operating a motor vehicle of any person for 90 days upon receiving notice of judgment against that person The bill would also require a fee of not to exceed $20 to accompany court documents relating to unsatisfied judgments arising out of a motor vehicle accident.

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

Ch 396 (AB 3029) Vasconcellos Dentistry

Existing law makes it unprofessional conduct and thus grounds for the suspension and revocation of a license for any dentist to, among other things, advertise any free dental work or free examination.

This bill would, instead, make it unprofessional conduct to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim likely to induce the rendering of professional services or furnishing of products in connection with a dentist's professional practice or business, as specified.

Ch. 397 (AB 3088) Costa. Water districts: directors

(1) Under existing law, the governing board of any water district, as defined, which is authorized under its principal act to receive compensation in the amount of $100 or

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more per day is authorized to increase, by ordinance, the amount of that compensation, subject to prescribed limitations, and subject to a prescribed right of the voters of the district to petition for a referendum on the ordinance.

This bill would authorize any water district, as so defined, to provide compensation to its directors, unless any compensation is prohibited by its principal act, in an amount not to exceed $100 per day by an ordinance and to thereafter increase that compensation in accordance with those provisions.

(2) Under existing law, the directors of water districts organized under the California Water District Law are required to be holders of title to land, except that, within the Angiola Water District, officers, employees, and legal representatives of holders of title to land, and other specified persons, may be directors

This bill would generally permit the legal representative of the holder of title, or the president of a corporation holding title or persons selected by resolution of its board of directors, to serve as directors, and would delete the special provision for the Angiola Water District.

Ch. 398 (AB 3127) Areias. Controlled substances

(1) Existing law requires the triplicate prescription blanks to have the name of the practitioner to whom they are issued and certain other personalized information preprinted, and provides, with respect to any nonpersonalized prescription blanks still in the possession of the Department of Justice on January 1, 1981, that those blanks be distributed without charge.

This bill would additionally require the triplicate prescription blanks to have the federal registry number for controlled substances preprinted and would delete the free distribution authorization relating to nonpersonalized prescription blanks.

(2) Existing law requires written prescriptions for controlled substances classified in Schedule II to be on the official triplicate prescription forms issued by the Department of Justice and to contain specified information. Existing law provides further that the original and one of those completed prescriptions shall be delivered to the pharmacist filling the prescription, the original then shall be retained by the pharmacist and a copy properly endorsed by the pharmacist shall be transmitted to the Department of Justice, as specified.

This bill would recast the handling of the completed prescriptions to specify that the original and duplicate of the prescription shall be delivered to the pharmacist filling the prescription with the duplicate, rather than the original, being retained by the pharmacist and the original, rather than a copy, being properly endorsed by the pharmacist The bill would further require the name and address of the pharmacy, the pharmacy's state license number, the date the prescription was filled, and the signature of the pharmacist, to be included in the prescription and then to be transmitted to the Department of Justice, as specified

(3) Under existing law, the original prescription for a controlled substance classified in Schedule II and dispensed by a pharmacist to a patient in a licensed skilled nursing facility, an intermediate care facility, or a specified licensed home health agency shall be retained by the pharmacist, and the duplicate forwarded to the prescriber with the triplicate being endorsed, and forwarded, as provided, to the Department of Justice, as specified.

This bill would recast the handling of these completed prescriptions by providing that the duplicate, rather than the original, shall be retained by the pharmacist, and the triplicate, rather than the duplicate, shall be forwarded to the prescriber with the original, rather than the triplicate, being properly endorsed and forwarded to the Department of Justice by the pharmacist with the pharmacy's state license number included in the prescription.

(4) Under existing law, every medical practitioner, other than a pharmacist, who issues a prescription, or dispenses or administers a controlled substance classified in Schedule II is required to complete a prescribers record showing, among other things, the character of the controlled substance.

This bill would specify that character of the controlled substance includes the name and strength of the controlled substance involved

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(5) Under existing law, filed prescriptions are required to constitute a transaction record and shall show, among other things, the character of the controlled substance involved

This bill would specify that the character includes the name and strength of the controlled substance involved.

Ch 399 (AB 3191) Frazee Local agencies· meetings video teleconferencing

The Ralph M Brown Act requires, with specified exceptions, that meetings of the legislative bodies of local public agencies be open and public.

This bill would amend the act to authorize the legislative body of a local agency to use video teleconferencing, as defined, for the benefit of the public or the legislative body of a local agency in connection with any meeting or proceeding authorized by law The bill would limit the use of video teleconferencing under the Ralph M. Brown Act to the receipt of public comment or testimony by, and deliberations of, the local legislative body. It would require that legislative bodies of local agencies electing to use video teleconferencing post agendas at all video teleconference locations and adopt reasonable regulations to adequately protect the statutory or constitutional rights of the parties or the public appearing before the legislative body of a local agency.

The bill would repeal these provisions January 1, 1994.

Ch. 400 (AB 3264) Frazee Real property instruments

Existing law does not define the term "instrument" for purposes of recording interest in real property.

This bill would define the term "instrument" as a written paper signed by a person or persons transferring the title to, or giving a lien on real property, or giving a right to a debt or duty

The bill would state that it is declaratory of existing law and is not intended to expand or diminish the scope of documents presently found by recorders to be eligible for recordation.

Ch. 401 (AB 3742) Eastin County transportation authorities San Francisco Bay area

Under the Bay Area County Traffic and Transportation Funding Act, any county in the 9-county San Francisco Bay area may establish a county transportation authority, the membership of which is as prescribed by the county transportation expenditure plan

This bill would authorize the designation of alternates to the regular members

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

Ch. 402 (AB 4169) Frazee. Local coastal program· City of Carlsbad.

Existing law requires specified parties to pay agricultural conversion fees for the agricultural subsidy program of a specified local coastal program for the City of Carlsbad for deposit in the agricultural improvement fund in accordance with that local coastal program or for payment as agricultural subsidies to landowners

This bill would authorize these agricultural conversion fees to be expended within the City of Carlsbad and on projects outside the city which benefit agricultural programs within the city, and on improvements outside coastal zone boundaries in San Diego County, if the improvements are not inconsistent with the local coastal program and would benefit agricultural production within the coastal zone of the city, thereby making an appropriation

Ch 403 (AB 4282) Bronzan Conditions for release

(1) Under existing law, a person who is specified or designated in a warrant of arrest for a misdemeanor offense may be released upon the issuance of a citation, in lieu of physical arrest, unless one of numerous specified conditions exist.

This bill would modify one of those conditions dealing with other ineligible charges pending against the person by deleting the language that includes outstanding charges of failure to appear.

(2) Existing law specifies penalties for any person who willfully violates his or her oral

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or written promise to appear in court Existing law also establishes the conditions for release on one's own recognizance, as specified. Under existing law certain provisions relating to own recognizance releases will remain in effect only until January 1, 1989.

This bill would make it a crime for any person who violates a lawfully granted continuance of his or her oral or written promise to appear in court and subject that person to arrest within 20 days after his or her failure to appear in court thus imposing a state-mandated local program by creating a new crime It would also require a defendant to promise to obey all reasonable conditions imposed by the court or magistrate as a condition of release. This bill would also continue in effect indefinitely those provisions dealing with own recognizance releases

(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. 404 (AB 4464) Connelly Sex offenses.

Existing law makes it a crime for any person to cause the penetration of the genital or anal openings of another person for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device when the act is accomplished against the victim under certain specified conditions. Existing law also makes it a crime for any person to participate in an act of penetration, as specified above, of another person when the victim is a minor

This bill would make it a crime for any person to cause another person to commit these specified acts against the defendant or a third person under the same conditions, as specified above. "Victim" would include any person who qualifies as a victim, as defined, and who causes the penetration of the defendant's genital or anal openings or those of a third person, who may also qualify as a victim

This bill would expand the scope of an existing crime, thus imposing a state-mandated local program.

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

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

Ch. 405 (AB 4622) Bader. Osteopathic physicians and surgeons

Existing law specifies the qualifications for the issuance of a license based on reciprocity as an osteopathic physician and surgeon to a person who is licensed to practice osteopathic medicine in another state One of the qualifications is that the applicant hold an unrestricted license to engage in the practice of osteopathic medicine in another state whose written license examination is recognized and approved by the board

This bill would authorize the Board of Osteopathic Examiners to require an applicant for a license based on reciprocity to pass an examination prepared by any of specified organizations in lieu of a recognized and approved state examination

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

Ch. 406 (SB 45) Lockyer. Toll bridge revenues

(1) Existing law provides for the construction, operation, maintenance, toll rates, and use of toll revenues of the Antioch, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Francisco-Oakland, and San Mateo-Hayward Bridges.

This bill would classify the Antioch, Benicia-Martinez, Carquinez, and Richmond-San Rafael Bridges as the northern bridge unit, and would classify the other bridges as the southern bridge unit. The bill would require toll revenues from the bridges in each unit to be kept in separate accounts, which the bill would create. The bill would authorize toll revenues from all bridges in a bridge unit to be expended on any bridge in that unit for safety and operational costs, including toll collection and insurance, and the payment of principal and interest on bonds issued for the construction and improvement of

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bridges in that unit, and would authorize specified major bridge projects to be funded from toll revenues. The bill would authorize up to 3% of toll revenues to be allocated by the Metropolitan Transportation Commission for other transportation projects to reduce vehicular traffic on bridges.

The bill would impose a state-mandated local program by requiring the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano to conduct special elections on a proposed toll schedule recommended by the Metropolitan Transportation Commission for each of the bridges, providing for a uniform $1 toll for Class I vehicles and an amount up to 1½ times the toll on the San Francisco-Oakland Bay Bridge in effect on January 1, 1969, for all other vehicles. The bill would prohibit any increase of the bridge tolls until the results of those elections are available If a majority of all the voters voting on the question approve a toll increase, the California Transportation Commission would be required to adopt the schedule recommended by the Metropolitan Transportation Commission as the toll schedule for those bridges. The bill would prohibit changing those rates without further authorization by the Legislature, except that the California Transportation Commission would be authorized to revise those rates as may be necessary to meet bond obligations. The bill would declare the Legislature's intent to maintain tolls at rates sufficient to meet bridge bond obligations.

The bill's provisions would be repealed if the toll increase is rejected by a majority of the voters voting on the measure.

The bill would impose a state tax for purposes of Article XIII B of the California Constitution by requiring that revenues from an increase in the tolls for the San Francisco-Oakland Bay Bridge be used exclusively for transit capital improvements designed to reduce vehicular traffic congestion on that bridge

The bill would authorize the issuance of revenue bonds, secured by revenues available for allocation by the Metropolitan Transportation Commission, to finance transit capital improvement projects.

(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.

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

Ch. 407 (SB 1296) Hart. Spousal support

Existing law provides that in any judgment decreeing the dissolution of a marriage or a legal separation, the court may order a party to pay for the support of a party in any amount, and for any period of time, as the court may deem just and reasonable. In making such an award the court is required to consider various circumstances, including the standard of living of the parties and the earning capacity of the parties.

This bill would require such an award to generally be based on the standard of living established during the marriage.

Rather than a consideration of the earning capacity of each spouse the bill would require a consideration of the extent to which the earning capacity of each spouse is sufficient to maintain the standard of living established during the marriage.

Under existing law, the court is required, in considering the earning capacity of each spouse, to take into account the extent to which the supported spouse contributed to the attainment of an education, training, career position, or a license by the other spouse.

This bill would require those factors to be considered generally in making the award rather than only with respect to the consideration of the earning capacity of each spouse.

Among other things, it also would require the consideration in making such an award of the ability to pay of the supporting spouse and of the immediate and specific tax consequences to each party

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Ch. 408 (AB 2890) Elder. Public retirement systems: STRS and PERS.

Existing provisions of the State Teachers' Retirement Law and the Public Employees' Retirement Law authorize the establishment of home loan programs utilizing the respective retirement funds to assist currently employed members and retirants or annuitants, through financing, to obtain single-family dwellings, single-family cooperative apartments, and single-family condominiums in this state, subject to specified conditions.

This bill would include within these programs, duplexes, triplexes, and fourplexes.

This bill would also modify the Public Employees' Retirement Law program to include refinancing and impose the condition that no member or annuitant may have more than one outstanding loan

Ch. 409 (SB 1849) Montoya. State Board of Equalization records: disclosure.

The existing California Public Records Act provides that public records are open to public inspection at all times during the office hours of state and local agencies and that every person has a right to inspect a public record The act also requires specified state and local agencies to establish written guidelines for accessibility of records.

This bill would add the State Board of Equalization to this list of government agencies, thereby requiring the board also to establish guidelines for accessibility of records.

Ch. 410 (SB 1742) Ayala Three Valleys Municipal Water District.

(1) Under existing law, the board of directors of a municipal water district consists of 5 members elected by division

This bill would require the Board of Directors of the Three Valleys Municipal Water District to consist of 7 directors, thereby imposing a state-mandated local program, and would prescribe related matters.

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. 411 (SB 726) Deddeh Property taxation. exemption: disabled veterans.

Existing property tax law provides for a disabled veterans' property tax exemption in specified amounts depending, in part, on household income, with respect to the principal place of residence of a veteran who is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service. This exemption is also available in the same amounts to an unmarried surviving spouse of an eligible veteran who is deceased To be eligible for the exemption, the veteran must have been a resident of California· (1) at the time of entry into military or naval service, (2) on November 7, 1972, if the veteran is blind or has lost the use of 2 or more limbs, or (3) on January 1, 1975, if the veteran is totally disabled.

This bill would eliminate the residency requirements discussed above and would declare that these amendments are declaratory of existing law

The bill would become operative only if SCA 16 is adopted by the voters

This bill would make a property tax classification or exemption within the meaning of Section 2229 of the Revenue and Taxation Code

Ch. 412 (AB 2140) Mojonnier. Adoption

Under existing law, the State Department of Social Services is required to maintain a photo-listing service that, with certain exceptions, contains a photograph and description of each child who has been legally freed and whose case plan is adoption. One exception applies to cases where a child's foster parents or other identified individuals have applied to adopt the child and their application has not been processed by the adoption agency However, children who are not listed for this reason are required to be listed within 60 working days of the date the child was legally freed unless a notice of adoptive placement has been filed

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This bill would delete the requirement for listing within 60 days and revise the exception to defer a child from the photo-listing service where that child's foster parents or other identified individuals who have applied to adopt the child are meeting the adoption agency's requests for required documentation and are cooperating in the completion of a homestudy being conducted.

Ch 413 (AB 2919) Speier Jury· dismissal.

Existing law requires that a jury in a criminal case be dismissed when the verdict is given and there is no disagreement expressed by the jury, thereby the verdict is deemed complete.

This bill would prohibit a jury from being discharged until the court has verified on the record that the jury has either reached a verdict or has formally declared its inability to reach a verdict on all issues before it, as specified

Ch 414 (AB 3092) McClintock Santa Monica Mountains Conservancy

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy Advisory Committee is composed of 13 members.

This bill would add one member to the advisory committee, to be appointed by the Board of Directors of the Pleasant Valley Recreation and Park District, 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 415 (AB 3141) O'Connell Grand jury proceedings persons permitted to be present.

Existing law provides that the district attorney and also special counsel, special investigators, and interpreters requested by the grand jury may be present during grand jury proceedings.

This bill would permit the custodial officer of a prisoner witness to be present during the session of the grand jury when the members are present and witnesses are actually under examination

Ch 416 (AB 3318) Duplissea. State highways· Route 109

Under existing law, State Highway Route 109 is from the vicinity of Notre Dame Avenue in East Palo Alto to Route 84

This bill would revise the description of Route 109 as being from Route 84 to Route 101

The bill would limit the Department of Transportation's responsibility for maintaining and operating segments of the revised route, and would declare that the bill does not constitute a commitment to construct highway projects on segments of the revised route The bill would prohibit the allocation for Route 109 projects, other than the existing segment, until specified conditions are met

The bill would prohibit the consideration of any proposed segment of Route 109 without the participation and approval, as specified, of cities and counties through which the segment would pass The bill would, however, further provide that nothing in the bill would preclude the department from conducting such a study and analysis

Ch 417 (AB 3903) Roos Aging.

Existing law requires the Department of Aging to establish, in consultation with the California Commission on Aging, a statewide Health Insurance Counseling and Advocacy Program to provide education and legal assistance to Medicare beneficiaries, and to recruit, train, and assist volunteer counselors on private insurance and Medicare matters.

This bill would require the Department of Aging, in consultation with the California Commission on Aging, to support long-term care educational activities by employers,

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senior organizations, and other interested groups, and support activities providing for certain educational media announcements on available benefits.

Ch. 418 (AB 3980) Cortese. Development fees.

Under existing law, there are various limitations and procedural requirements applicable to the imposition by local governmental agencies of fees and exactions upon real property development.

This bill would consolidate certain of these provisions of existing law without substantive change and would make technical, clarifying, and corrective changes

The bill would incorporate additional changes in Section 53077.5 of the Government Code, proposed by AB 3143, to become operative only if AB 3143 and this bill are both chaptered and become operative January 1, 1989, and this bill is chaptered last

The bill would incorporate additional changes in Section 65958 of the Government Code, proposed by SB 1407, to become operative only if SB 1407 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 419 (AB 4277) Bronzan Healing arts

Existing law requires the chief of the medical staff or other officer of certain peer review bodies 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 privileges restricted, as specified. The failure to make the report as required is a misdemeanor.

This bill would make this reporting requirement applicable as well to a certified Medicare ambulatory surgical center Since a violation would be a misdemeanor, 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 420 (AB 2578) Friedman. Absentee voters· district initiatives.

Existing law provides that a special absentee voter, as defined, may apply for a special absentee voter ballot and may vote pursuant to specified procedures Those provisions are scheduled to repeal on January 1, 1989.

This bill would impose a state-mandated local program by deleting the provision repealing the above procedures, thereby extending these procedures indefinitely

Existing law provides a procedure for the enactment of ordinances by initiative in any district, as defined.

This bill would impose a state-mandated local program by revising this procedure to accomplish the following

(1) Require each section of the petition to have attached an affidavit of the person soliciting the signatures

(2) Require the district board to either pass the ordinance without alteration at the regular meeting when presented or within 10 days after it is presented, or immediately order that the ordinance be submitted without alteration to the voters at the next statewide election or regular election date, not less than 88 days after the order, or at a special election called by the board.

(3) Require the county counsel or district attorney to prepare an impartial analysis of the measure.

(4) Delete the requirement that written arguments in favor of the proposed ordinance be filed with the petition

(5) Require the county clerk to fix a reasonable date prior to the election for submission of arguments in favor of and against the ordinance, and additional rebuttal arguments

(6) Delete the requirement that the district board immediately send to the filers of an initiative petition any copies of any argument submitted by the district board against an ordinance

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

This bill would provide that, 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. 421 (AB 3016) Klehs. Property taxation. collection.

Existing property tax law requires counties to return replicated property tax payments to the tendering party within a prescribed period following submission of the payments and requires the payment of interest thereon for returns made after that period.

This bill would define the term "replicated payment" for purposes of those provisions.

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

Ch. 422 (AB 3284) Moore. Districts termination of utility services.

(1) Under existing law, various districts are authorized under their governing acts to provide residential electrical, gas, heat, or water service.

This bill would require any district, as defined, which furnishes residential light, heat, water, or power through a master meter, or furnishes individually metered service in a multiunit residential structure, mobilehome park, or farm labor camp to make every good faith effort to inform the actual users of the services, when the account is in arrears that service will be terminated in 10 days and to inform the actual users that they have the right to become customers of the district without being required to pay the amount due on the delinquent account. The bill would prescribe related matters.

The bill would also prohibit any district furnishing its inhabitants with light, water, power, or heat from terminating residential service for nonpayment of a delinquent account unless the district first gives notice of the delinquency and impending termination, in accordance with prescribed requirements, or from terminating residential service for nonpayment in specified situations. The bill would prescribe related 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 create a state-mandated local program by imposing on special districts requirements regarding termination of residential utility service

The bill would, however, provide that no reimbursement is required by this act for specified reasons.

Ch. 423 (AB 4504) Floyd. Hazardous substances combustion products

Existing law requires a manufacturer of a hazardous substance to provide information to their purchasers of the hazards and risks involved in the use of the hazardous substances.

This bill would require that this information include the hazards or other risks of exposure to the combustion products of the hazardous substance.

Ch. 424 (SB 532) Keene. Quarter horse racing.

Existing law defines "quarter horse racing" to be horseracing in which quarter horses are ridden in races over distances of not more than ¼ mile.

This bill would authorize the California Horse Racing Board to permit quarter horse races over distances of up to 5½ furlongs.

Ch. 425 (AB 1327) Eastin. California State Lottery: use of funds.

Existing law requires the Controller to make quarterly distributions of funds from the California State Lottery Education Fund to public school districts, county superintend-

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ents 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, the Department of the Youth Authority, the California Schools for the Deaf, the California School for the Blind, and the Diagnostic Schools for Neurologically Handicapped Children

This bill, in addition, would require the Controller, effective July 1, 1989, to make quarterly distributions to the State Department of Developmental Services for clients with developmental or mental disabilities who are enrolled in state hospital education programs, including developmental centers The bill would constitute an appropriation in that it would establish a new purpose for a continuously appropriated fund

Ch. 426 (AB 3075) Stirling. Schools: crossing guards

Under existing law, governing boards of school districts that employ school crossing guards may be reimbursed for this purpose by a city, county, or city and county out of a special fund in which moneys from fines and forfeitures collected in municipal or justice courts are deposited. Existing law further requires that those governing boards be reimbursed in that manner when a city, county, or city and county fails or refuses to adopt standards under which the city, county, or city and county shall provide school crossing guards.

This bill would require, except as otherwise provided by written agreement, that, if the city, county, or city and county provides crossing guards, the city, county, or city and county shall pay for the costs of those guards.

Ch 427 (AB 3362) Elder Industrial loan companies

Existing law provides that an industrial loan company shall not make any loan or purchase or discount any other obligation that provides for a repayment of principal over more than 120 months

This bill would extend that period to 120 months and 30 days.

Existing law provides that certain real estate loans and consumer loans secured by real property made by an industrial loan company shall not have a repayment period exceeding 30 years.

This bill would provide that those loans shall not have a repayment period exceeding 30 years and 30 days, as specified

Existing law authorizes an industrial loan company to charge an appraisal fee for any loan which is secured primarily by real property.

This bill would provide that the appraisal fee must be in connection with an application or request for a loan having a face amount in excess of $5,000 which is secured primarily by real property whether or not the loan is made.

Existing law provides that any loan or other obligation made or acquired by an industrial loan company that has investment certificates outstanding which is secured primarily by real property and has an outstanding principal balance of $5,000 or more shall be secured by real property or personal property, as specified.

This bill would make that provision applicable to any such loan or obligation, with certain exceptions, having an outstanding principal balance of $10,000 or more, as specified

Existing law prohibits an industrial loan company from making any loan to, or purchasing a contract or chose in action from, specified entities. That prohibition does not apply to the purchase by an industrial loan company of a contract or chose in action from a personal property broker, a consumer finance lender, or a commercial finance lender, provided written authorization for the purchase is obtained from the Commissioner of Corporations.

This bill would revise the prohibition so that it not apply to the purchase by an industrial loan company of a contract, loan, or chose in action from any of the above specified persons or a mortgage broker, a mortgage banker, a real estate broker, or other licensed lender.

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Ch 428 (AB 3365) D. Brown. Transmission of money abroad.

Existing law requires persons licensed to transmit money abroad to forward those moneys or give instructions committing equivalent funds to the person designated by the depositor, as specified

This bill would, with respect to that requirement, provide that the persons to receive the moneys may be designated by a "customer" rather than a "depositor"

Ch 429 (AB 3623) Sher. Forest resources: state nurseries.

Under existing law, state nurseries are required to be maintained under the management of the Department of Forestry and Fire Protection for the growing of stock for specified purposes.

This bill would revise the purposes for which state nurseries are maintained, including, in this connection, operation of a state seed bank to provide facilities for specified purposes and production for sale of tree seedlings planted for purposes of meeting resource conservation standards, and would make related changes. The bill would specify that the department may purchase and distribute stock and seed for restoration of native tree and plant species threatened with extinction.

Ch. 430 (AB 3875) Bates. Limited-equity housing cooperatives: subdivision public reports

Under existing provisions of the so-called Subdivided Lands Law, limited-equity housing cooperatives are subject to the same requirements as stock cooperatives, including primarily the requirement for a public report of the Real Estate Commissioner However, limited-equity housing cooperatives meeting specified criteria are exempt from those requirements.

This bill would revise the criteria for that exemption.

Ch. 431 (AB 4082) D Brown Financial transactions: transmission of money.

Existing law requires persons engaged in the business of receiving money for the purpose of transmitting it abroad to be licensed by the Superintendent of Banking, and existing law provides for the regulation of that business.

This bill would require an applicant for a license to engage in that business to file a consent appointing the superintendent as agent for service of process.

Ch. 432 (SB 1080) Boatwright. Criminal law.

Under existing law, added by initiative statute, plea bargaining in any case in which the indictment or information charges any serious felony, as defined, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. Under existing law, a serious felony includes specified crimes, including robbery.

This bill would provide that "serious felony" also includes bank robbery, as defined.

Existing law provides that the above-mentioned provision added by initiative statute, shall not be amended by the Legislature except by a statute passed in each house by a rollcall vote entered in the journal, ⅔ of the membership concurring, or by a statute that becomes effective only when approved by the electors

Ch 433 (SB 1723) Deddeh. Money exchange houses.

Existing law makes no specific provision for the regulation of money exchange houses, as defined

This bill would require these facilities to post signs concerning the rates of exchange, as specified. It would also require a receipt to be presented to each customer stating the rate of exchange for the transaction, the amount of commissions or fees, the net exchange after all fees and commissions have been deducted, and the total amount of currency presented by the customer and the total amount returned to the customer. The bill would provide that nothing in the bill shall be construed to limit the effect of any other provision of state law or any local ordinance with respect to regulation of money exchange houses, as specified The bill would establish a state-mandated local program

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by providing that a violation of these provisions is an infraction.

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

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

Ch 434 (SB 1890) Seymour. Real property· subdivisions.

Existing law regulates the sale or lease in this state of lots or parcels in a subdivision situated outside of this state, as specified Existing law provides that when an inspection is to be made of subdivided lands situated outside of this state which are to be offered for sale or lease in this state, specified fees, including an amount estimated to be necessary to cover nontransportation expenses of the inspection, but not exceeding $75 a day, may be assessed Existing law provides that those fees are to be paid into the Real Estate Fund

This bill would revise the provision regarding nontransportation expenses of an inspection to provide instead that an amount estimated to be necessary to cover the actual and necessary subsistence expenses incurred in the inspection may be assessed

Under existing law, subdivisions meeting certain criteria are defined as "land projects" for purposes of the so-called Subdivided Lands Law Before issuing a public report for a land project, the Real Estate Commissioner must make special findings and these subdivisions are otherwise subject to certain special regulatory requirements

This bill would make sales of interests in these undivided-interest subdivisions subject to a 3-day right of rescission The bill would require the owner of the subdivision to disclose this right to purchasers in accordance with regulations of the Real Estate Commissioner The bill would make a certificate signed by the purchaser, and stating that the purchaser had not exercised this right of rescission within the statutory period, conclusive evidence thereof as against 3rd parties relying in good faith upon the certificate.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Real Estate Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 435 (SB 1932) Campbell. Submission of claim.

Existing law requires a state or 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 provide that when the contractor's final payment is based upon a measurement of quantities of specific portions of the work, the contractor's request for payment shall be deemed properly filed on the next business day after the contractor provides written notification of acceptance of the proposed final estimate as prepared by the public entity.

Ch 436 (SB 1939) Deddeh. Vehicles. drivers' licenses.

Existing law exempts nonresident drivers from drivers' license requirements under specified circumstances.

This bill would also exempt a nonresident possessing a valid driver's license issued by the Diplomatic Motor Vehicle Office of the Office of Foreign Missions of the United States Department of State The bill would also require the Department of Motor Vehicles to report to the Legislature annually, as specified.

Ch. 437 (SB 1955) Beverly Private investigators.

Existing law prohibits any licensee, officer, director, partner, manager, or employee of a private investigator from knowingly and directly soliciting employment from any injured person, as specified

This bill would instead prohibit that solicitation from any person who has directly sustained any bodily injury or from that person's spouse or other family member

Existing law exempts from that prohibition the solicitation of employment from the

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injured person's attorney.

This bill would additionally exempt from that prohibition the solicitation of employment from the injured person's insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injury

Ch. 438 (SB 1956) Rogers. Vital statistics: county recorder: destruction of original records.

Existing law authorizes a county recorder to use a system of microphotography as a photographic reproduction process to record some or all specified documents that are required or permitted by law to be recorded or filed Existing law further requires that any documents microphotographed by the county recorder be deemed and considered an original

This bill would expand the available options of the county recorder to make copies of the documents under these provisions, to include optical disks, and other techniques which do not permit additions, deletions, or changes to the original document. This bill would further provide that any documents that the county recorder copies using these additional options shall also be deemed and considered an original.

Existing law authorizes the State Registrar of Vital Statistics, notwithstanding any other provisions of law relating to the destruction of public records, to cause original records of birth, death, and marriage filed under the state law relating to vital statistics to be destroyed if all of prescribed requirements are met, including specified requirements that copies be stored on microfilm.

This bill would expand the available options to make copies of the records under these provisions, to include microfilm, optical disks, and other techniques which do not permit additions, deletions, or changes to the original document, and which are permanent storage mediums.

Ch 439 (SB 2173) Dills Property taxation installment plan deferral

Existing property tax law permits, at the election of the assessee, the installment payment of delinquent taxes on tax-defaulted property under an installment payment plan. During the period that payments are timely made under the installment plan, the property does not become subject to a power of sale and the right of redemption is not terminated. In addition, the payment of all current taxes coming due in each fiscal year of the redemption plan is also required and that payment must be made before the delinquency date of the last installment of current taxes.

This bill would permit a 1-year deferral of payment under an existing installment plan if the county in which the property is located was declared by the Governor to be in a state of disaster as a result of the fires which occurred in 1987, the assessee of the property sustained substantial business losses, as defined, of at least $5,000 as a result of those fires, and the assessee files an application for deferral with the tax collector on or before September 1, 1988.

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

Ch. 440 (SB 2363) Bergeson. Property taxation: tax-defaulted property: partial payments: publication costs.

Existing law requires the tax collector to collect certain fees, in addition to the redemption amount, from the redemptioner of tax-defaulted property which is subject to a recorded notice to the Controller of the property becoming subject to the power of sale.

This bill would also permit the tax collector to collect from the redemptioner a fee in an amount reasonably necessary to reimburse the county for notice and publication costs in connection with a notice of intended sale of tax-defaulted property if the property is redeemed prior to the proposed sale, but after the county has incurred those costs.

Existing law provides that, notwithstanding any other provision of law which prescribes or limits the amount of a fee or charge which may be levied by a county, the county board of supervisors may increase or decrease that fee or charge in the amount reasonably necessary to recover the cost of providing any product or service or the cost

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of enforcing any regulation for which the fee or charge is levied. Existing law also excludes from the application of these provisions specified fees charged or collected by certain county officials, including the county recorder. Existing law requires the board of supervisors, in connection with those fees or charges which are covered, to hold a noticed public meeting, as specified, prior to levying a new fee or charge, or prior to approving an increase in an existing fee or charge, and requires that the board's action be taken by ordinance

This bill would specify the above requirements apply to the current fee collected by the tax collector for the cost of obtaining names and addresses of, and mailing notices to, parties of interest in connection with the redemption of tax-defaulted property and to the fee collected by the tax collector for notice and publication costs in connection with a notice of intended sale of tax-defaulted property which is proposed by this bill.

Existing property tax law permits the redemption or partial redemption of tax-defaulted property or the payment of delinquent taxes thereon under an installment plan, but makes no other provision for the making of partial payments on delinquent taxes on tax-defaulted property.

This bill would permit the tax collector, with the approval of the board of supervisors, to accept partial payments of delinquent taxes on tax-defaulted property It would provide for the manner in which those partial payments are to be applied to the taxes due.

This bill would provide that these partial payments are not a redemption, partial redemption, or an installment payment and do not alter the date upon which the subject property became tax defaulted or the date the property becomes subject to a power of sale It would require the tax collector to inform the taxpayer of these provisions by return mail when a partial payment has been received or requested

Existing property tax law permits any taxes paid before or after delinquency to be refunded by the county auditor within 4 years after the date of payment under specified conditions.

This bill would extend this refunding authority to the county tax collector

Ch. 441 (SB 2641) Beverly Government records: natural persons and business entities

Existing law provides that a person who, by subpoena, seeks the production of personal records of a consumer, as defined, which are maintained by a witness as specified must give constructive notice to the consumer by delivering a copy of the subpoena, an affidavit, and a notice to the consumer or at the consumer's last known address, or if the consumer is a party, to his or her attorney, or by mail. The consumer can bring a motion to quash or modify the subpoena. Existing law also requires a state agency to make a reasonable attempt to notify an individual prior to releasing any personal information in its files about that individual which information is subject to a subpoena, court order, or other compulsory legal process.

This bill would require any person seeking personal information, as defined, from a state or local agency about a natural person through the service of a subpoena, duces tecum, to first notify the person, as specified, prior to the production of any records.

Ch. 442 (AB 2709) Chacon. Political Reform Act of 1974· audits.

Under the Political Reform Act of 1974, certain audits and field investigations, with respect to reports and statements filed pursuant to the act, are made on a random basis. These audits and investigations of campaign statements and reports of a candidate, controlled committee, or a committee primarily supporting or opposing a candidate, cover specified campaign statements and reports filed since the last election for that office.

This bill would exclude from these audits and investigations, certain statements or reports which had been previously audited, as specified.

Ch. 443 (AB 2916) Wright. Small claims court: process.

Existing law requires service of process for actions in small claims court to be made within the state, and requires individuals who are defendants in small claims court to

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appear in person.

This bill would authorize personal service for certain actions in small claims court against specified nonresident owners of real property to be made outside the state, and would authorize an owner of such property to waive personal appearance and submit written declarations to serve as evidence supporting his or her defense, or to allow another person, other than an attorney, to appear on his or her behalf, as specified.

Ch 444 (AB 3014) Baker Courts: Contra Costa County

(1) Existing law sets forth the duties of the sheriff's office and the marshal's office with respect to courts.

This bill would establish a procedure for the consolidation of those services by the Board of Supervisors of Contra Costa County, under either agency, upon a specified finding by the board of supervisors and according to determinations made by a majority of the judges of the superior and municipal courts, thereby constituting a state-mandated local program by imposing new duties upon a local agency

(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 445 (AB 3179) Bradley. Seismic safety of hospitals. building safety board

Under existing law, the Building Safety Board is created within the Office of Statewide Health Planning and Development to act as a board of appeals with regard to decisions concerning the seismic safety of hospitals Members of the board are required to be reimbursed from the Hospital Building Account in the Architecture Public Building Fund for their reasonable actual expenses in attending meetings conducted to carry out the provisions of this chapter

This bill would require that members of the board additionally receive from that account per diem of $100 for each day actually spent in the discharge of official duties where attendance at one or more publicly scheduled meetings or hearings of the board is required by the board's chairperson. The Hospital Building Account in the Architecture Public Building Fund is continuously appropriated, and by prescribing a new use for the continuous appropriation, this bill would make an appropriation

Ch 446 (AB 3232) Killea Health. bottled water.

Under existing law, if a person has a valid water-bottling plant license issued by the State Department of Health Services, additional licenses for a private water source operator or for a water hauler based and operating at the same address, or for an out-of-state bottled water distributor are not required

This bill would prohibit, if a person has a valid water-bottling plant license issued by the department, an additional license from being required for a retail water treatment plant

Ch. 447 (AB 3265) Cortese. Public records: computer software.

The existing California Public Records Act requires each state or local agency, upon receiving any request for a copy of records in its possession which are subject to public disclosure, to make the records promptly available upon payment of fees covering direct costs of duplication or any applicable statutory fee

This bill would provide that computer software developed by a state or local agency is not itself a public record under the act and would authorize the agency to sell, lease, or license the software for commercial or noncommercial use.

Ch 448 (AB 3418) Hughes Schools· earthquake safety· staff training

Existing law requires that the governing board of each private school and school district and the county superintendent of schools of each county establish an earthquake emergency procedure system in every public or private school building under its juris-

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diction, as specified.

Existing law requires that this system include, among other things, a program to ensure that students and staff are properly trained, as specified.

This bill would require that the staff training shall be for both certificated and classified staff, as specified

Ch 449 (AB 3513) N. Waters Special education· staff development programs

Under existing law, a school district, special education local plan area, or county office of education receives its full average daily attendance apportionment during the regular school year to conduct staff development programs, as specified Current law limits the time to 2 days each year for each participating staff member

This bill would make an exception to the 2-day limit each year for staff development programs for each participating staff member whenever a school operates a school-based coordinated program and that program includes special education programs and services for staff members teaching in special classes and centers These staff members would be authorized to receive the same number of staff development days per year that other staff members at that schoolsite receive.

Ch 450 (AB 3530) Kelley. Trapping

(1) Under existing law, it is a misdemeanor to use a steel-jawed trap with greater than a 4¾ inch spread to take muskrat

This bill would, instead, make it a misdemeanor to use a steel-jawed trap larger than size 1½ or with a spread larger than 4⅞ inches for taking muskrat. Because the bill would change the definition of a crime, it would impose a state-mandated local program.

(2) Under existing law, it is a misdemeanor for a person, except as specified, to take fur-bearing mammals, as defined, or nongame mammals, as defined, which mammals are designated by the Fish and Game Commission, without procuring a trapping license, issued upon payment of specified fees Existing law prohibits issuing a trapping license to a nonresident if that person's state of residence does not issue a nonresident trapping license.

This bill would also restrict the species and quantity of mammals that a nonresident may take or possess under a nonresident trapping license to those species and quantity that the nonresident's state of residence permits a California resident to take or possess under a nonresident trapping license or permit.

(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 451 (SB 643) Watson Kenneth Hahn State Recreation Area.

Under existing law, the Department of Parks and Recreation has control of the state park system The Baldwin Hills State Recreation Area is a unit of the state park system

This bill would designate the Baldwin Hills State Recreation Area as the Kenneth Hahn State Recreation Area The bill would require the department to erect appropriate signs reflecting the designation and to cause all directories and publications concerning the state park system to reflect the designation as the publications are periodically revised.

Ch 452 (SB 665) Dills. Outdoor advertising. bus passenger shelters or benches

Under the existing Outdoor Advertising Act, advertising displays may be located on bus passenger shelters or benches if not within 660 feet of and visible from any federal-aid interstate or primary highway.

This bill would instead require that these displays not be within 660 feet of and visible from any federal-aid interstate or primary rural highway, and require that if the displays are within that distance and visible from any urban highway, they be consistent with federal law.

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Ch 453 (SB 1799) Ayala. Dangerous weapons· public buildings.

Existing law provides, with certain exceptions, that any person who brings or possesses within any courtroom or building designated as a courthouse or court building in this state, certain dangerous weapons, including tear gas weapons, is guilty of a public offense punishable by imprisonment in the county jail for not more than one year, or in the state prison.

This bill would impose this criminal penalty upon any person who brings or possesses the specified dangerous weapons at any meeting required to be open to the public pursuant to specified provisions, except as specified It would also include persons holding a valid tear gas weapon card among those persons excepted from the application of the provision This bill would also provide that these prohibitions are not applicable if permission to possess any of those dangerous weapons is granted in writing by a duly authorized official or officials The bill would create 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 454 (SB 1811) Garamendi Farm and home purchase benefits: California National Guard members and veterans.

(1) Existing law provides for farm and home purchase benefits for qualifying members of the California National Guard under the California National Guard Members' Farm and Home Purchase Act of 1978 (the "Cal-Guard" program) and for qualifying veterans under the Veterans' Farm and Home Purchase Act of 1974 (the "Cal-Vet" program), including national guard members and veterans who belong to tribes or other organizations of Indians recognized by the United States Bureau of Indian Affairs.

This bill would include as property on which a qualifying home may be purchased or constructed an Indian member's or veteran's partial or total beneficial interest in trust land held by the United States for that member or veteran and a partial or total leasehold interest acquired by the member or veteran from an Indian beneficiary, as defined, when the member or veteran is not a beneficiary of trust land, with the consent of the Bureau of Indian Affairs.

(2) Under existing law, the Department of Veterans Affairs submits to the Legislature every 2 years a report on the number of leasehold interests acquired on trust land, the forfeiture rate on loans secured by these leasehold interests, and the disposition of these forfeited leasehold interests with respect to both the "Cal-Guard" and "Cal-Vet" programs.

This bill would expand those reporting requirements to include the number of Indian veterans' beneficial interests assigned to the department, the forfeiture rate on loans secured by these beneficial interests, and the disposition of these beneficial interests.

Ch. 455 (SB 1824) Rosenthal. Accountancy.

Existing law authorizes the State Board of Accountancy to enter into a contract with a nonprofit organization controlled by licensees of the board to provide volunteer accounting services, as specified, within the state The maximum amount of the contract is not to exceed $65,000 per year which sum is continuously appropriated from the Accountancy Fund. Those provisions are to be repealed on January 1, 1989

This bill would increase the maximum of the contract to $100,000 per year, would extend the repealer date to January 1, 1992, and would eliminate the continuous appropriation of these funds.

Ch. 456 (SB 1906) Rogers. Agriculture. dehydrated garlic and onions.

(1) Under existing law, the provisions in the Food and Agricultural Code relating to standards for garlic and onions for dehydration and the existence of the Garlic and Onion Dehydrator Advisory Committee remain in effect only until January 1, 1989.

This bill would extend the termination date to January 1, 1994. Since a violation of

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these provisions is a misdemeanor, the bill would impose a state-mandated local program by creating a new crime between January 1, 1989, and January 1, 1994

(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. 457 (SB 1957) Rogers. Judicial Council. guardianship pamphlet.

Existing law imposes various duties on the Judicial Council with regard to the administration of the courts.

This bill would require the Judicial Council to prepare a pamphlet explaining the nature of guardianship of a minor and the rights, duties, and obligations of a person serving as guardian of a minor, as specified, and would declare the findings and intent of the Legislature in this regard.

Ch. 458 (SB 1970) Ellis. Correctional industries.

Existing law authorizes the Prison Industry Authority to operate enterprises providing products and services needed by the state and other public agencies.

This bill would provide that products of the authority may be purchased by state agencies to be offered for sale to prison inmates and to other persons under the care of the state who reside in state-operated institutions

Ch. 459 (SB 2004) Ayala. Schools kindergarten schoolday.

Existing law prohibits pupils in kindergarten from being kept in school more than 4 hours in any day exclusive of recesses. Existing law exempts specified school districts from that prohibition, including, until January 1, 1990, the San Bernardino Unified School District

This bill would exempt the San Bernardino Unified School District from those provisions indefinitely This bill would impose a state-mandated local program as to the San Bernardino Unified School District by providing, as of the effective date of the bill, that the exemption applies to that district only as to pupils for which the principal of the school in which the pupil is enrolled has determined, as specified, that the pupil is developmentally and academically suited for the longer instructional day.

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

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

Ch 460 (SB 2026) Robbins. Pilot cars

(1) Under existing law, the Department of Transportation or local authorities may, for good cause, issue a special permit authorizing highway transportation of a vehicle or equipment load which exceeds the maximum size or weight specified in the Vehicle Code Under those provisions, pilot car equipment violations are treated as violations by the permitholder of terms or conditions of the permit

This bill would require pilot car operators to meet certain equipment requirements and would make the pilot car operator, rather than the permitholder, liable for violations of those requirements A violation of these provisions would be an infraction, thus the bill would impose a state-mandated local program by creating a new crime The bill also would eliminate a requirement of existing law that certain identifying information be provided on pilot cars, and would make other clarifying, nonsubstantive changes regarding liability for violations of terms or conditions of special permits.

(2) Existing law requires a person to obtain a special permit to transport loads in excess of 14 feet in height on the highways

This bill would authorize an exception to the permit requirement for pilot cars using certain vertical clearance measuring devices

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

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch 461 (SB 2052) Marks Vessels small boat towing.

Under existing law, any person engaged in the business of small boat towing, as defined, is required to obtain a certificate of registration issued in accordance with prescribed requirements and procedures by the Department of Boating and Waterways Existing law prescribes related powers of the department and other requirements to be met in the conduct of the business

This bill would repeal the foregoing provisions providing for state regulation of the business of small boat towing

Ch 462 (SB 2080) Royce STRS death benefit claims time limitations.

Existing provisions of the State Teachers' Retirement Law provide for certain death benefits, or the return of the accumulated members' contributions, upon the death of a member of the State Teachers' Retirement System (STRS) Certain probate statutes impose a waiting period of 40 days after death upon the collection by certain estates of $60,000 or less of personal property without administration

This bill would permit the STRS to pay death benefits and accumulated contributions as soon as practicable after the receipt of proof of death.

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

Ch 463 (SB 2328) Kopp. Municipal and justice courts jurisdiction.

Under existing law, municipal and justice courts have jurisdiction in all proceedings in forcible entry or forcible or unlawful detainer to recover possession of (1) nonresidential real property where the rental value is $1,500 or less and the whole amount claimed is $25,000 or less, and (2) residential real property regardless of rental value where the total amount claimed is $25,000 or less These provisions are repealed and reenacted operative January 1, 1990, unless that date is extended or deleted by statute. Thereafter, the rental value of all real property must be $1,000 or less

This bill would expand that jurisdiction, indefinitely, to include all real property, regardless of rent or rental value, where the amount claimed is $25,000 or less.

Ch 464 (SB 2360) Vuich Apiary assessments

(1) Existing law, until January 1, 1989, requires the beekeeper, apiary owner, apiary operator, or the person in possession of the apiary to pay to the Director of Food and Agriculture an annual assessment fee not to exceed 35¢ per colony Violation of this requirement is punishable as an infraction.

This bill would extend the termination date for this requirement to January 1, 1991, thus imposing a state-mandated local program by continuing the existence of 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 reason

Ch. 465 (SB 2368) Bergeson Fire protection districts.

(1) Existing law contains various references to "fire district" and "county fire district" for purposes of defining related fire protection programs.

This bill would make technical changes by deleting those obsolete references

(2) Existing law relating to fire protection districts requires the executive officer of the local agency formation commission considering a proposal, including the formation of, or the annexation to, a fire protection district of territory classified as a state responsibility area to give notice of any hearing to the Director of Forestry and Fire Protection

This bill would specifically state that requirement in a provision of law relating to the duties of the executive officer of the local agency formation commission.

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(3) Existing law generally permits the inclusion of state responsibility areas in districts and specifies that the state retains its responsibility for fire suppression and prevention on timbered, brush, and grass-covered lands

This bill would make the district responsible for fire suppression and prevention for structures in the area and would thereby impose a state-mandated local program.

(4) Existing law provides that if a fire protection district is governed by an elected district board and if the majority of voters voting approve a proposal to elect the directors at large, the district board is required to properly adopt a resolution dissolving the election divisions which had existed

This bill would under similar circumstances require the district board to instead promptly adopt a resolution dissolving the election divisions which had existed

(5) Existing law authorizes fire protection districts to acquire any property within the district by any means for the benefit of the district

This bill would specifically authorize those districts to, in addition, acquire water facilities for providing fire protection for the benefit of the district and would state that this change is declaratory of existing law.

(6) Existing law provides that the district board of a fire protection district may authorize specified officials to issue citations for specified misdemeanors

This bill would correct an erroneous reference in that existing law

(7) Existing law authorizes the district board of a fire protection district to charge residents of the district a fee for specified purposes which must be below the fee charged to nonresidents of the district

This bill would include taxpayers and nontaxpayers of the district among those who may be charged these fees by the district board

(8) Existing law provides procedures by which a fire protection district may be dissolved or excluded from incorporated areas.

This bill would repeal those provisions

(9) Existing law permits a fire protection district board to contract for special services in specified fields and other services incidental to the operation of the district. Existing law requires contracts of fire protection districts for special services and for construction projects exceeding $10,000 to be let to the lowest responsible bidder after notice Contracts for emergency construction may be let without competitive bidding by the board resolution adopted by a ⅔ vote.

This bill would limit special services to those specified and permit the board, in an emergency, to adopt a resolution by ⅔ vote for immediate expenditure of public money for special services without submitting the expenditure to bid

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

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

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

Ch 466 (SB 2464) Kopp Automobile rental agencies. insurance disclosure

Existing law makes no provision requiring automobile rental agencies, as defined, to inform customers that the collision damage waiver offered may duplicate coverage that the customer maintains under his or her own policy of motor vehicle insurance.

This bill would require that notice, both orally and in writing, prior to entering into a contract for the lease or rental of a motor vehicle

Ch 467 (SB 2470) Vuich Savings associations

Existing law authorizes, on and after July 1, 1987, a foreign savings association which is incorporated under the laws of certain regional states and which is not directly or indirectly controlled by either a foreign savings association incorporated under the laws of a state outside that region or a foreign holding company with its principal place of deposits located in a state outside of those regional states, to conduct the business of an association in California or to acquire control of a California savings association, as specified.

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This bill would additionally provide that a foreign holding company with its principal place of deposits in any of those regional states may acquire control of a California savings association

Ch. 468 (SB 2521) Beverly. Real estate licenses: receivership· payment of costs and fees

Existing law authorizes the Real Estate Commissioner to bring an action for injunctive relief in the superior court against any person who has violated or is about to violate any of the provisions of the Real Estate Law or the law relating to subdivided lands, or any real estate licensee who has violated or is about to violate a specified provision relating to trust funds. It provides that, after a hearing, the court may order the appointment of a receiver, as specified.

This bill would require the order appointing the receiver to specify the source of funds from which the fees of the receiver and the cost of administering the estate are to be paid and would provide that unless provided for in the order, the commissioner shall not be liable for payment of those fees or costs.

Ch. 469 (SB 2531) Nielsen. Flood disaster relief.

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 as a result of an emergency or disaster proclaimed by the Governor

Chapter 16 of the Statutes of 1986 transferred $115,000,000 from the fund to the account for allocation for specified purposes Of that amount, $80,000,000 was available for allocation to counties which had been declared by the Governor as requiring disaster relief due to storms and floods occurring in February 1986. Each eligible county was required to file a final report on claims on local agencies of their total costs incurred as a result of storm and flood damage. The Department of Finance, in cooperation with the Office of Emergency Services, was required to allocate the available funds, based upon damage estimates of the Office of Emergency Services, to counties for allocation by them to local agencies within the county, as specified.

This bill would provide that all local agencies which filed applications or claims on or before December 31, 1987, shall be deemed to have met all established deadlines and shall be eligible for the disaster relief provided under the above provisions

This bill would make an appropriation by transferring $940,000, for allocation by the Director of Finance, from the Special Fund for Economic Uncertainties to the Disaster Response-Emergency Operations Account, for purposes of providing the relief described above

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

Ch. 470 (SB 2539) Russell. Public Utilities Commission: hearings and decisions.

Under existing law, the Public Utilities Commission is directed to specify an effective date when it issues an order or decision, and may make that effective date prior to the date of issuance.

This bill would prohibit the commission from specifying an effective date for new rates earlier than 30 days after the date of issuance of the order, in any decision after a hearing establishing dump truck carrier rates, except in an emergency situation.

Ch 471 (SB 2542) Montoya. Healing arts.

Existing law authorizes the California Board of Podiatric Medicine to select and contract with necessary podiatric medical consultants to assist it in its enforcement program on an intermittent basis

This bill would provide that no person may serve as a consultant for more than a total of 48 months, except as specified

Ch. 472 (SB 2582) Mello. Carriers: vehicle identification and inspection of records

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(1) Under existing law, every passenger stage corporation, charter-party carrier of passengers, highway common carrier, cement carrier, highway permit carrier, and household goods carrier is required to display a distinctive identifying symbol, as specified, on any of its motor vehicles operated over any public highway

This bill would provide misdemeanor penalties if any of these carriers displays any identifying symbol not prescribed by the commission or fails to remove an identifying symbol when required by the commission

(2) Under existing law, the Public Utilities Commission, in the exercise of its jurisdiction over public utilities, may inspect the books, records, and papers of these businesses and also the books, records, and papers of a business which is a subsidiary or affiliate of, or any corporation which holds a controlling interest in, certain public utilities

This bill would specifically permit the commission access to the property of a charter-party carrier of passengers and authorize it to inspect and copy the accounts, books, papers, and documents of the carrier and of a carrier's subsidiary, affiliate, or holding corporation. The bill would provide misdemeanor penalties for the unauthorized disclosure of any information from such an inspection

(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.

Since the bill would create new crimes, the bill would impose a state-mandated local program

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

Ch. 473 (SB 2693) Torres. Criminal law

Existing law provides that any person employed or under contract to provide mental health diagnostic, treatment, or other services in the state correctional system shall be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified

This bill would require that persons employed or under contract after January 1, 1989, to supervise or provide consultation on the above services also be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified.

Ch. 474 (SB 2787) Nielsen. Telephones. information providers: deletion of access study.

Under existing law, the Public Utilities Commission is directed to require telephone corporations to offer to residential telephone subscribers a means to delete access to information-access telephone service known as "976 service "

This bill would direct the commission to prepare and submit to the Legislature, by July 1, 1989, a report on the availability to residential subscribers of the option to delete access to "976 service" sexually explicit messages, including the capabilities for deletion of access which are in place on January 1, 1989, and an analysis of the costs and benefits of extending, as specified, the deletion of access option to those subscribers in areas where deletion of access is not available.

Ch. 475 (SB 2860) Royce Surplus land

Existing law requires any agency of the state and any local agency disposing of surplus land to, prior to disposing of that property, send a written offer to sell or lease the property for the purpose of developing low- and moderate-income housing to any local agencies including, but not limited to, housing authorities or redevelopment agencies within whose jurisdiction the surplus land is located.

This bill would, instead, require the written offer to be sent to any housing sponsor which has requested notice of availability of surplus lands and to any local public entity, as defined, within whose jurisdiction the surplus land is located

This bill would impose a state-mandated local program since local agencies would be required to make written offers to additional entities.

This bill would also make various technical changes.

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

This bill would provide that, 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 476 (SB 2485) Torres Aliens· refugee assistance programs

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

Existing law requires, until September 30, 1989, the State Department of Social Services to implement a Refugee Cash Assistance Demonstration Project

Under existing law, the Refugee Cash Assistance Demonstration Project is operative only if adequate federal funding is made available and necessary waivers are obtained from the federal government

This bill would impose a state-mandated local program by requiring that if federal funds are insufficient to fund costs in the administration of the Refugee Cash Assistance Demonstration Project provided to time-eligible recipients, the State Department of Social Services and each county shall share the costs.

This bill would make the statutory requirements for the Refugee Cash Assistance Demonstration Project inoperative on October 1, 1989, and would repeal them on January 1, 1990

The State Department of Social Services implements a Refugee Cash Assistance Program pursuant to federal assistance provided in the federal Refugee Resettlement Program The counties administer the program pursuant to regulations adopted by the department.

This bill would provide until October 1, 1989, that if federal funding for that program is insufficient to fund costs incurred in the administration of the Refugee Cash Assistance Program, the State Department of Social Services shall provide that funding.

The Refugee Medical Assistance Program, pursuant to which refugees are provided basic health benefits, is funded by the federal government pursuant to the federal Refugee Act of 1980

This bill would provide that, until October 1, 1989, if federal funding is insufficient for funding costs incurred in the administration of medical assistance to time-eligible refugees, the State Department of Health Services shall provide the funding. Because eligibility determinations are administered by the counties, this continuation of a program making persons eligible for health care benefits would impose a state-mandated local program.

This bill would provide that if federal administrative funds are insufficient to fund costs incurred in the administration of assistance provided to time-eligible refugees under the Refugee Cash Assistance Demonstration Project component, the Refugee Cash Assistance component, the Refugee Medical Assistance component, the Aid to Families with Dependent Children program, and the county General Assistance program, the State Department of Social Services shall allocate the available federal funds to cover the state and county administrative costs in accordance with a specified priority

The California Constitution requires the state to reimburse local 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

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

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Ch. 477 (AB 3924) Johnson. Legislators' Retirement System: service credit for military service.

Existing provisions of the Legislators' Retirement Law authorize the granting of service credit in the Legislators' Retirement System (LRS), as "military service," for time during which any LRS member or former LRS member who retired on or after December 1, 1980, with 10 years of service in the system on or before December 31, 1985, served in active service for not less than one year in the armed forces or in the Merchant Marine prior to January 1, 1950, as specified, of the United States prior to first assuming a state office for which membership in the LRS was elective, on the basis of one year of credit for each 5 years of service in the LRS, not to exceed a total of 4 years' credit, provided, that the member or retired person pays specified contributions, has not received credit for that service pursuant to any other provision of law, makes the election, and makes the election to receive this service credit before July 1, 1986.

This bill would extend eligibility to those who have 10 years of credited service and would remove the requirements of retirement on or after December 1, 1980, and completion of service on or before December 31, 1985. This bill would allow a member to elect receipt of credit without requiring this election before July 1, 1986.

Ch. 478 (AB 4472) Kelley. Commemorative gold medallions.

Existing law requires the Department of General Services to cause to be designed, and if specified conditions are met to contract for the minting of, state medallions in specified troy ounce sizes

After minting, the medallions are returned to the gold producers, who have sole responsibility for distribution, marketing, and sales of the medallions

This bill would provide that a "medallion," as used in these provisions, shall also be known, and may be referred to, as a "gold piece."

Ch 479 (SB 2592) Dills Consumer credit regulation of finance charges

(1) Existing law, known as the Unruh Act, prescribes the maximum finance charge which may be assessed on retail installment sales made pursuant to a retail installment contract or a retail installment account, as specified. A willful violation of any of these provisions is a misdemeanor pursuant to an applicable general misdemeanor provision.

This bill would delete the provisions prescribing the maximum dollar amount of the finance charge which may be assessed on retail installment sales made pursuant to a retail installment contract and the maximum rate of a finance charge that may be imposed on a retail installment account, and provide, instead, that a holder of a retail installment account may charge, receive, and collect a finance charge as disclosed to the buyer, as specified The bill would prohibit an annual fee or charge in any retail installment contract The bill would make conforming changes The bill would delete provisions authorizing administrative finance charges in certain retail installment contracts, and would revise the finance charges permissible upon the repayment or refinancing of a retail installment contract The bill would also delete provisions which prohibit administrative finance charges or refinance charges on a retail installment contract from exceeding the finance charge prescribed by law, and which prohibit more than one minimum finance charge in a series of add-on transactions.

The bill would be operative until January 1, 1992, at which time the law would revert to its current status.

This bill, by revising provisions the willful violation of which is a misdemeanor, would impose a new program or higher level of service upon local governments by changing the definition of a crime

The bill would also require the Legislative Analyst to submit a report to the Legislature no later than March 31, 1991, on the change in consumer credit rates charged in California under this act, 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.

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Ch. 480 (AB 1250) Lewis Electronic and appliance repair dealers.

Existing law exempts from regulation under the Electronic and Appliance Repair Dealer Registration Law an automobile dealer or manufacturer, as specified, where the dealer or manufacturer installs or replaces a motor vehicle radio, antenna, or audio or video playback equipment related to the sale of a motor vehicle.

This bill would revise that exemption to provide that it applies to the repair of a motor vehicle in addition to the sale of a motor vehicle.

The bill would also exempt registered electronic and appliance repair dealers from the Automotive Repair Act, as specified

Ch. 481 (AB 1913) Harris Small claims court· monetary jurisdiction.

Under existing law, the monetary jurisdiction of small claims courts is $1,500.

This bill would raise the monetary jurisdiction for actions in small claims court to $2,000 and, effective January 1, 1991, $2,500, except as specified.

Ch 482 (AB 2392) Clute. State police: peace officer memorials.

The existing statutes establish in the Department of General Services, the California State Police Division (CSPD)

This bill would require the CSPD to present to the host agency or family member designated by the host agency of any peace officer who is killed in the line of duty in California, the flag which was flown over the State Capitol Building in his or her memory and a memorial certificate

Ch 483 (AB 2731) Leonard Public property: Patton State Hospital

Existing law authorizes the Director of General Services to let state property for not more than 5 years, with the consent of the state agency concerned, as specified.

This bill would authorize the director, with the consent of the State Department of Mental Health, to let, for rent not less than the fair market value of the land, property at Patton State Hospital for 30 years to East Valley Water District for a public golf course and park, on terms and conditions determined to be in the best interest of the state. The bill would provide that income derived from the lease of this property would be made available to the department for allocation to the Patient Benefits Fund of Atascadero, Camarillo, Metropolitan, Napa, and Patton State Hospitals in an amount not to exceed $20,000 annually per hospital, with any additional amounts collected to be deposited in the General Fund, and would make a specific appropriation of those moneys for patient benefits

Ch 484 (AB 3089) Connelly State Bar of California· Client Security Fund

Existing law authorizes the Board of Governors of the State Bar to establish and administer a Client Security Fund to relieve or mitigate pecuniary losses caused by the dishonest conduct of the active members of the State Bar

This bill would provide that upon making a payment to a person who has applied to the Client Security Fund for payment to relieve or mitigate pecuniary losses caused by the dishonest conduct of an active member of the State Bar, the State Bar of California is subrogated to the rights of that person against the attorney whose dishonest conduct caused the pecuniary loss, to the extent of the amount of the payment It would also authorize the State Bar to bring an action against the attorney causing the pecuniary losses within 3 years of the date of payment to the applicant

Ch 485 (AB 3524) Mojonnier. Witnesses: unavailability

Under existing law, a witness is considered unavailable to testify under certain circumstances, including when it is established by expert testimony that physical or mental trauma resulting from an alleged crime has caused harm to the witness such that the witness is physically unable to testify or unable to testify without suffering substantial trauma Existing law further provides that a witness is not considered unavailable to testify if the unavailability was brought about by the procurement or wrongdoing of the proponent of his or her statement for the purpose of preventing that testimony

This bill would specify that the introduction of evidence to establish the unavailability

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of a witness in a criminal proceeding due to trauma, as specified, shall not be deemed procurement of unavailability, in the absence of proof to the contrary.

Ch 486 (AB 3525) Mojonnier. Witnesses: oath: minors.

Existing law requires every witness before testifying to take an oath or make an affirmation or declaration in the form provided by law.

This bill would provide that a child witness under the age of 10, in the court's discretion, may be required only to promise to tell the truth.

Ch. 487 (AB 3676) Frazee. Liens: fees for recording and indexing.

Existing law establishes the fees for filing federal tax liens and other federal liens, including each notice of lien or certificate or notice affecting the lien, with the county recorder. Existing law limits this fee to $5.

This bill would conform the fee charged by the county recorder for filing and indexing these types of liens to the fee scale established under the Government Code for the recording and indexing of documents.

Ch. 488 (AB 3768) Chacon. Psychotherapist-patient privilege

Existing law provides for a privilege to refuse to disclose confidential communications between patient and psychotherapist, as defined, under specified conditions

This bill would add to the definition of a psychotherapist, for these purposes, except in a criminal proceeding, a person exempt from the Psychology Licensing Law, as specified, a psychological intern, as specified, and a marriage, family, and child counseling trainee, as specified.

Ch 489 (AB 3920) Johnston Insurance: fines and penalties.

Existing law provides for the regulation of the business of insurance, and exempts from insurance coverage various specified losses or expenses Among those excepted losses is a loss caused by a willful act of the insured

This bill would prohibit insurance coverage or indemnity for the payment of any fine, penalty, or restitution in any civil or criminal action or proceeding brought by specified law enforcement entities, whether or not the exclusion or exception regarding this type of coverage or indemnity is expressly stated in the policy, and provide that the insurer has no duty to defend, as defined, that type of action. The bill would specify that any such provision in a contract is against public policy and void

The bill would declare that those provisions do not constitute a change in, but are declaratory of, the existing law

The bill would authorize an insurer to defend a duly licensed physician or surgeon against any cause of action involving the performance of any act for which a physician's and surgeon's certificate is required.

Ch 490 (AB 3992) Frazee. Public liability.

Existing law provides that members of city councils, mayors, members of boards of supervisors, members of school boards, members of governing boards of other local public entities, and members of locally appointed boards and commissions are not vicariously liable for injuries caused by the act or omission of the public entity.

This bill would extend those provisions to locally elected or appointed advisory bodies

Ch 491 (AB 4089) Johnston Local agency finances.

Existing law specifies the instruments in which a local agency may invest surplus money.

This bill would specify the limit on the term remaining to maturity of a security to 5 years unless otherwise specified.

Ch. 492 (AB 4285) Bronzan Bail.

Existing law authorizes a court of competent jurisdiction or a magistrate to issue an order that a defendant in a criminal case be discharged from actual custody upon posting bail. Existing law also provides that before any person arrested for a violent felony, as defined, is released on his or her own recognizance, a hearing shall be held in open court

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before the magistrate or judge, and the prosecuting attorney shall be given notice and a reasonable opportunity to be heard on the matter and it requires the judge or magistrate to state the reason for his or her decision in the court's minutes.

This bill would provide that before any person arrested for a violent felony is released from custody on bail, which is set in an amount which is either more or less than the amount contained in the schedule of bail for that felony, a hearing similar to the above hearing shall be held. It would also provide that if the judge or magistrate sets the bail in an amount which is either more or less than the scheduled amount the judge or magistrate shall state the reason for that decision and shall address the issue of threats made against the victim or witness, if they were made, on the record

Ch 493 (AB 4335) N. Waters Environmental quality. Tahoe basin

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 The act requires the implementing state guidelines to provide that an environmental impact report prepared under the Tahoe Regional Planning Compact, or an environmental impact statement which complies with the requirements of the National Environmental Policy Act, may be submitted in lieu of the report prepared under the California Act

This bill would provide that compliance with the California Environmental Quality Act may be achieved for the adoption without additions or change in a city or county general plan of all or any part of the regional plan prepared under the Tahoe compact by reviewing Tahoe Regional Planning Agency environmental documents, analyzing significant environmental effects not addressed in the documents, and making specified findings relative to mitigation The bill would state that it does not exempt a city or county from the public review and notice requirements of the California Act.

Ch 494 (AB 4435) N. Waters Partition of property under Williamson Act contract· subdivision requirements.

Under existing law, there is no exemption from requirements of the Subdivision Map Act for property partitioned in judicial proceedings

This bill would provide that, when land under a Williamson Act contract is partitioned, the city or county approving a parcel or final map to implement the partition could not require payment of specified exactions or making of improvements, and could not accept offers of dedication, imposed as a condition of approving the parcel or final map until the Williamson Act contract is terminated or canceled as to a particular parcel However, the bill would not require deferral of fees and assessments for service provided to the parcels prior to termination or cancellation of the Williamson Act contract. The bill would make the original parties to the partition personally liable for performance of obligations deferred under the bill.

Ch 495 (AB 4609) Stirling Directors term of office

Existing provisions of the General Corporation Law requires directors to be elected at each annual meeting of shareholders and to hold office until the next annual meeting

This bill would permit the directors to hold office for a shorter term when the shorter term is necessary to effectuate a voting shift, as defined, if authorized by the articles of incorporation.

Ch 496 (SB 2069) Mello Public Utilities Commission. private energy producers.

Under existing law, the Public Utilities Commission may authorize a private energy producer to construct an interconnection with the facilities of an electrical corporation for purposes of the purchase or the transportation of electricity pursuant to charges and terms and conditions established by the commission

This bill would direct the commission to evaluate existing methods for resolving disputes between electrical corporations and private energy producers arising out of

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contracts for the purchase of electricity and electrical generating capacity by electrical corporations, and alternatives thereto, including specified matters, and to report thereon to the Legislature by June 1, 1989

Ch. 497 (SB 2082) Royce. STRS membership: substitutes and part-time employees

Existing law provides that if, at the end of a pay period, a substitute teacher has performed 100 or more complete days of substitute service in that school year and subsequently performs one or more complete days of this service in that school year, the teacher shall become a member of the State Teachers' Retirement System (STRS) on the first day of the pay period during which the additional service was performed

This bill would, instead, provide that persons employed on a substitute basis who have performed 100 or more complete days of substitute service in one school district or county superintendent's office in that school year shall become members on the first day of the following pay period during which such additional service was performed

Under existing law, persons not already STRS members who are employed on a part-time basis and who will perform less than 60 hours of service per pay period, or persons who will serve less than 10 days per pay period on a daily basis are excluded from STRS membership.

This bill would revise those provisions to provide, instead, that persons employed on a part-time basis who are not already STRS members when employed and who perform less than 60 hours of service per pay period or less than 10 days of service in a pay period on a daily basis are excluded from STRS membership This bill would also provide that persons employed on a part-time basis who have performed 60 or more hours of service in a pay period, or 10 days or more of service in a pay period on a daily basis, in one school district or county superintendent's office shall become STRS members on the first day of the following pay period during which such additional service was performed.

Under existing law, STRS members who will be employed on a part-time basis and will perform less than 60 hours of service per pay period or will serve less than 10 days per pay period on a daily basis may terminate their STRS membership

This bill would repeal that law

Ch. 498 (SB 2230) Craven. Mobilehomes.

Existing law requires that the management of a mobilehome park have the owner's written authorization, specifying terms and conditions, before they can show or list for sale a manufactured home or mobilehome Existing law also provides that management may not charge a homeowner a transfer or selling fee as a condition of a mobilehome sale unless management performs a service in the sale requested by the homeowner in writing

This bill would add the requirement that the management of the mobilehome park may not prohibit the listing or sale of a manufactured home or mobilehome within the park by the homeowner, or an agent of the homeowner other than the management This bill would also prohibit management from acting as the agent in the sale of a manufactured home or mobilehome as a condition of the management's approval of the buyer or prospective homeowner for residency in the park

This bill would also add the requirement that the management of a mobilehome park may not charge a fee to a prospective homeowner or his or her agent, upon the purchase of a mobilehome, as a condition of approval for residency in a mobilehome park unless the management performs a specific service in the sale This bill would also prohibit management from charging a fee to a prospective homeowner for an interview.

Ch 499 (SB 2546) Rosenthal. Cosmetology

Existing law provides for the licensure and regulation of mobile cosmetological units and provides that those provisions shall remain in effect only until January 1, 1989, and as of that date are repealed

This bill would extend that repeal date to January 1, 1992, and would make conforming changes.

Existing provisions of the Business and Professions Code continuously appropriate the

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moneys in the Board of Cosmetology's Contingent Fund. Because this bill would increase the amount of moneys in the fund by continuing to require the payment of fees after a specified date, it would constitute an appropriation.

Ch. 500 (AB 884) Hansen. Sales and use taxes.

The existing law defines the terms "gross receipts" and "sales price" for the purposes of the California Sales and Use Tax Law.

This bill would provide that "gross receipts" and "sales price" shall not include the amount of manufacturers' or importers' excise tax imposed pursuant to a specified Internal Revenue Code section upon which the purchaser certifies, in a form prescribed by the State Board of Equalization, that he or she is entitled to either a direct refund or credit against his or her income tax for the federal excise tax paid. It would prescribe specified taxes, penalties, and criminal sanctions with respect to any person who provides the requisite certification with respect to diesel fuel that is used in a manner that does not entitle that person to a direct refund or credit against his or her income tax for the federal excise tax paid. It would also provide that with respect to sales of diesel fuel made during the period of April 1, 1988, through September 30, 1988, a purchaser may make the requisite certification not later than December 31, 1988

This bill would provide new criminal sanctions that would impose new duties on local agencies.

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

This bill would declare that it would take effect immediately as a tax levy; however, certain of its provisions would become operative, as specified

Ch. 501 (AB 993) Wyman Fictitious business name statement.

Existing law, with respect to the expiration of a fictitious business name statement, provides, with specified exception, that the statement expires at the end of 5 years from December 31 of the year in which it was filed in the office of the county clerk

This bill would, instead, provide that the statement expires 5 years from the date it was filed in the office of the county clerk

Ch 502 (AB 1537) Wright Workers' compensation insurance.

Existing law prohibits a workers' compensation insurer from changing the classifications on a policy that results in an increased premium, except in specified circumstances.

This bill would provide that when an insurer changes the classifications on a workers' compensation insurance policy and the reclassification requires additional payments by the insured exceeding 25% of the insured's annual premium, the insurer shall offer the insured the option of making the payments in monthly installments over a one-year period commencing on the date the insurer notified the insured that additional payments were due

Ch. 503 (AB 1767) Nolan. Public records. Governor's office.

Under the California Public Records Act, all public records are required to be open to public inspection during the office hours of the state or local agency which retains the records Public records include any writing in the custody of, or maintained by, the Governor's office which was prepared on or after January 6, 1975, but the act exempts correspondence of the Governor's office from required public disclosure. Under the State Records Management Act, the Director of General Services is required to establish and administer in the executive branch of state government a records management program in accordance with specified provisions

This bill would require public records in the custody or control of the Governor upon leaving office to be transferred as soon as possible to the State Archives but would authorize the Governor to restrict public access thereto, as specified, except certain records in the custody and control of any Governor who held office between 1974 and 1988 at the time of leaving office. This bill would authorize those records and other writings of those Governors to be transferred to any educational or research institution in California, subject to prescribed conditions

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Ch. 504 (AB 1836) Stirling Driving offenses· stopping by peace officers.

(1) Under existing law, it is an infraction to willfully fail or refuse to comply with a lawful order, signal, or direction of a uniformed peace officer It is a misdemeanor, while operating a motor vehicle with the intent to evade, to flee or elude a pursuing police officer under specified conditions. If the flight or attempt to elude a pursuing peace officer causes bodily injury or death, the offense is either a felony or a misdemeanor with specified penalties.

This bill would, instead, change the alternative misdemeanor or felony offense to prohibit willfully fleeing or eluding a pursuing peace officer in a motor vehicle with the intent to evade and, while doing so, to drive the vehicle in a willful and wanton disregard for the safety of persons or property, and would make it a felony or a misdemeanor with specified penalties to cause serious bodily injury, as defined, or death in those circumstances.

The bill would prescribe the punishment for those offenses and permit the courts to suspend the driver's license of a person convicted of those offenses.

The bill would impose a state-mandated local program by creating a new crime and changing the classification of an existing crime.

The bill would also make technical changes.

(2) This bill would incorporate additional changes in Section 2800 1 of the Vehicle Code, proposed by SB 2566, to be operative only if SB 2566 and this bill are both enacted and become effective on or before January 1, 1989, and this bill is chaptered last. These changes would become operative on the operative date of SB 2566.

(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. 505 (AB 2059) Stirling Justice court judges

(1) Under the California Constitution, all courts except justice courts are courts of record Under existing law, judges of courts of record are prohibited from practicing law, but judges of justice courts are prohibited from practicing law before a court in the county of the judge's residence.

This bill would provide that justice courts are courts of record, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program The bill would repeal the requirement that a person be a member of the State Bar or a retired judge of a court of record in order to become a justice court judge. This bill would also repeal the provisions that set forth restrictions specially applicable to the practice of law by justice court judges, and, thus, make them subject to the general prohibition against the practice of law by judges of courts of record.

(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 become operative if ACA 12 is enacted and becomes operative, in which case it would become operative when ACA 12 becomes operative or on January 1, 1990, whichever is later

Ch. 506 (AB 2800) Eaves Schools

Existing law does not prohibit the possession or use of electronic signaling devices by pupils of a school

This bill would prohibit a school from permitting the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves by pupils of the school while the pupils are on campus, attending school-sponsored activities, or while under the supervision and control of school district employees, without the prior consent of the principal or his or her designee. A pupil would not be prohibited

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from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of a pupil and the use of which is limited for purposes related to the health of the pupil.

This bill would impose a state-mandated local program by requiring the governing board of each school district to take all steps it deems practical within existing resources to discourage pupils from possessing or using electronic signaling devices, except where the use of an electronic signaling device is essential for the health of the pupil.

The California Constitution requires 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. 507 (AB 2824) Polanco Professional corporations· optometrists

Existing law provides that, unless otherwise authorized, as specified, a professional corporation engages in rendering professional services in a single profession.

This bill would allow specified licensed persons, other than optometrists, to be shareholders, officers, directors, and professional employees of an optometric corporation.

Existing law provides that optometrists may be shareholders, officers, directors, and professional employees of medical corporations, podiatry corporations, psychological corporations, and nursing corporations.

This bill would instead provide that licensed optometrists may be shareholders, officers, directors, and professional employees of those corporations

Ch 508 (AB 2835) Stirling Corporations

The General Corporation Law provides that the Secretary of State may cancel the filing of articles of a domestic corporation or the filing of a statement and designation by a foreign corporation if a check or other remittance accepted in payment of the filing fee or franchise tax is not paid upon presentation. Similar provisions are contained in the law regulating certain nonprofit corporations and cooperative corporations. Existing law also requires the Secretary of State to send 2 separate written notices of cancellation.

This bill as respects these provisions would require the Secretary of State to send only one written notice of cancellation 70 days or less after the original filing of the articles of a domestic corporation or the statement and designation by a foreign corporation The date of cancellation would not be less than 20 days from the date of mailing the written notice as certified by the Secretary of State.

Ch 509 (AB 2872) Jones Mental health professionals

Existing law requires that when a person is providing mental health services under the Short-Doyle Act, and licensure is required in order to provide the services, the person may not be employed unless he or she possesses a currently valid license, except under specified circumstances

One of these exceptions permits the State Department of Mental Health to grant waivers of up to 2 years for a psychologist and up to 3 years for a clinical social worker or a marriage, family and child counselor, whenever the person is employed in that respective profession and is gaining qualifying experience for licensure in that profession in this state

This bill would specify that for persons employed as clinical social workers or marriage, family, and child counselors less than full time, an extension of a waiver of licensure may be granted for additional years proportional to the extent of part-time employment, as long as the person is employed without interruption in service, but in no case could the waiver of licensure exceed 5 years

The bill would further specify that the State Department of Mental Health may grant an extension of a waiver of licensure for an additional year for a person employed full

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time as a psychologist, based upon extenuating circumstances as determined by the department. For persons employed less than full time as a psychologist, the department may grant an extension of a waiver of licensure for additional years proportional to the extent of part-time employment, based upon extenuating circumstances as determined by the department, as long as the person is employed without interruption in service, but in no case could the waiver of licensure exceed 5 years.

Ch. 510 (AB 3019) Hannigan Mortgages and deeds of trust notice of delinquencies.

Existing law permits the beneficiary or mortgagee of any deed of trust or mortgage on real property containing 1 to 4 residential units to submit a request for a notice containing information relating to delinquencies of the trustor or mortgagor to the beneficiary or mortgagee of a senior lien.

This bill would additionally permit a beneficiary or mortgagee of a deed of trust or mortgage on real property given to secure an original obligation not to exceed $300,000 to request this notice.

The bill would also provide that a beneficiary or mortgagee of obligations secured by nonresidential properties that have sent 5 or more notices, as specified, may charge a fee up to $15 for each subsequent notice

Ch. 511 (AB 3051) Bradley. Vehicles. liens costs.

Existing law provides for the recovery by a lienholder of the actual costs of sale, preparation for sale, or processing for disposal of a motor vehicle, not to exceed $50.

This bill would allow the recovery of actual costs not to exceed $100 in the case of vehicles valued over $1,000. The bill would provide that the charge would not be made as to vehicles redeemed before the 3rd day of possession

Ch 512 (AB 3074) Polanco. 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. Existing law provides that items included in the listing are nuisances and, depending upon the particular item, shall be sold or destroyed by law enforcement officials

This bill would include in that listing any belt buckle knife, leaded cane, zip gun, shuriken, unconventional pistol, lipstick case knife, cane sword, shobi-zue, air gauge knife, and writing pen knife, as those terms are defined, and would include a sap in that listing, thus creating a state-mandated local program by expanding the definition of an existing crime and by including additional specific items which local law enforcement officials would be required to dispose of under an existing program. The bill would also set forth specific definitions of certain weapons that are subject to those provisions

This bill would incorporate, in substantial part, additional changes in Section 12020 of the Penal Code, proposed by AB 771, to be operative only if AB 771 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

(2) Existing law makes it a felony punishable by imprisonment in the county jail for not exceeding one year or state prison to manufacture or cause to be manufactured, import into this state, keep for sale, or offer or expose for sale, or give, lend, or possess certain described throwing weapons

This bill would classify the above-described throwing weapons as shurikens, and as described under (1), would define that term and would include shurikens in the listing of unlawful weapons described under (1)

The bill would also make certain conforming changes

(3) Existing law sets forth certain specified exemptions from the prohibitions described under (1).

This bill would include within those exemptions weapons that are possessed by historical societies, museums, and institutional collections which are open to the public, as specified, weapons, other than sawed-off shotguns, possessed or utilized in certain productions or entertainment events, and weapons, other than sawed-off shotguns, which are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by,

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or lent by certain persons in connection with engaging in transactions with the first 2 categories of entities referred to in this paragraph.

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

This bill would provide that 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. 513 (AB 3313) Chandler. Redemption: uncertificated securities.

Existing law specifies the procedure a corporation is required to follow to redeem its certificated securities.

This bill would extend the above-mentioned procedure to the redemption of uncertificated securities but would require the delivery of an officer's certificate, as specified, to the bank or trust company involved in the redemption as opposed to the required surrender of the shareholder's share certificates in the redemption of certificated securities.

Ch. 514 (AB 3415) Longshore. Cal-Vet: eligibility.

Under existing law, the Department of Veterans Affairs administers a program of farm and home purchase benefits for veterans under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program.

This bill would revise and restate certain provisions of the act to correct gender references and make additional clarifying changes

Ch. 515 (AB 3467) O'Connell Vehicles. financial responsibility

Existing law requires evidence of financial responsibility for a vehicle to be provided when requested by a peace officer and permits a person cited in a notice to appear for violation of the requirement to submit written evidence of financial responsibility that is acceptable to the clerk of the court.

This bill would require that written evidence to be in a form consistent with a specified statute

Ch. 516 (AB 3864) Frazee. Criminal pleadings.

Under existing law, all public offenses are generally commenced by the filing of the particular written accusatory pleading, as specified

This bill would authorize a criminal prosecution to be commenced by filing an accusatory pleading in electronic form with the magistrate or in a court having authority to receive it under specified conditions.

It would require an accusatory pleading to be deemed to have been filed when it has been received by the magistrate or court and it would provide that when transmitted in electronic form, the accusatory pleading, or any part of it, shall be exempt from any requirement that it be subscribed by a natural person. The bill would also provide that it is sufficient to satisfy any requirement that an accusatory pleading, or any part of it, be sworn to before an officer entitled to administer oaths, if specified conditions are met The bill would further provide that, notwithstanding any other provision of law, a notice of parking violation, issued pursuant to specified provisions of the Vehicle Code, may be received and filed by a court in electronic form, if specified conditions are met.

Ch 517 (AB 4034) Stirling. Real estate: Recovery Account.

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

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the manner specified for payment of actual and direct loss of the amount unpaid on the judgment. Under existing law, the liability of the Recovery Account shall not exceed specified limits regardless of the number of persons aggrieved or parcels of real estate involved in a transaction or the number of judgments against a licensee

This bill would specify that when multiple licensed real estate personnel are involved in a transaction and the individual conduct of 2 or more of the licensees results in a judgment, as specified, the claimant may seek recovery from the Recovery Account based on the judgment against any of the licensed real estate personnel, subject to specified limitations.

The bill would also state that it is declaratory of existing law as a codification of Edmonds v Augustyn, 193 Cal. App 3d 1056 and is not intended to overturn the cases of Fox v Prime Ventures, Ltd., 86 Cal. App. 3d 333, and Deas v. Knapp, 29 Cal. 3d 69

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

Ch. 518 (AB 4060) Cortese General aviation aircraft repairs

Existing law provides that any person having a noncommercial aircraft in for repairs or service has the right to request, in advance of any work done, a written estimate, as specified Existing law provides that no charge may be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer.

This bill would repeal that provision and instead enact a comprehensive scheme applicable to work done on general aviation aircraft, as defined, with an estimated cost of $100 or more, as specified Among other things, the bill would provide that a repairperson has no lien on a general aviation aircraft unless the repairperson complies with the provisions of the bill The bill would specify that a repairperson shall not commence work for compensation without specific authorization from the customer or his or her agent in accordance with certain enumerated requirements It would require all work, including warranty work, to be recorded on an invoice with a description of all work done and the parts supplied. The bill would not apply to general aviation aircraft in distress which are in need of immediate work critical to the preservation and safety of the aircraft.

Ch. 519 (AB 4673) Wyman Stallion Springs Community Services District. powers

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 Stallion Springs 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. The bill would make legislative findings as to the need for a special law with regard to these provisions

This bill would incorporate changes in Section 61601.10 of the Government Code proposed by SB 2670 if both this bill and SB 2670 are chaptered and this bill is chaptered last

Ch. 520 (SB 1818) B Greene Unemployment insurance: shared work.

(1) Existing law requires any employer who has elected to participate in the shared work unemployment insurance benefit program and who has met certain conditions, to pay into the Unemployment Fund, in addition to all other required contributions, contributions in a specified amount

This bill would repeal this provision

(2) Existing law permits the payment of a reduced amount of unemployment insurance benefits (including paid sick leave) to an individual who participates in a shared work unemployment insurance benefit program pursuant to an approved employer

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plan. Existing law also requires a reduction of unemployment compensation benefits for any day during the week an individual is unable to work due to physical or mental illness or injury.

This bill would exempt individuals receiving shared work unemployment compensation benefits from the provision requiring a reduction of benefits due to illness or injury

Ch 521 (SB 1891) Seymour. Real estate licensees

Existing law authorizes the Real Estate Commissioner to require proof concerning the honesty and truthfulness of an applicant, or of the officers of any corporation making application, for a real estate license as he or she may deem advisable.

This bill also would authorize the requirement of that proof concerning the directors or persons owning more than 10% of the stock of any corporation

Existing law specifies the grounds for the revocation or suspension or for the denial of any real estate licensee

This bill would authorize those actions to be taken against a corporate licensee or applicant if an officer, director, or person owning more than 10% of the stock of the corporation has committed any of the prohibited acts, as specified

The bill would appropriate $54,000 from the Real Estate Fund to the Department of Real Estate for purposes of the bill for the period of January 1, 1989, to June 30, 1989, inclusive

Ch. 522 (SB 1934) Craven Mobilehome Residency Law.

Existing law, the Mobilehome Residency Law, provides the management of a mobilehome park with the right of prior approval of a purchaser of a mobilehome that will remain in the park Approval cannot be withheld if the purchaser has the financial ability to pay the rent and charges of the park, except as specified.

This bill would provide that in making the determination as to the ability of the purchaser to pay the rent and park charges, the management shall not require the purchaser to submit copies of personal income tax returns in order to obtain approval for residency in the park. However, the bill would authorize management to require the purchaser to document the amount and source of his or her gross monthly income or means of financial support.

Ch. 523 (SB 2243) McCorquodale Peace officer training.

Existing law authorizes the Director of Parks and Recreation to designate any officer or employee of the department a peace officer, as specified

This bill would require that persons so designated after January 1, 1989, have satisfactorily completed the basic training course established by the Commission on Peace Officer Standards and Training.

Ch. 524 (SB 2776) Roberti Crimes disorderly conduct.

Existing law establishes mandatory jail terms for any person who has been previously convicted of soliciting anyone for or engaging in or agreeing to engage in an act of prostitution, as defined. Existing law also provides that any previously convicted person under these provisions shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he or she has served the specified mandatory term of imprisonment in the county jail

Existing law also precludes the court from granting probation or suspending the sentence of any defendant who has been previously convicted under these provisions, when the previous conviction or convictions have been charged in the accusatory pleading and found to be true by the court or the jury

This bill would expressly authorize the court to place a previously convicted person under these provisions on probation, work furlough or work release after the defendant serves his or her mandatory term of imprisonment in the county jail.

Ch. 525 (SB 2242) McCorquodale. Wildlife management areas: payments.

Under existing law, when income is derived directly from real property acquired and operated by the state as wildlife management areas, the Department of Fish and Game

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is required to pay to the county in which the property is located an amount equal to the county taxes levied upon the property at the time title to the property was transferred to the state. The department is also required to pay the assessments levied on the property by any irrigation, drainage, or reclamation district.

This bill would require payments made pursuant to those requirements to be made on or before December 10 of each year and newly acquired property to be prorated and paid, as specified.

Ch 526 (SB 1790) B Greene. Industrial Welfare Commission executive sessions

Existing law provides that, except as expressly authorized by the Bagley-Keene Open Meeting Act, no closed session may be held by any state body.

This bill would delete a provision, not contained in the Bagley-Keene Open Meeting Act, which permits the Industrial Welfare Commission to hold executive sessions in specified circumstances.

Ch 527 (SB 2413) Kopp. Prosecutors

Existing law provides for a motion to disqualify a district attorney from performing any authorized duty, and specifies that an order recusing the district attorney may be appealed by the district attorney or the Attorney General and the order is stayed pending any appeal

This bill would specify that the method of appeal from an order of recusal from superior court and from any case involving charges punishable as a felony shall be the method prescribed for appeals from the superior court, regardless of the court in which the order is made, and that the method of appeal from an order of recusal in misdemeanor cases shall be that for appeals from inferior courts. This bill also would make related changes

Ch. 528 (AB 3692) Killea. Appeals.

Until January 1, 1989, existing law allows an appeal to be taken by the people from the illegal imposition of a sentence, except as specified. Further, until January 1, 1989, existing law provides that the provisions that set forth when the people may appeal do not authorize the people to appeal from an order granting probation, but it does provide that the people may seek appellate review of a grant of probation, as specified, by a writ of mandate or prohibition.

This bill would eliminate the above January 1, 1989, expiration date, thus keeping the above provisions in effect indefinitely.

Ch. 529 (AB 118) Tucker. Registration: total loss salvage vehicles and dismantled vehicles

(1) Existing law generally requires persons intending to disassemble or dismantle a vehicle to deliver evidence of registration to the Department of Motor Vehicles

This bill would authorize the Department of Motor Vehicles, upon receiving an application for registration of a total loss salvage vehicle or a disassembled or dismantled vehicle, to inspect the vehicle to determine its proper identity or request that the inspection be performed by a designated agent.

(2) Existing law prescribes various vehicle registration fees

This bill would require payment of a specified fee to register a vehicle which has been declared a total loss salvage vehicle or which has been reported to have been dismantled.

Ch. 530 (AB 1830) McClintock. Real property: trustee notice

Under existing law, a trustee of an express trust or a person expressly authorized by statute may sue without joining the persons for whose benefit the action is prosecuted Existing law provides that a person with whom, or in whose name, a contract is made for the benefit of another, is a trustee of an express trust, for the purposes of these provisions.

This bill would specifically exempt a person upon whom a power of sale has been conferred pursuant to a deed of trust or mortgage from these provisions and would also specify that a trustee upon whom a power of sale has been conferred pursuant to a deed

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of trust or mortgage may sue to exercise the trustee's powers and duties under specified provisions of law.

The bill would, in addition, provide that in any action brought by any party affecting the interest of any trustor or beneficiary pursuant to a deed of trust or mortgage, service of process upon the trustee is not service to the beneficiary or trustor and does not impose any obligation on the trustee to inform the beneficiary or trustor of the action.

The bill would contain a statement of legislative intent.

Ch. 531 (AB 2092) Zeltner. Medi-Cal.

Existing law authorizes the State Director of Health Services to modify the Medi-Cal reimbursement rate for inpatient hospital services, as specified.

This bill would authorize the State Department of Health Services to select a contractor to conduct a study and prepare a report which shall include preparation of a general system design of the alternatives and estimated costs of developing a detailed system design of the recommended alternative, as specified.

The bill would also authorize the department to submit a report, which includes the contractor's report, to the Legislature by January 31, 1989 The reports would be required to include comments and recommendations of the hospital industry.

Ch. 532 (AB 2247) Wright. Environmental impact report: development project. freeways.

(1) Under the California Environmental Quality Act, an environmental impact report is generally required to be prepared by the lead public agency prior to its approval or disapproval of a project which may have a substantial adverse impact on the environment. Existing law authorizes the lead agency or responsible agency or affected public agency to request meetings between those agencies to determine the scope and content of environmental information required to complete the report, and requires the lead agency to convene those meetings, as specified.

This bill would require a lead agency to call at least one scoping meeting for a proposed project which may affect highways or other facilities under the jurisdiction of the Department of Transportation if requested by the department

The bill would impose a state-mandated local program by requiring local agencies which are lead public agencies to provide a scoping meeting at the request of the department for specified projects

(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. 533 (AB 2377) Statham Beer tasting.

Existing law does not authorize a licensed beer manufacturer or out-of-state beer manufacturer operating under certificate to conduct beer tastings.

This bill would do so, and provide that beer tastings may be conducted off licensed premises only for events sponsored by certain nonprofit organizations, and only if persons attending the event are affiliated with the sponsor, as specified The bill would authorize the Department of Alcoholic Beverage Control to adopt necessary administrative rules and regulations The bill would also require the sponsoring nonprofit organization to first obtain a permit from the department, as specified.

Ch. 534 (AB 2697) Statham. Community facilities districts: child care facilities

Under existing law, community facilities districts may levy a special tax to provide for the purchase, construction, expansion, improvement, or rehabilitation of real or other tangible property with an estimated useful life of 5 years or longer. For this purpose a

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community facilities district may levy a special tax. The levy of a special tax is required by existing law to be approved by a ⅔ vote of the district's voters, except that, if there is no residential property in the district at the time of the election a landowner voting procedure may be used.

This bill would expressly include child care facilities as an example of the types of facilities that can be financed by community facilities districts.

The bill would also allow financing by these districts of related insurance costs, but would preclude the use of bond proceeds for this purpose.

Ch. 535 (AB 2873) Jones. Real property: mineral rights.

Under existing law, the ownership of mineral rights in real property includes the right of entry upon or to the surface of the real property as is reasonably required for the exercise of those rights.

This bill would generally require the owner of mineral rights, as defined, to give a written notice, as specified, to the owner or the owner's representative of the real property who is listed as the assessee on the current local assessment roll or the lessee and to any public utility which has a recorded interest in the real property, if there is to be excavation of the utility interest, prior to the first entry upon the real property to prospect for, mine, or extract minerals. The bill would authorize the assessee or utility to request a court to enjoin the prospecting, mining, or extracting operation until the mineral rights owner has complied with the written notice requirement.

Ch. 536 (AB 2928) Frazee. County water authorities: standby charges

(1) Under existing law, county water authorities are not authorized to levy standby water charges.

This bill would authorize county water authorities to fix and collect, in accordance with prescribed procedures, a water standby availability charge on land within the authority, to which water is made available by the authority, whether the water is actually used or not, not to exceed $10 per acre per year or $10 per year for a parcel less than one acre The bill would require any affected county to levy and collect the charges, together with county taxes, thereby imposing a state-mandated local program. The bill would authorize the county to deduct its costs of levying and collecting the charge.

(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. 537 (AB 3028) *Lancaster Financial transactions*

(1) Existing law, with respect to loans made by personal property brokers and consumer finance lenders, sets forth certain requirements as to the commencement, amount, and duration of periodic repayment schedules Exempted from these provisions are student loans made by an eligible lender under the Higher Education Act of 1965, as amended.

This bill would additionally exempt student loans made pursuant to the Public Health Service Act, as amended

(2) Existing law, the Public Records Act, provides that disclosure of specified records is not required by the act Those records include examination, operating, or condition reports filed with a state agency relating to, among other things, industrial loan companies.

This bill would authorize the Commissioner of Corporations to disclose certain investigation and examination reports, which are deemed not to be public records, to the officers and directors of a company subject to the report for purposes of corrective action.

(3) The bill would incorporate additional changes in Sections 22470 and 24470 of the Financial Code, proposed by SB 1959, to be operative only if SB 1959 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

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(4) A violation of the Industrial Loan Law is a misdemeanor.

This bill would make it unlawful to willfully make any untrue statement or omit certain information in documents filed with the commissioner, thus imposing 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. 538 (AB 3183) Hughes. Public contracts school districts.

Under existing law, local agencies, as defined, are authorized, in awarding contracts for a project for which competitive bidding is required, to require that a contract be awarded to the lowest responsible bidder who meets, or makes a good faith effort to meet, goals and requirements established by the local agency relating to participation in the contract by minority or women business enterprises, as specified.

This bill would specify that the term "local agency" includes, for this purpose, any school district

Ch. 539 (AB 3226) N. Waters Amador County Water Agency

(1) Under existing law, the Amador County Water Agency is authorized to fix and collect standby charges, as specified, subject to a limit of $10 per acre or per parcel of less than one acre and other specified restrictions.

This bill would delete the $10 per acre or parcel limitation and other restrictions The bill would require the board of directors to conduct a public hearing, after notice as prescribed, and subject to a right of protest as prescribed, before fixing a standby charge. The bill would permit the board to continue the charge in successive years in accordance with specified procedures, but without a requirement for mailed notice, if there is no increase in the charge or any change in the areas subject to the charge These provisions would not become operative if AB 3047 is enacted and becomes operative.

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

This bill would additionally authorize improvement districts to be formed in the agency for any authorized purpose of the agency in the same manner as improvement districts are formed in irrigation districts, and would prescribe related matters. The bill would delete provisions requiring an investigation and report, as specified, before certain works or improvements may be undertaken.

(3) Under existing law, agency contracts for any improvement or unit of work estimated to cost in excess of $2,000 is required to be let to the lowest responsible bidder, in accordance with prescribed procedures.

This bill would increase that amount to $12,500 and make related changes

Ch. 540 (AB 3239) Lewis Pawnbrokers.

Existing law sets forth the maximum charges and compensation that a pawnbroker may receive

This bill would additionally provide that a pawnbroker may charge one month's interest for any part of the month in which pawned property is redeemed The bill would also set forth various additional charges in a schedule of charges which a pawnbroker may charge, as specified

Ch 541 (AB 4099) Hauser. Evidentiary presumptions· building restrictions

Existing law establishes a presumption affecting the burden of proof that an ordinance enacted by the governing body of a city or county which directly limits building permits or buildable lots by number has an impact on the supply of housing in an area that includes territory outside the city or county

This bill would make this presumption applicable if the above entities change the standards of residential development on vacant land so that the governing body's zoning

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is rendered in violation of requirements with respect to the designation and zoning of sufficient vacant land for residential use in relation to zoning for nonresidential use and growth projections to meet housing needs as identified in the entity's general plan. However, the bill would specify that the application of the presumption in those circumstances does not apply to a voter-approved ordinance adopted by referendum or initiative which exempts housing affordable to specified persons or which otherwise provides low- and moderate-income housing sites equivalent to such an exemption.

Under existing law, the above-mentioned presumption does not apply to specified ordinances, including, among others, those ordinances that restrict the number of buildable parcels by limiting the minimum size of the buildable parcels within a zone or by designating lands within a zone for nonresidential uses.

The bill would, instead, provide that the presumption does not apply to state and federal building code requirements or local ordinances which restrict the number of buildable parcels or designate lands within a zone for nonresidential uses in order to protect agricultural uses, as defined, or open-space land, as defined.

Ch 542 (SB 1190) Lockyer State retirement systems family law

(1) Existing provisions of the State Teachers' Retirement Law (STRL) and the Public Employees' Retirement Law (PERL) provide various benefits for members and their beneficiaries and survivors of, respectively, the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) and authorize the respective members to elect specified optional settlements

This bill would authorize a court to award a separate account of service credit and accumulated retirement contributions to each STRS member and STRS nonmember spouse in a legal separation or marriage dissolution proceeding. This bill would require the related judgments or court orders to include specified matters This bill would confer specified rights on nonmember spouses who are awarded a separate account, but would provide that they are not members of STRS. This bill would also authorize a court to order the STRS to pay the nonmember spouse, by separate warrant, his or her community property share of the retirement allowance of the retirant in a separation or marriage dissolution proceeding regarding an STRS retirant This bill would also prohibit the making of any STRS beneficiary designation in derogation of the community property share of any STRS nonmember spouse in any STRS benefit which is derived from community property STRS contributions, or service credited during the marriage, unless the STRS nonmember spouse has previously obtained an alternative court order for division

This bill would authorize, in the PERL, a court, in a legal separation or marriage dissolution proceeding and upon petition of the PERS nonmember spouse, to order that the accumulated community property PERS contributions and service credit attributable to periods of service during the marriage be divided into 2 separate and distinct accounts, each standing in the name of the member and the nonmember, respectively. The court would be required to address various rights of the nonmember The bill would confer specified rights on nonmembers. This bill would also prohibit the making of any PERS beneficiary designation in derogation of the community property share of any PERS nonmember spouse in any PERS benefit which is derived from community property PERS contributions or service credited during the marriage, unless the PERS nonmember spouse has previously obtained an alternative court order for division

(2) Existing family law requires a court, in making a division of the community property interest in a retirement plan, in a legal separation or dissolution of marriage proceeding, to make whatever orders are necessary or appropriate to assure that each party receives his or her full community property share of any retirement plan including, but not limited to, ordering the division of any retirement benefits upon or after the death of either party or ordering a party to elect a survivor benefit annuity for the benefit of the other party

This bill would include within the alternatives accorded the court, ordering the division of STRS and PERS accumulated community property contributions and marital service credit described above.

(3) This bill would appropriate $350,000 from the Public Employees' Retirement

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Fund for expenditure to implement the provisions added by this bill to the PERL. It would also require the Board of Administration of the Public Employees' Retirement System, if the cost of implementing and administering the bill exceeds the amount of the appropriation, to establish and levy a fee on the member or nonmember, or both, as determined by the courts, in an amount sufficient to cover the board's actual expenses in establishing and maintaining nonmember accounts, not to exceed $4

This bill would declare that it shall be deemed to be retroactive to June 1, 1988, and that it is to take effect immediately as an urgency statute.

Ch. 543 (SB 1907) Ellis. Transportation: transit operators' funding.

Under the Mills-Alquist-Deddeh Act, an operator receiving funds for specified transportation services is required, with specified exceptions, to use at least 15% of the funds received for capital expenditures

This bill would delete that provision.

Ch 544 (SB 2216) Dills. Municipal court judges: senior judge status

Existing statutes establish the senior judges program which permits senior judges to enter senior judge status before age 70 but to continue serving as a judge and prohibits participants from receiving a retirement allowance, except health and welfare benefits generally available to retired judges of courts on which the judge served as an active judge.

This bill would delete the limitation of that exception to judges who are retired and would provide that the state is obligated to make contributions to health benefits plans for municipal court judges actively serving on senior judge status.

Ch 545 (AB 379) Killea Used motor oil

(1) Existing law requires that used oil, except used oil meeting specified standards, be handled as a hazardous waste and prohibits any person from disposing of used oil in an unauthorized manner Specifically, existing law (a) defines recycled oil as meeting specified standards of purity, including chlorides of 3,000 ppm or less; (b) authorizes a registered hazardous waste hauler to use a modified manifesting procedure, (c) requires every hazardous waste hauler who transports used oil to report specified information to the State Department of Health Services as part of the hauler's annual application for renewal of registration, (d) exempts from specified requirements concerning hazardous waste manifest possession and hazardous waste hauler registration, any person who transports used oil to a location that is exempt from hazardous waste facility permit requirements; and (e) requires each used oil recycler who has been issued a permit to submit an annual report to the department containing specified information.

This bill would revise the definition of recycled oil in (a) above to require meeting a standard of total halogens of 3,000 ppm or less. The bill would revise the modified manifesting procedure, specified in (b) above and would require every hazardous waste hauler to report the information in (c) above to the department on or before March 1 of each year The bill would make the exemption for persons who transport used oil from the requirements concerning hazardous waste manifest possession and hazardous waste hauler registration in (d) above apply to any transportation of used oil. The bill would require the report specified in (e) above to be filed instead by each used oil recycling, storage, or transfer facility, except as specified. The bill would also make additional revisions to other provisions relating to used oil and would define terms. Since violation of these provisions would be a misdemeanor under other provisions of law, 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. 546 (AB 2734) Duplissea. Motor vehicles: dealers.

Existing law defines a "dealer" for purposes of the Vehicle Code as a person who buys,

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sells, exchanges, or offers for sale a vehicle, as specified. Existing law also expressly excludes certain persons from that definition, as specified.

This bill would expressly provide that a licensed automobile dismantler, as defined, is not a dealer.

Ch 547 (AB 2776) Connelly. Bail

Existing law prohibits the acceptance of bail unless the judge or magistrate is convinced that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained by the defendant.

This bill would apply that prohibition to any consideration, pledge, security, deposit, or indemnification obtained feloniously, whether or not feloniously obtained by the defendant.

This bill would incorporate changes in Section 1275 of the Penal Code proposed by AB 3314 to be operative only if AB 3314 and this bill are both chaptered and this bill is chaptered last.

Ch. 548 (AB 2781) Costa. Subdivisions: tentative maps.

Existing law, which will be repealed January 1, 1989, requires a local agency, in approving or disapproving a tentative subdivision map, to apply only those ordinances, policies, and standards which were in effect upon the date that the local agency determined that the subdivider's application was complete, with certain exceptions. Existing law permits the local agency to apply ordinances or resolutions amending general or specific plans or zoning or subdivision ordinances in the process of being adopted before a completed application is received if specified notice of the adoption has been given.

This bill would delete that repeal and would revise the notice provisions for pending ordinances, resolutions, or motions to apply to applications, as specified.

By deleting the repeal of the requirement, the bill would continue the imposition of 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 549 (AB 2876) Calderon Loans

Existing provisions of the Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law require the respective licensees to file annual reports with the Commissioner of Corporations, as specified.

This bill would require those reports to be made under oath and in the form prescribed by the commissioner It would require the respective licensees to make such other special reports to the commissioner as the commissioner from time to time may require

Existing law, with respect to the licensure of personal property brokers and consumer finance lenders, authorizes the commissioner to require that information pertaining to loans be stated separately in an annual report, as specified.

This bill would delete those provisions.

Existing law, with respect to personal property brokers and consumer finance lenders, defines "charges" as excluding fees for a charge or credit card in an open-end credit program to cover administrative costs.

This bill would instead define "charges" as fees paid for the privilege of participating in an open-end credit program, as specified.

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

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Ch 550 (AB 2995) Hauser. Vehicles: loads.

Existing law, with specified exceptions, prohibits loads upon vehicles which extend more than 3 feet beyond the foremost part of the front tires or the front bumper of the vehicle.

This bill would exempt log loading vehicles first sold in this state prior to January 1, 1988, from that prohibition under specified conditions.

Ch. 551 (AB 3084) O'Connell. Courts: counsel on appeal.

Existing law, until January 1, 1989, imposes specified additional duties upon trial counsel relative to representing defendants and preparation of the record on appeal in capital cases.

This bill would amend provisions of law which are to become effective January 1, 1989, to continue the special requirements applicable to appeals in capital cases In so doing 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, 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. 552 (AB 3186) Hughes Facilities: state school funding eligibility and displaced person relocation assistance.

Under existing law, the Leroy F Greene State School Building Lease-Purchase Law of 1976 authorizes state funding of school district facilities needs, as specified. For purposes of determining project eligibility in this regard, existing law authorizes the computation of allowable building area for an applicant district on a districtwide basis or, as specified, on the basis of a separate computation for an attendance area within the district

This bill would, in the alternative, permit the computation of allowable building area in this regard for a combination of adjacent high school attendance areas for project funding of a high school, junior high school, or elementary school to serve pupils residing in each of the attendance areas, which computation is to reflect the proportionate projected pupil enrollment in that school from each of the attendance areas.

Ch. 553 (AB 3309) Harris. Discovery

Under existing law, the Civil Discovery Act of 1986 governs the production of oral or written information that may lead to the discovery of admissible evidence, as specified.

This bill would make technical, clarifying changes to these provisions and would provide that if a party introduces only part of a deposition, any other party may introduce only those other parts that are relevant to the parts introduced. It would also permit the testimony of a previously undesignated expert witness to impeach the testimony of another expert witness offered at trial, as specified.

Existing law provides for the exclusion of the expert opinion of a witness in a civil action if a party has unreasonably failed to produce reports and writings of expert witnesses

This bill would correct a cross-reference related to that provision.

Ch. 554 (AB 3324) Duplissea. Vehicles: towing and storage.

Existing law authorizes the members of the California Highway Patrol to provide for the removal and storage of disabled vehicles

This bill would make certain legislative findings and declarations, and would authorize the Commissioner of the California Highway Patrol to enter into agreements with towing and storage companies. The bill would provide that the agreements are exempt from regulation by the Office of Administrative Law. The bill would also require the

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commissioner to submit annual reports to the Legislature regarding those agreements, as specified.

Ch. 555 (AB 4087) Johnston. Reparations.

Existing law authorizes state civil service, California State University, and University of California employees who suffered salary losses as a result of SCR 15 (Res Ch 49, Stats 1941–42, 1st Ex. Sess.), which resolution requested the State Personnel Board to dismiss the employees based upon their alleged disloyalty, to submit claims to the state for reparation of those losses. The law bars the survivors of these employees from filing a claim.

This bill would authorize the surviving spouse of such an employee to file a single claim if the employee did not file a claim pursuant to the existing law before his or her death.

The existing Personal Income Tax Law provides for various exclusions from gross income.

This bill would authorize an exclusion under that law for certain federal reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II. This authorization would not become operative unless and until specified related federal legislation is enacted.

Existing law requires, for purposes of Medi-Cal and public assistance program eligibility determination and grant computation, various income and resources to be or not be considered.

This bill would require, to the extent required by federal law, that certain federal reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II not be considered income or resources for purposes of Medi-Cal and public assistance program eligibility determination and grant computation. This requirement would not become operative unless and until specified related federal legislation is enacted.

Ch. 556 (AB 2891) Jones. Game: bears: mountain lions.

(1) Under existing law, any person who violates specified provisions of the Fish and Game Code, relating to bears or mountain lions is required to forfeit the respective license tags and is prohibited from being issued new license tags during the current license year.

This bill would recast those provisions, making the forfeiture effective upon a conviction of the code, or rules, regulations, or orders made under the code, relating to the respective game. The bill would also make it a misdemeanor for a person so convicted to apply for the respective license tags for the following license year.

(2) Under existing law, it is a misdemeanor to sell or purchase the meat, skin, hide, teeth, claws, or other parts of any bear in this state, except as permitted for domestically raised bears.

This bill would also make it a misdemeanor to possess for sale those bear parts, thereby imposing a state-mandated local program. The bill would also make the possession of more than one bear gall bladder prima facie evidence that the bear gall bladders are possessed for sale. The bill would clarify that this prohibition against the sale, purchase, or possession of bear parts does not include sales by a taxidermist.

(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. 557 (AB 2967) Frizzelle. Community care facilities: adoption agencies.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including adoption agencies. Existing law defines an adoption agency as any individual, other than a parent, or entity engaged in providing adoption services. One of the adoption services is the assumption of the care, custody, and control of a child through relinquishment of the child to the agency or

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involuntary termination of parental rights. Another service is the supervision of adoptive placements.

This bill would establish a separate category of adoption agency, a "noncustodial adoption agency," a definitional element of which would be that it cooperatively matches children freed for adoption who are under the care, custody, and control of a licensed adoption agency, with assessed and approved adoptive applicants, as specified. Another element would be the cooperative supervision of adoptive placements, without disruption of, or removal of a child from, the placement. The existing category of adoption agency would be termed a "full-service adoption agency." The bill would restrict both categories of adoption agencies to licensed entities providing adoption services.

This bill would also make conforming changes to a related provision of existing law.

Ch. 558 (AB 2984) La Follette. Hazardous substances: federal act implementation

Existing law requires every county to designate an administering agency responsible for implementing specified requirements concerning business plans for emergency response to hazardous material release. Under the Federal Emergency Planning and Community Right-to-Know Act of 1986, the Governor is required to appoint a state emergency response commission.

This bill would require the Office of Emergency Services to adopt informational guidelines for facilities required to comply with the federal act and the state business plan requirements.

Ch. 559 (SB 335) Robbins. Risk retention groups: officers and directors

Existing state law regulates the business of insurance in the State of California The federal Liability Risk Retention Act of 1986, permits the creation of risk retention groups to assume and spread liability of group members engaged in similar or related businesses or activities Risk retention groups are generally required to be chartered as an insurance company by some state, but not necessarily every state in which it does business. The federal act generally preempts state regulation except with respect to risk retention groups chartered by a particular state, but permits state requirements relating to registration, financial condition, and compliance with certain unfair practices acts

This bill would state that the Legislature finds and declares that for the purpose of creating a risk retention group, directors and officers of corporations, whether for profit or nonprofit, are engaged in the same line of business

Ch. 560 (SB 569) Garamendi. Property taxation

(1) Under existing law, certain transfers of real property are subject to assessment and taxation, but the purchase or transfer of ownership interests in legal entities such as corporate stock or partnership interests, and certain corporate reorganizations are not deemed to constitute a transfer of the real property for those purposes.

Under existing law, a corporate reorganization, as defined, is not treated as a change in ownership for property tax purposes.

This bill would specify that a reorganization of farm credit institutions pursuant to the federal Farm Credit Act of 1971 shall not be a change in ownership for property tax purposes with respect to the 1985–86 fiscal year and fiscal years thereafter.

(2) Existing law requires counties to prepare supplemental assessment rolls and collect supplemental taxes on real property which has been purchased or which changes ownership after the usual March 1 lien date, and requires the county auditor to make various allocations of all revenues generated from increased assessments on the supplemental assessment rolls to designated local jurisdictions.

Existing law also authorizes the board of supervisors of an eligible county, upon the adoption of a method identifying the actual administrative costs associated with the supplemental assessment roll, to direct the county auditor to allocate to the county, prior to the allocation of property tax revenues, an amount equal to 5% of the additional revenues which have been collected due to the increased assessment.

This bill would revise the base on which the 5% allocation to the county shall be made

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to include all revenues, rather than additional revenues, and would redefine actual administrative costs for that purpose.

(3) Under existing law, property which is owned by a nonprofit corporation and leased to, or used exclusively by, a government for its interest and benefit shall be exempt from property taxation if, among other things, the nonprofit corporation qualifies as an exempt corporation under specified provisions of the Revenue and Taxation Code.

This would revise the reference to those provisions of the Revenue and Taxation Code under which a nonprofit corporation may qualify for purposes of that exemption.

(4) 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 veteran's, 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, instead, specify that the State Board of Equalization shall prescribe all procedures and forms required to carry into effect any property tax exemption enacted by the Legislature or by constitutional amendment, and would specify that the procedures and forms for new exemptions and substantive changes to existing exemptions procedures and forms shall be prescribed by the board after consultation with the California Assessors' Association

(5) Existing property tax law requires any persons claiming certain property tax exemptions to submit to the assessor annually an affidavit, giving information required by the State Board of Equalization

This bill would include claimants of the property tax exemption for aircraft of historical significance, as specified

(6) 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 Real property is not reappraised upon the termination of an interest held by other than the original transferor in any joint tenancy, if the entire interest is transferred either to the original transferor or to all remaining joint tenants

This bill would specify that the property shall not be reappraised in those circumstances, provided that one of the remaining joint tenants is an original transferor, and would make a technical change

(7) Existing property tax law provides for various exemptions from taxation, and specifies procedures for filing claims for the exemptions.

This bill would revise the procedure for filing a claim for the homeowners' exemption.

(8) Under existing law, when any tract of land is situated in 2 or more revenue districts, the part in each district shall be separately assessed, except the parcel may be combined with the contiguous parcel with the greatest assessed valuation if the owner of the 2 contiguous parcels is identical and the full value of any parcel is less than $400.

This bill would revise the limitation on the valuation of parcels with identical ownership which may be combined.

Ch. 561 (SB 2737) Mello. Local government finance.

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. Existing law provides that moneys in the fund are derived from a reduction in the amount of property tax revenue that would otherwise be allocated to special districts under provisions of law allocating property tax revenues to jurisdictions generally. Existing law requires that the moneys in the fund be used exclusively for special districts and not for general county or municipal expenses; however, it permits the governing body of a county to allocate from the Special District Augmentation Fund to a special account in its general fund an amount not to exceed 1% of the amount of the Special District Augmentation Fund for specified costs affecting special districts. Existing law also permits an exception from the 1% limitation for the governing bodies of low population counties

This bill would permit the governing body of Monterey County or Santa Cruz County to accrue annually to a special account in its general fund an amount not to exceed 1%

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of the amount of the Special District Augmentation Fund to pay for costs enumerated in the current 1% limitation, subject to a maximum limitation on the total amount to be accrued of 4% of the Special District Augmentation Fund

Ch 562 (AB 3366) Johnston. Franchise Investment Law

Existing law, the Franchise Investment Law, generally provides for the regulation of the sale of franchises. This bill, among other things, would do the following.

(1) Revise specified definitions applicable to the Franchise Investment Law, as specified.

(2) Revise certain exemptions from the law relative to net worth of the franchisor.

(3) Provide that a stop order issued by the Commissioner of Corporations denying the effectiveness of or suspending or revoking any franchisor's registration shall remain in effect if no hearing is requested within 30 days after receipt of the stop order notice, as specified.

(4) Shorten the time period within which to notify a franchisee of a proposed material modification of the franchise agreement and for the franchisee to rescind agreement to the modification.

(5) Make related technical and clarifying changes.

Ch. 563 (AB 3340) 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 generally are known as the "Field Act."

Existing law authorizes the governing board of the State Center Community College District to use a specified building for purposes of its educational programs, notwithstanding designated provisions of the "Field Act" Existing law makes a legislative finding and declaration of unique circumstances in this regard

This bill would correct erroneous section references in the provisions relating to the State Center Community College District.

Under existing law, the Allan Hancock Joint Community College District is authorized to utilize specified school facilities until June 30, 1988, notwithstanding designated provisions of the Field Act

This bill would extend the operation of those provisions, commencing January 1, 1989, to December 31, 1991

This bill would also authorize the Contra Costa Community College District to utilize specified school facilities from October 1, 1988, through September 30, 1993, notwithstanding designated provisions of the "Field Act."

Ch 564 (AB 3429) Leslie Local transportation agencies· Placer County· San Diego County

(1) Existing law requires the establishment of a local transportation commission in each county which is not within the jurisdiction of a statutorily created regional transportation planning agency or a council of governments, and prescribes the membership of local transportation commissions.

This bill would modify the membership of a local transportation commission established in Placer County In so doing, the bill would impose a state-mandated local program.

(2) Existing law prescribes the compensation for members and alternate members of the North San Diego County Transit Development Board.

This bill would permit the board to authorize additional compensation, as specified, for the attendance of members and alternates at meetings of other governmental entities.

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

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

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Ch. 565 (AB 3542) Margolin Community care facility residents

Existing law provides for various categories of community care facilities, including facilities serving elderly persons, which provide residential services, excluding health care services It requires the Health and Welfare Agency to administer provisions of law creating the Multipurpose Senior Services Program, operative until June 30, 1989, to serve frail elderly persons 65 years of age or older who are at risk of institutionalization in a skilled nursing facility or an intermediate care facility

Existing law, operative until January 1, 1989, requires the Multipurpose Senior Services Program to administer a Community Care Facility Demonstration Project for the Elderly, and authorizes the Multipurpose Senior Services Program to contract with the State Department of Health Services for use of Health Care Deposit Fund moneys under specified conditions.

This bill would extend the operative date of that program until June 30, 1989, and repeal the program as of January 1, 1990.

Ch 566 (AB 3755) Stirling Restitution fines. enforcement as money judgment

Existing law provides that an order of restitution imposed as a condition of probation may be enforced in the same manner provided for the enforcement of money judgments.

This bill would provide that the order of restitution is so enforceable if the defendant was informed of his or her right to have a judicial determination of the amount and was provided with a hearing, waived a hearing, or stipulated to the amount of the restitution ordered.

This bill would incorporate additional changes in Section 1214 of the Penal Code, proposed by SB 2837, to be operative only if SB 2837 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch. 567 (AB 3833) Moore Telephones information access telephone services.

Under existing law, the Public Utilities Commission regulates the terms and conditions of the furnishing of service by telephone corporations. Existing law also requires telephone corporations to offer residential telephone subscribers, for a fee not to exceed $5, a means to delete access to information-access telephone services and requires telephone corporations and information providers to institute a method of handling subscriber complaints, as specified.

This bill would direct the commission to require that subscriber access to information services which provide messages constituting harmful matter, as defined, be furnished on a subscription basis only.

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

Ch. 568 (AB 3858) Elder Vital statistics: death registration: disposition of human remains.

Existing law requires each death and fetal death, as specified, to be registered within 5 days after death

This bill would require the registration within 8 calendar days after death.

Existing law requires the body of any person whose death occurs in this state, or whose body is found in the state, or which is brought in from outside the state, to be temporarily held pending disposition for not more than 5 days after death, unless a permit for disposition is issued, as specified.

This bill would permit the body to be held without issuance of a permit for not more than 8 calendar days after death, unless a permit for disposition is issued, as specified

Existing law does not authorize the State Registrar to create a pilot program in conjunction with local registrars, for the purpose of testing the statewide viability of filing certificates of death utilizing telephone facsimile technology

This bill would, on or after January 1, 1989, authorize the State Registrar to create a pilot program in conjunction with up to 5 local registrars which elect with his or her approval to participate, for the purpose of testing the statewide viability of filing certificates of death utilizing telephone facsimile technology.

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Ch 569 (AB 3916) Johnston. Mortgages: insurance

Existing law regulates the obligations that a lender may impose on a borrower under a note or evidence of indebtedness secured by a deed of trust or mortgage on real property including, among other things, prepayment penalties, subordination agreements, and hazard insurance requirements

This bill would require a lender or a person making or arranging a loan secured by a mortgage or deed of trust on real property to notify the borrower as to whether or not the borrower has the right to cancel the private mortgage or mortgage guaranty insurance and if the borrower has this right then to notify the borrower in writing of specified information, including any identifying loan or insurance information necessary to permit the borrower to communicate with the insurer or the lender concerning the insurance and the procedure the borrower is required to follow to cancel the private mortgage insurance or mortgage guaranty insurance.

Ch 570 (AB 3918) Johnston. Insurance: earthquake fire.

Existing law provides for the issuance of earthquake insurance in connection with residential property insurance, as prescribed Existing law specifies that no policy which by its terms does not cover the peril of earthquake shall provide or shall be held to provide coverage for any loss or damage when earthquake is a proximate cause regardless of whether the loss or damage also directly or indirectly results from or is contributed to, concurrently or in any sequence by, any other proximate or remote cause, whether or not covered by the policy, and specifies that nothing in that provision shall operate to affect a designated provision which sets forth the standard form for a fire insurance policy to be used in this state

This bill would, in addition, provide that nothing in that provision exempts an insurer from its obligation under a fire insurance policy to cover the losses of a fire which is caused by or follows an earthquake. The bill would provide that it does not constitute a change in, but is declaratory of, existing law.

Ch 571 (AB 4062) Baker. Local government financing.

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. The moneys in that fund are derived from a reduction, computed pursuant to a specified formula, in the amount of property tax revenue that would otherwise have been allocated to each special district, except multicounty districts, under those provisions of law governing the allocation of property tax revenues to jurisdictions generally Existing law limits for the 1984-85 fiscal year and fiscal years thereafter, the maximum amount of the reduction computed for each special district which is not governed by a county board of supervisors or whose governing body is not the same as the county board of supervisors to an amount no greater than the amount computed for the 1983-84 fiscal year.

This bill would provide that the property tax revenue of a special district which is subject to reduction for purposes of transfer to the Special District Augmentation Fund includes that property tax revenue allocated to it which is attributable to assessments by the State Board of Equalization of unitary and operating nonunitary property within the county.

This bill would impose a state-mandated local program by requiring the auditor to implement a similar limitation, for the 1988-89 fiscal year and fiscal years thereafter, on the amount of the reduction for each special district which, on or after July 1, 1988, ceases to be governed by the county board of supervisors or whose governing body ceases to be the same as the county board of supervisors. The limitation on the maximum amount of the reduction would be an amount no greater than the average annual amount computed for the special district for the last 3 full fiscal years in which it was governed by the county board of supervisors or its governing body was the same as the county board of supervisors.

Under existing law, property which is owned by a nonprofit corporation and leased to, or used exclusively by a government for its interest and benefit shall be exempt from property taxation, if among other things, the nonprofit corporation qualifies as an ex-

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empt corporation under specified provisions of the Revenue and Taxation Code.

This bill would revise the reference to those provisions of the Revenue and Taxation Code under which a nonprofit corporation may qualify for purposes of that exemption

Existing property tax law requires each county to develop a single tax rate for debt service which will be applied to the unitary and operating nonunitary property assessed by the State Board of Equalization. That rate is developed by dividing the county's total ad valorem tax levies for the secured roll for the prior year debt service only, by the county's total ad valorem secured roll assessed value for the prior year

This bill would revise the method for determining the debt service rate by using unitary and operating nonunitary tax data instead of total countywide data beginning in the 1989-90 fiscal year by including a method for adjusting the rate to reflect the change in the countywide ad valorem debt service ratio.

Existing law requires the board of supervisors of each county to begin public hearings on the proposed county budget on or before August 20 of each year and to adopt a final budget not later than August 30 of each year.

This bill would permit the board of supervisors of each county to begin hearings on the proposed county budget for the 1988–89 fiscal year on or before September 19, 1988, and to adopt the final budget on or before September 30, 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

This bill would incorporate changes to Section 98.6 of the Revenue and Taxation Code proposed by SB 2737 to become operative only if both bills are chaptered and this bill is chaptered last.

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

Ch. 572 (AB 4079) D. Brown. Insurance· assigned risk plan

Existing law provides that an agent or broker, or an insurer to which an application has been assigned by the automobile assigned risk plan may conclusively rely, in issuing a policy, upon the validity of signatures in accepting or waiving coverage, and that the only coverages to be provided and the limits and deductibles thereof are those stated in the application.

This bill would delete the above language and, instead, would provide that every insurer, agent, or broker assigned an application by the plan may conclusively rely on the acceptance, rejection, or waiver of coverages stated in the application signed by the applicant, and that the policy shall only be issued for the coverages, limits, and deductibles stated in the application assigned by the plan The bill would provide that these provisions apply to all applications assigned by the plan which are submitted to the plan by a person licensed under specified provisions regulating production agencies.

Ch. 573 (AB 4086) Johnston. Health programs.

Under existing law, the only county in which an independent local health district exists is San Joaquin County.

This bill would dissolve the district July 1, 1989, and require the district to transfer its real and personal property to the County of San Joaquin.

The bill would require the County of San Joaquin to take over the district's responsibilities, thus imposing a state-mandated local program.

Under existing law, the County Health Services Fund is allocated annually to the governing body of each county, specified cities, and the San Joaquin Local Health District for the purpose of providing public health services.

This bill would, as of July 1, 1989, allocate funds which would have been allocated to the San Joaquin Local Health District, as described, to the County of San Joaquin

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

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

Ch 574 (AB 4208) Roybal-Allard Victims of crime: witnesses

Existing law authorizes a prosecuting witness 16 years of age or younger in cases involving specified sex offenses to have up to 2 family members of his or her own choosing, for support during the proceedings, as specified

This bill would expand this provision to apply to prosecuting witnesses of any age in cases involving those sex offenses. The bill would also specify that nothing in that provision shall preclude a court from exercising its discretion to remove a person from a courtroom whom it believes is prompting, swaying, or influencing a witness

This bill would incorporate, in substance, changes in Section 868 5 of the Penal Code proposed by this bill and AB 3562 to become operative if both bills are enacted, as specified

Ch 575 (AB 4267) Friedman Discovery procedures: unlawful detainer actions

Under existing civil discovery laws, within 30 days after service of interrogatories, a party to whom interrogatories are propounded is required to serve his or her response on the propounding party, as specified

This bill would specify that these responses be served as specified above or no later than 5 days prior to the date of trial in unlawful detainer actions, whichever is sooner

Existing law requires that the actual inspection of documents pursuant to a demand for inspection be at least 30 days after service of the demand for inspection and that within 20 days after service of the inspection demand, the party to whom the demand is directed serve his or her original response.

This bill would, in unlawful detainer actions, permit the actual inspection to occur within 10 days of service of the demand and would require the response within 5 days of service of the demand.

Existing law requires requests for admission to be responded to within 30 days of service

This bill would change this time period in unlawful detainer actions to require that the response be served as specified above or no later than 5 days prior to the date of trial, whichever is sooner

Ch. 576 (AB 4348) Roybal-Allard Crimes spouse abuse

Existing law provides that any person who willfully inflicts upon his or her spouse, or any person who willfully inflicts upon any person of the opposite sex with whom he or she is cohabitating, corporal injury resulting in a traumatic condition is guilty of a felony, punishable by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year, or by a fine of up to $6,000, or both. Existing law also provides that in any case in which a person is convicted of the abuse and probation is granted, the court shall require supervised counseling unless the court finds counseling inappropriate for the defendant, as specified

This bill would add any person who willfully inflicts upon any person who is the mother or father of his or her child, as specified, corporal injury resulting in a traumatic condition to the above offense, thereby imposing a state-mandated local program by changing the definition of a crime. This bill also would add mandatory imprisonment in the county jail, as specified, and participation in a batterer's treatment program for no less than one year, and successful completion of the program as designated by the court, as a condition of granting probation or suspending a sentence if any person convicted of the above previously has been convicted of that offense within 7 years of the most recent offense, except as specified. By changing the penalty for an existing crime, this bill would also impose a state-mandated local program.

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

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 577 (AB 4370) Hauser Firearms

(1) Existing law provides generally that any person who carries a concealed firearm, as specified, upon the person without having a license therefor is guilty of a misdemeanor. Existing law further provides that this provision shall not be construed to prohibit any citizen of the United States over the age of 18 years who resides or is temporarily within this state, and who is not within prescribed classes, from owning, possessing, or keeping within the citizen's place of residence or place of business a firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess, or keep any such firearm at the citizen's place of residence or business shall be required

This bill would revise the latter provision by providing that (a) the former provision shall not be construed to prohibit such a citizen from owning, possessing, keeping, or carrying such a firearm anywhere within the citizen's place of residence, place of business, or on private property owned or lawfully possessed by the citizen and (b) no permit or license to purchase, own, possess, keep, or carry is required for any such firearm

(2) Existing law exempts, until January 1, 1991, from the application of the general prohibition described under paragraph (1) certain enumerated activities, including the transportation of a firearm by a person when going directly from the place where the person lawfully received the firearm to that person's place of residence or place of business

This bill would delete the January 1, 1991, expiration date, thereby continuing indefinitely the above-described temporary provision It also would exempt the transportation of a firearm when going directly to or coming directly from a target range, licensed as specified, for the purposes of practicing shooting at targets with that firearm at that target range.

Ch 578 (AB 4371) Lancaster. Credit unions

Existing law requires the Commissioner of Corporations and the Regional Director of Region VI of the National Credit Union Administration to notify the other regulatory agency when authorizing a new credit union or expanding the field of membership of an existing credit union, as specified.

This bill would delete that provision

Existing law provides that if the commissioner finds, after a hearing, that a credit union has impaired capital, or is insolvent, or is operating in an unsafe or unsound manner, or has failed to comply with specified provisions of law, he or she may take possession of the business and assets of the credit union and maintain possession until such time as he or she shall permit it to continue business, as specified

This bill would specify that possession be taken as a conservator It would also expressly authorize the commissioner, whenever acting as a conservator, to do all things necessary and proper to put the credit union's affairs in order, or to effect a liquidation, whichever is appropriate, as specified

Existing law prohibits a credit union from paying any commission or compensation for securing members or for the sale of its shares, however, a credit union may use growth in the number of accounts of credit union shares or growth in the number of memberships as a part of a compensation program Prior to implementing a compensation program, the credit union is required to obtain the written approval of the commissioner.

This bill would delete the requirement of written approval by the commissioner It also would specify that such a compensation program is for the employees of the credit union

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Existing law prohibits a credit union from entering into any obligation with any director, officer, member of the credit committee, or member of the supervisory committee, directly or indirectly, unless the obligation complies with specified requirements with respect to obligations permitted for other members, and if it is not fully secured by shares or certificates for funds, unless specified requirements are satisfied

This bill would revise those requirements, as specified.

Ch 579 (AB 4436) N Waters Williamson Act cancellation of contracts

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) authorize the owner of land subject to a land conservation contract to petition the board of supervisors or city council for cancellation of the contract as to all or any part of the subject land Upon tentative approval of a cancellation petition not accompanied by a proposal for specified alternative use of land, the clerk of the board or council is required to record with the county recorder of the county in which the subject land is located a certificate setting forth certain information as a prerequisite to final cancellation

This bill would delete the above provisions

Ch 580 (AB 4480) Wright. Industrial loan companies: deposits.

Under existing provisions of the Industrial Loan Law, an industrial loan company may not deposit its funds except with a bank, trust company, or savings and loan association authorized to do business in this state which has been approved by a majority vote of the board of directors, as specified

This bill would provide that an industrial loan company may, in addition, deposit its funds with an out-of-state financial institution the accounts of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, provided that, among other things, the total amount of the funds deposited does not exceed the limits of that federal insurance

Ch. 581 (AB 4570) Duplissea. Consumer warranties

Existing law regulates consumer warranties, as specified, and requires service contracts sold in lieu of, or in addition to, express warranties to disclose exclusions, as well as terms and conditions

This bill would require, on and after July 1, 1989, service contracts sold on a home appliance or home electronic product, as defined, to meet those requirements and to contain specified information.

Ch. 582 (AB 4582) Isenberg Job protection insurance.

Existing law regulates and defines various types of insurance. Existing law exempts labor unions, under prescribed conditions, from the provisions of the Insurance Code relating to life and disability insurance in respect to specified benefits and transactions. Existing law sets forth these conditions, including that the union either does not issue policies but provides for payment of the benefits in its bylaws, constitution, or rules and regulations, or limits its membership to one hazardous occupation

This bill would eliminate the alternative condition that the union limit its membership to one hazardous occupation.

Existing law exempts certain labor organizations from specified wage loss insurance provisions with respect to benefits not exceeding $6,000 in the aggregate for any one loss.

This bill would delete the $6,000 limitation on the above exemption.

This bill would provide that any nonprofit cooperative assessment association, the membership and insurance in which are restricted to members of a labor union, is exempt from the provisions of current law relating to the supervision or regulation of insurance with respect to the provision of job protection benefits to its members. The bill would specify that this association is not, and shall not be, a member of the California Insurance Guarantee Association

This bill would define job protection insurance to mean the business of providing indemnity to conductors, engineers, motormen, brakemen, switchmen, firemen, dispatchers, clerks, operators, trackmen, signalmen, and maintenance of way personnel of

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steam and electric railways and to busdrivers and truckdrivers employed by common carriers for loss of position arising from discharge or suspension, which indemnity ... payable in installments that do not exceed the average monthly wage of the insured.

Ch. 583 (SB 2081) Royce Respite care services foster care [5]

Existing law requires the State Department of Social Services to designate the County of Orange and the County of San Diego to operate a model project during the 1988–89 fiscal year to provide respite care services for handicapped children who are in family homes and small family homes and to report to the Legislature on the effectiveness of the project by December 1, 1989

This bill would extend the project's operation until July 1, 1991, and would require the report to the Legislature by July 1, 1990.

This bill would appropriate $120,000 from the General Fund to the State Department of Social Services for the 1988–89 fiscal year for allocation of $60,000 to each of those 2 counties for implementation of the project

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

Ch. 584 (SB 1787) B Greene Workers' compensation death benefits

Existing law provides that when a workers' compensation injury causes the death of an employee, the employer is liable for the reasonable expenses of the employee's burial, not exceeding $2,000, except with regard to local public agencies, which shall be liable only for expenses of the employee's burial not exceeding $1,500, unless the local public agency agrees to provide reasonable expenses of burial for employees in an amount not exceeding $2,000

This bill would delete the exception for local public agencies and thus increase to $2,000 the amount required to be paid by a local public agency for burial expenses.

Ch 585 (SB 1821) Rosenthal Energy resources. loans and grants report

Under the Warren-Alquist State Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission has various duties and functions regarding the planning for and development of energy resources and facilities

This bill would direct the commission, by February 1, 1989, and by each February 1 thereafter, to prepare and submit a report to the Legislature containing a summary of commission loans and grants exceeding $10,000 made during the previous fiscal year

Ch 586 (SB 1901) Davis Taxation: motor vehicle fuel.

Under the Motor Vehicle Fuel License Tax Law, a tax is imposed upon the distribution of motor vehicle fuel, as defined, at a rate of 9¢ per gallon of fuel distributed The tax may be calculated on the basis of temperature-corrected gallonage rather than actual volumetric gallonage if the quantity of fuel distributed in a single delivery to a single location is 5,000 or more gallons and all deliveries to that purchaser over a period of 12 or more consecutive months are temperature-corrected.

This bill would permit the tax to be calculated on the basis of temperature-corrected gallonage in the case of single deliveries of 1,000, rather than 5,000 or more gallons.

Ch. 587 (SB 1951) Davis. Ventura County.

(1) Existing law specifies the number, classification, and compensation of municipal court personnel in Ventura County.

This bill would revise the number, classification, and compensation of municipal court personnel in Ventura 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

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Ch. 588 (SB 1981) Dills Courts: witnesses.

(1) Existing law requires a public entity to pay the salary and traveling expenses of a peace officer, any employee of the Department of Forestry who is a forester or fire control member, or any employee of the Department of Justice who is an analyst in a technical field while he or she is required to testify as a witness. Existing law also requires the party who calls such a witness to reimburse the public entity for those expenses, as specified.

Existing law provides, in this regard, that members of an arson-investigating unit of a fire protection agency whose primary duty is the detection and apprehension of persons who have violated any fire law or have committed insurance fraud, and members of a fire department or fire protection agency, other than arson investigators, whose primary duty is the enforcement of laws relating to fire prevention and fire suppression, are peace officers

This bill would add firemen to the list of public employees whose salaries and traveling costs must be paid by their employers while required to testify as a witness, 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 589 (SB 2022) C. Green. Fish: gill nets.

(1) 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. Violations of these provisions are crimes.

This bill would increase the minimum mesh length of gill nets used to take white sea bass from 3½ inches to 6 inches and would except from that provision loads of fish with 20% or less, not to exceed 10 fish, taken with smaller nets, as specified, during the season for taking white seabass south of Point Conception.

The bill would prohibit severing the pelvic fin on the carcass of thresher shark taken with drift gill nets until after the shark is brought ashore.

The bill would prohibit the taking of rockfish and lingcod with drift or set gill nets in certain waters between Pigeon Point and Point Santa Cruz, as specified

The bill would prohibit taking rockfish and lingcod in waters less than 70, instead of 50, fathoms in depth and in waters less than 100 fathoms in depth at the Sixty Mile Bank.

The bill would make other technical and conforming changes.

The bill would impose a state-mandated local program by changing the definitions of crimes and 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. 590 (SB 2039) Rosenthal. Petroleum

(1) Existing law prescribes requirements to be met by a sign or label affixed to gasoline and certain oil that does not have a brand, trademark, or tradename.

This bill would repeal those requirements, and require petroleum products offered for sale without a brand, trademark, or tradename to have the words "no brand" used as the brand displayed in a specified manner

(2) Existing law prohibits the delivery of petroleum products to a tank or container, or the connection of or pumping from devices, unless the tank, container, or device is labeled as specified

This bill would repeal and recast those provisions to prohibit the delivery of products to a tank or container, or the sale using a pump or device, unless the product delivered or sold is identified on a label, tag, or sign attached to the tank or container or the pump

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or other device.

(3) Existing law regulates the advertising of discount motor fuel, and specifies the content of advertising which may be used in connection with the sale of motor fuel.

This bill would recast those provisions, 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 impose a state-mandated local program by changing the definitions of crimes or creating new crimes, since violations of the provisions relative to petroleum products and related advertising are misdemeanors

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

Ch. 591 (SB 2176) McCorquodale. Courts: Stanislaus County.

(1) Existing law authorizes the appointment of superior court commissioners in certain counties, as specified.

This bill would authorize the appointment of 2 superior court commissioners, as specified, to replace 2 existing referees in Stanislaus County by a majority of the judges of the superior court, and would specify the powers, duties, and compensation thereof.

(2) Existing law specifies the number of municipal court personnel for Stanislaus County

This bill would revise the number of municipal court personnel for Stanislaus County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch. 592 (SB 2193) Bergeson Low-level waste. advisory committee.

Existing law requires the Director of Health Services to appoint an advisory committee to advise the State Department of Health Services regarding low-level waste management and disposal and requires 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.

This bill would instead require the director to appoint to the advisory committee the director of environmental health of the county where the facility is located.

Ch 593 (SB 2210) McCorquodale Department of Justice task force.

Under existing law, there is in the Department of Justice, the Commission on Peace Officer Standards and Training which is responsible for administering numerous law enforcement training and certification programs.

This bill would require the commission, on or before July 1, 1990, to include in the basic training course for law enforcement officers, adequate instruction in the handling of persons with developmental disabilities or mental illness, or both.

Ch. 594 (SB 2472) Montoya Cosmetology

Existing law requires that written instructions given during the examination for licensure in any of the branches of cosmetology shall be available in Spanish.

This bill would require those instructions to also be available in Vietnamese.

Ch 595 (SB 2478) Keene Health facilities

Existing law requires the State Department of Health Services to license health facilities, and to, among other things, inspect these facilities at specified intervals. Violations of licensing statutes and regulations permit the department to suspend or revoke a health facility's license in accordance with specified procedures.

This bill would require the department to accept, consider, and resolve written ap-

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peals by a licensee or health facility administrator of findings made upon an inspection of a health facility.

Ch 596 (SB 2495) Roberti Health: physicians and surgeons.

Existing law provides that it is unprofessional conduct for a physician and surgeon to fail to inform a patient, by means of a standardized written summary of alternative efficacious methods of treatment which may be medically viable, as specified, when the patient is being treated for any form of breast cancer.

This bill would require the physician and surgeon prior to the performance of a biopsy to note on the patient's medical chart that he or she gave the patient this written summary.

Ch. 597 (SB 2538) Mello. Respite care services

Existing law, until January 1, 1989, requires the Department of Aging to establish and administer a program for the provision of respite care for eligible frail elderly and functionally impaired persons and their caregivers, both in the home and out of the home

This bill would extend the duration of that program until January 1, 1990.

Ch. 598 (SB 2636) Russell Securities

Under existing law, the Corporate Securities Law of 1968 generally requires that any security sold or offered for sale in this state in any nonissuer transaction be qualified with the Commissioner of Corporations, but exempts from this qualification requirement the offer or sale of a security if the same class of securities was qualified in an issuer transaction which became effective within 18 months prior to the offer or sale in the nonissuer transaction

This bill would permit the commissioner, by order, to extend this exemption to the offer or sale of securities in nonissuer transactions occurring after the expiration of this 18-month period provided that each consecutive order shall not exceed 6 months

Under existing law, a broker or dealer or investment adviser may have his or her application for a certificate denied, be censured, or have his or her certificate suspended or revoked if the broker or dealer or investment adviser is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state revoking or suspending his or her registration as an investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association or national securities exchange, as defined, suspending, or expelling him or her from membership

This bill would expand the above provisions to apply to any investment adviser representative or agent

Existing law permits the commissioner to bring an action, as specified, to enforce compliance with the Corporate Securities Law of 1968 or any rule or order thereunder and upon a proper showing, to have a receiver or conservator appointed for the defendant or the defendant's assets Existing law allows the receiver or conservator, with court approval, to exercise the powers of the defendant's officers, directors, partners, trustees, or others with similar powers

This bill would in addition specify that the court may appoint a monitor or other designated fiduciary or officer of the court to act in that regard.

The bill would also make technical changes.

Ch 599 (SB 2651) Kopp. Driving offenses. driving under the influence

(1) Under existing law, any person convicted of driving under the influence of an alcoholic beverage, any drug, or both, driving with an excessive blood alcohol level, or driving while addicted to any drug is subject to punishment by fines, imprisonment, and sanctions on the driving privilege, with more severe punishment if other specified convictions have occurred within 7 years

This bill would change the enhanced penalties for 4th offenders to, instead, make the imprisonment penalty either imprisonment in the state prison for 16 months or 2 or 3 years or confinement in the county jail for not less than 180 days or not more than one

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year, 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. 600 (SB 2810) Marks. Business and professions.

(1) Existing law prescribes the fees to be assessed for persons licensed pursuant to the provisions regulating the practice of architecture.

This bill would provide a fee for reviewing an applicant's eligibility to take any section of the architecture examination, would increase the maximum fee for any section of the examination from $50 to $100, would provide that the fee for an original license shall be equal to the renewal fee in effect at the time the license is issued rather than the fee in effect for the last renewal period, would increase the maximum fee for a duplicate license from $15 to $25, and would increase the maximum renewal fee from $100 to $200

(2) Existing law provides that certificates issued under the law regulating landscape architects expire on January 31 of each even-numbered year.

This bill would provide that those certificates shall expire no more than 24 months after the date of issuance.

(3) Existing law prescribes the fees to be assessed for persons licensed pursuant to the provisions regulating landscape architecture

This bill would change the fee for examination for a certificate to practice landscape architecture from $225 to an amount fixed by the California State Board of Landscape Architects not to exceed $325, would change the renewal fee for the certificate from $200 to an amount not to exceed $300, would make a corresponding change in the fee for an original certificate, as specified, and would increase the delinquency fee to a maximum of $150.

(4) Existing law provides that all fees collected under provisions regulating architecture are to be paid into the California State Board of Architectural Examiners Fund and continuously appropriates the money in this fund to the California State Board of Architectural Examiners to carry out those provisions

The fees provided in this bill would result in an increase in the fund, thereby causing an increase in money appropriated to the board

(5) Existing law provides that all fees collected under provisions regulating landscape architecture are to be paid into the California State Board of Landscape Architects Fund and continuously appropriates money in this fund to the California State Board of Landscape Architects to carry out such provisions.

The fees provided in this bill would result in an increase in the fund, thereby causing an increase in money appropriated to the board

Ch. 601 (SB 2836) Russell Medi-Cal.

Under existing law, the Medi-Cal program provides qualified categories of low-income individuals with basic health care benefits, and is administered by the State Department of Health Services.

Existing law requires the State Director of Health Services to adopt rules and regulations necessary for carrying out, and consistent with, the Medi-Cal program

This bill would require the director to adopt emergency regulations implementing regulatory changes required to initially implement, and annually update, the United States Health Care Financing Administration's common procedure coding system.

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

Ch. 602 (AB 4433) Elder. Public employees· PERS and PEMHCA

The Public Employees' Retirement Law (PERL) establishes the Public Employees' Retirement System (PERS) and confers the administrative control thereof upon the Board of Administration of PERS

This bill would require each member benefit booklet to contain a specific illustration of benefits available through optional settlement No 4

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The existing PERL does not require any spousal signatures on member applications.

This bill would require, on and after January 1, 1990, an application to the system for a refund of accumulated contributions or an election of optional settlement and beneficiary designation to contain the current spouse's signature, unless specified conditions are met.

Existing law requires the Board of Administration of PERS to administer the Public Employees' Medical and Hospital Care Act (PEMHCA) and permits a school district, county board of education, personnel commission of a school district, or a county superintendent of schools to elect to be subject to the PEMHCA for its employees and annuitants, subject to specified conditions relating to the ratio of employer contributions for annuitants to employer contributions for employees and annual increases in the monthly employer contribution for annuitants

This bill would repeal the provision providing for special treatment of those school entities and would make them subject to the same provisions as other contracting agencies.

Ch 603 (AB 3386) Hughes Summer school

Under existing law, school districts receive apportionments for summer school based generally on summer school attendance during the 1983–84 fiscal year, adjusted for various factors Summer school attendance for purposes of that computation is the sum of two numbers, with one number being any summer school hours of attendance for mathematics, science, or other core academic areas designated by the Superintendent of Public Instruction

This bill would include any summer school hours of attendance for English as a second language in computing summer school attendance

Ch 604 (AB 3612) Floyd. Public employees: health benefits and dental care plans.

The existing Public Employees' Medical and Hospital Care Act provides that any annuitant under a health benefits plan provided or approved pursuant to the act who, at the time he or she became an annuitant, was enrolled in another health benefits plan, may continue his or her enrollment without discrimination as to premium rates or benefit coverage

This bill would clarify that this provision applies only when the annuitant meets the condition of retiring within 120 days of separation and was enrolled in another health benefits plan under state or federal provisions and specify the conditions under which a permanent intermittent or less than full-time employee may continue enrollment while retired from state employment It would also add to the State Employees' Dental Care Act, a provision which provides that any annuitant who, upon becoming an annuitant, was enrolled in a dental care plan under state or federal provisions, may continue enrollment

Ch 605 (AB 3120) Chandler Vehicles private roads

Existing law authorizes cities or counties to provide, by ordinance or resolution, that privately owned and maintained roads are subject to the provisions of the Vehicle Code if the majority of the owners request the city or county to do so.

This bill would authorize a majority of the board of directors of common interest developments, as defined, that is responsible for maintaining the road, to also request the ordinance or resolution. The bill would also authorize cities and counties to impose reasonable conditions and to authorize owners and boards of directors of common interest developments to erect traffic signs, signals, markings, and devices, as specified

Ch 606 (AB 3128) Eastin Pesticides

(1) Existing law authorizes the Director of Food and Agriculture to adopt regulations which are necessary to carry out the laws relating to the sale and use of pesticides

This bill would require the director to adopt regulations by April 1, 1989, which govern the use of methyl bromide and chloropicrin as field fumigants. Since a violation of those regulations would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch 607 (AB 3225) N. Waters California Tahoe Conservancy

Under existing law, the tort immunity provisions for public entity liability have been extended, until January 1, 1989, to certain real property acquired by the California Tahoe Conservancy in the Lake Tahoe region

This bill would extend those provisions until January 1, 1992, and require the conservancy to report to the Legislature on injuries and litigation concerning that property, as specified.

Ch 608 (AB 3293) La Follette Interstate Compact on Juveniles

(1) Existing law authorizes the Governor to adopt the Interstate Compact on Juveniles providing for interstate cooperation with regard to escaped or runaway juveniles, as specified, and adopts the Out-of-State Confinement Amendment to that compact

This bill would adopt the Rendition Amendment to the Interstate Compact on Juveniles providing for the return of juveniles to a compact state wherein the juvenile is charged with a violation of criminal law, thereby imposing a state-mandated local program by requiring a higher level of service under an existing law enforcement 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. 609 (AB 3392) Longshore Highways.

Existing law specifies the state highway routes and designates those routes which are included in the California freeway and expressway system

This bill would delete from the California freeway and expressway system that portion of Route 39 from Route 1 near Huntington Beach to Route 5

Ch 610 (AB 3424) Costa Prisons. peace officers

(1) Existing law establishes certain minimum standards for peace officers, including that these persons be high school graduates or pass the General Education Development Test indicating high school graduation level

This bill would provide as an alternative to the above-education requirements that the person has attained a 2-year or 4-year degree from a college or university accredited by the Western Association of Colleges and Universities.

(2) Existing law authorizes the Director of Corrections to establish a state prison for the confinement of males to be known as the Special Security Facility with the primary purpose of that prison to provide custody, industrial, and other training, treatment, and care to persons confined in that facility

This bill would delete that authorization.

(3) Existing law provides that the Department of Corrections has the power to establish an office in San Francisco

This bill would delete that provision.

Ch. 611 (AB 3437) Jones Outdoor recreation

Existing law requires the Director of Parks and Recreation to allocate specified federal outdoor recreation funds, 30% for regional projects, 30% for less-than-regional projects, and 40% for state agency projects which is disbursed to specified state agencies in

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specified percentages.

This bill would instead require the director to allocate 60% of these funds for local governmental agency projects and 40% for state agency projects, would correct an obsolete reference, and would make other corrective and technical changes in those provisions.

Ch 612 (AB 3448) La Follette. Department of the Youth Authority: powers and duties.

Existing law provides that when a minor is adjudged a ward of the court on the ground that he or she violated a law or ordinance, as specified, other than an ordinance establishing a curfew based solely on age, the minor may be committed to the Department of the Youth Authority if the court is satisfied that specified conditions are met. Existing law also provides that when a person has been committed to the Youth Authority, the Youth Authority is required, under the rules established by it, to immediately examine and study him or her and investigate all the pertinent circumstances of his or her life and the antecedents of the violation of law that resulted in his or her commitment to the Youth Authority.

This bill would repeal the above-described provision regarding the examination and investigation and would provide that the Youth Authority shall establish policies for a background assessment of all persons committed to the Youth Authority in order to supplement the case history provided by the county which committed the person to the Youth Authority.

Ch 613 (AB 3453) Polanco Vehicles. farm labor.

(1) Existing law makes it an infraction to violate farm labor vehicle safety inspection and equipment provisions

This bill would instead make it a misdemeanor to violate those provisions and, in addition, would impose a fine of not less than $500 for willful violation, no part of which could be suspended, 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 614 (SB 2644) Nielsen Foreign marketing.

Under existing law, the Legislature declares that it is the policy of the state to encourage and promote the sale of agricultural products of California in foreign markets.

This bill would specify that it is the policy to actively encourage and promote those sales

The bill would also require the Department of Food and Agriculture to provide assistance to persons from foreign countries who desire to purchase agricultural products produced in this state.

Ch 615 (AB 287) Cortese Schools· fire safety.

Existing law does not require the State Fire Marshal to convene a task force to study the economics, technology, and building code requirements of the installation of fire sprinkler systems in school buildings.

This bill would require the State Fire Marshal, subject to funding of $25,000 from private sources, to study all pertinent laws and local building regulations regarding the installation and maintenance of automatic fire sprinkler systems or other fire suppression or intrusion detection systems in public and private school buildings This bill would require the State Fire Marshal to consider the costs, the protection of life and cost savings from the systems The bill would, require the State Fire Marshal to report the findings and recommendations to the appropriate policy and fiscal committees of the Legislature The bill would state that funding from private sources shall be sought for implementation of the bill.

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Existing law requires any portable fire extinguisher required to be installed by any statute or ordinance to be maintained in accordance with specified regulations.

This bill would make the owner or occupant of a property in which portable fire extinguishers are located responsible for their inspection, maintenance, and recharging The bill would require maintenance, servicing, and recharging to be done by licensed firms, as specified

Existing law makes the violation of laws relating to portable fire extinguishers a misdemeanor.

This bill, by imposing new requirements relating to portable fire extinguishers, would create a new crime and thus 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. 616 (AB 3378) Quackenbush. Rural Economic Development Promotion Program.

Existing law requires the Department of Commerce to administer the Rural Economic Development Promotion Program, and to review county applications for grants for economic development purposes to ensure they are consistent with statewide promotion of California's rural areas.

This bill would require the department to also review the county applications to ensure that they conform to eligible activities and objectives of this program

Ch. 617 (AB 3202) Tanner. Thermal powerplants. certification.

Existing law requires any person siting or constructing a thermal powerplant with a generating capacity of 50 megawatts or more to file an application with the State Energy Resources Conservation and Development Commission for certification. The commission is required to prepare a written decision on each application which includes specified provisions and makes findings regarding conformity with, among other things, applicable air and water quality standards

This bill would prohibit the commission from making a finding that a proposed facility complies with applicable air quality standards unless the applicable air pollution control district or air quality management district certifies that complete emissions offsets have been identified and will be obtained by the applicant

Ch 618 (AB 3131) Harris. Court fees

Under existing law, notwithstanding any other provision of law which prescribes or limits the amount of a fee or charge which may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, the county board of supervisors is authorized, after giving notice and conducting a public hearing, to increase or decrease any fee or charge by ordinance, if the fee or charge is prescribed or otherwise limited by an existing provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. Existing law prescribes certain exceptions to this provision, including specified fees charged or collected by a court clerk.

This bill would include within these exceptions any fee or charge that may be assessed, charged, collected, or levied, pursuant to law for filing judicial documents or for other judicial functions

This bill would declare that its provisions are to take effect immediately as an urgency statute.

Ch 619 (AB 3103) Zeltner Vehicles· parked and abandoned

Existing law authorizes peace officers to remove vehicles from highways and offstreet parking facilities under various specified circumstances

This bill would also permit the removal of any illegally parked vehicle, as specified,

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which is preventing the movement of a legally parked vehicle.

Ch. 620 (AB 3070) Eastin. Unemployment and disability compensation. warrants. state police.

Existing law authorizes the Director of Employment Development, within a prescribed time period, when an amount is required to be paid under the law pertaining to unemployment and disability compensation to issue a warrant for the enforcement of any liens and for the collection of that amount. Existing law requires that the warrant be directed to any sheriff, marshal, or constable and authorizes the payment of certain fees, commissions, and expenses for these services.

This bill would revise these provisions to include a member of the California State Police Division.

Ch. 621 (AB 3041) Friedman Medi-Cal.

Existing law provides for the Medi-Cal program under which qualified low-income persons are provided with basic health care services.

Under existing law, nonexempt income and resources are used in determining eligibility for benefits under the Medi-Cal program and the extent to which a person who is otherwise qualified for the benefits except for income and resources is required to share in the costs of those services

Under existing law, for purposes of determining eligibility under the Medi-Cal program, available income is not deemed to include specified reparation or restitution payments by the Federal Republic of Germany made to victims of the Nazi persecution.

This bill would also specify that those provisions apply to restitution payments as well, and that, for eligibility purposes, to the extent the funds are not spent and are kept identifiable, those accumulated reparation or restitution payments shall not be deemed as available resources.

Ch 622 (AB 3046) Kelley. Water quality monitoring wells.

Under existing law, every person who digs, bores, or drills a water well, cathodic protection well, or monitoring well, as defined, or abandons, destroys, or deepens any well, is required to file with the Department of Water Resources a specified notice of intent to engage in that activity and to file a specified report of completion of the well within 30 days after its construction or alteration has been completed

This bill would exempt from those reporting requirements all wells constructed for the purpose of monitoring the presence of groundwater which has adversely affected, or threatens to adversely affect, crop root zones

Ch 623 (AB 3464) Zeltner Vehicles· yielding right-of-way.

(1) Existing law specifies certain traffic rules for yielding the right-of-way at intersections Existing law requires a driver who intends to turn left at an intersection, or into a driveway or alley entrance, to yield the right-of-way, as specified, to traffic approaching from the opposite direction

This bill would expressly include turns to complete a U-turn at an intersection in those right-of-way provisions A violation of this provision would be an infraction under existing law. Thus, the bill would impose a state-mandated local program by creating a new crime

(2) This bill would recast certain of those right-of-way provisions, and would make other 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.

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

Ch 624 (AB 3435) Duplissea Forgery· title documents

Existing law provides that any person who, with intent to defraud, knowingly signs the name of another person, or a fictitious person, without authority to do so, or falsely

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makes, alters, forges, or counterfeits any document, as specified, is guilty of forgery.

This bill would add certificates of title evidencing ownership in a vehicle or undocumented vessel to that list of documents that may be forged.

Under existing law, it is a felony, punishable as prescribed, for any person, with intent to prejudice, damage, or defraud, to alter, forge, counterfeit, or falsify, among others, any permit relating to motor vehicles provided for by any foreign jurisdiction

This bill would delete that language which limits permits provided for by any foreign jurisdiction to those involving motor vehicles.

This bill would expand the scope of criminal offenses relating to the forgery of documents of title thus imposing a state-mandated local program

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

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

Ch 625 (AB 3380) Quackenbush Small business development.

(1) Existing law, operative until July 1, 1989, authorizes the Office of Small Business Development to establish a program through which urban and rural small business development corporations could assist California small businesses by making financial aid available for product development

This bill would extend the operative date of those provisions until July 1, 1991, and would repeal those provisions as of January 1, 1992.

(2) Existing law provides that the purpose of a regional small business development corporation loan guarantee fund is to make and guarantee specific loans, except as otherwise specified

This bill would provide that specified investments in California small businesses for product development is one of those other specified purposes This provision would become inoperative on July 1, 1991, and would be repealed January 1, 1992.

(3) Existing law operative July 1, 1989, provides that the purpose of a regional small business development corporation loan guarantee fund is to guarantee specific loans, except as otherwise specified

This bill would revise that provision to expressly provide that the purpose of a fund includes the making of loans, as specified This bill would also change the operative date of that provision to July 1, 1991.

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

Ch. 626 (AB 2986) Bane Harness racing· license fees

Under existing law, the California Horse Racing Board is authorized to allocate up to 10 weeks of harness racing to the Los Angeles County Fair, or its lessee, to be raced at Pomona. Existing law specifies the daily license fee that the Pomona racing meeting, as a harness meeting, is required to pay.

Existing law also specifies a lower license fee for other racing meetings at certain fairs

This bill would include the Pomona racing meeting with the racing meetings for which the lower license fee is prescribed

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

Ch 627 (AB 2896) D. Brown Income taxes credits

The existing Personal Income Tax Law contains provisions allowing a tax credit for costs incurred for certain solar pumping systems used in agricultural irrigation The credit was allowable for taxable years beginning before January 1, 1981, and ending before January 1, 1984, except that any unused credit is allowed to be carried to subsequent taxable years until used

This bill would repeal those obsolete provisions

The existing Personal Income Tax Law imposes a tax, as specified, on the taxable income of nonresidents and part-year residents

This bill would make a clarifying change to those provisions.

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Ch. 628 (AB 2851) D Brown. Income taxes: bank and corporation taxes.

The existing Personal Income Tax Law imposes the alternative minimum tax in an amount equal to the excess of the tentative minimum tax over the regular tax. With respect to nonresidents and part-year residents, the minimum tax is determined by multiplying the tax computed as if the taxpayer were a resident by the ratio of California source alternative minimum taxable income to alternative taxable income from all sources

This bill would make clarifying supplemental changes with respect to the computation of the alternative minimum tax by nonresidents and part-year residents. It would also provide that for purposes of the alternative minimum tax, the net operating losses from all sources shall be computed under California law, as if the nonresidents or part-year residents had been a resident of California for the entire year.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law provide specified exemptions from levy

This bill would repeal those provisions.

The existing personal income tax defines net income.

This bill would repeal that definition.

Ch. 629 (AB 2814) Hauser. Local Agency Self-Insurance Authority

Under existing law, the Local Agency Self-Insurance Authority is required to repay to the General Fund $345,000 advanced to cover its original operating costs (plus interest), within one year after the money was first loaned to the authority by the Controller.

This bill would extend the time for repayment until June 30, 1989.

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

Ch. 630 (AB 2813) Harvey. California Seed Law.

(1) Under the California Seed Law, until July 1, 1989, the Director of Food and Agriculture is required to pay specified assessment fees to counties pursuant to a specified formula as a subvention for costs incurred in their enforcement of that law A county agricultural commissioner who chooses to participate in the subvention program is required to enter into a cooperative agreement with the director regarding enforcement of the law.

This bill would extend the operative date of those provisions to July 1, 1994, thus making an appropriation by continuing the subventions until that date.

(2) Under that law, it is unlawful for any person to ship, deliver, transport, or sell grain or other crop seed which is treated after harvest with any substance that is likely to be poisonous or toxic to human beings or animals unless there is specified information stated on the tag, label, or container itself regarding the toxic substance involved.

This bill would revise the information required to be placed on the tag, label, or container and would specify that this requirement covers agricultural or vegetable seed rather than grain or crop seed.

Ch. 631 (AB 2804) Duplissea Regulations: hours of service: penalties.

Existing law requires the Department of the California Highway Patrol to adopt regulations for the safe operation of specified trucks and buses. A violation of those regulations relative to the maintenance of driving logs is an infraction punishable by a fine of $500, but a violation of those regulations regarding hours of service of drivers is a misdemeanor punishable by a fine of not exceeding $1,000 or by imprisonment in the county jail for not more than 6 months, or by both that fine and imprisonment.

This bill would instead make the infraction violation punishable by a fine of not more than $500, and the misdemeanor violation punishable by a fine of not less than $500 nor more than $1,000, or by the fine and imprisonment, as specified.

Ch. 632 (AB 2797) Hansen. Physically handicapped: guaranteed loans.

Under existing law, the State Department of Rehabilitation serves as a state loan guarantee agency to guarantee loans made by eligible lenders to certain parents of children who are physically handicapped for the purchase of vans, automobiles, and other special equipment and to assist private employers and employees with disabilities

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to purchase durable equipment, adaptive aids, and assistive devices in order to engage in employment. Pursuant to these provisions no loan may be made in excess of $10,000 to any eligible person.

This bill would increase the loan maximum to $12,500.

Ch. 633 (AB 2786) Jones. Produce dealers.

Existing law requires any person engaged in the business of buying, receiving on consignment, soliciting for sale on commission, or negotiating the sale of farm products, as specified, to be a licensed produce dealer. There are specified exceptions to this requirement.

This bill would add, as an exception, a person licensed as a landscape contractor.

Ch. 634 (AB 2771) Chacon. Small business development.

Existing law requires urban development corporations and rural development corporations which are established pursuant to authorization by the Small Business Development Board of the Department of Commerce to provide services and loans to business applicants.

This bill would require that these urban and rural development corporations give high priority in the issuance of loans and loan guarantees to small business incubators, as defined, and to businesses which lease space in incubators if the businesses meet specified criteria.

Ch. 635 (AB 1003) N. Waters. Sentencing.

Existing law requires the Judicial Council to adopt rules concerning a trial court's decision concerning the imposition of a sentence in a criminal action with regard to a decision to (1) grant or deny probation, (2) impose the lower or upper term, (3) impose concurrent or consecutive sentences, (4) consider an additional sentence for prior prison terms, and (5) impose an additional sentence for other specified reasons.

This bill would delete the requirement that the rules provide criteria concerning additional sentences under (4) and (5), above, and would require the rules to provide criteria regarding the trial court's determination to impose an enhancement.

Ch. 636 (AB 3810) Vasconcellos. Controlled substances: pilot program.

(1) Existing law prescribes a period of confinement in the county jail of not less than 90 days, as a sentence or as a condition of probation, for specified persons who are convicted of violating the prohibition against being under the influence of designated controlled substances.

This bill would authorize the establishment of a pilot program in Santa Clara County to determine the cost efficiency and therapeutic value of placing persons convicted of these offenses in a specified intensive drug treatment program as a condition of probation. The bill would specify that the State of California and the County of Santa Clara shall not be liable for the cost of drug treatment provided pursuant to these provisions.

The bill would require the County of Santa Clara to make a specified study and report to the Legislature on the effects of the bill by April 1, 1990, thereby imposing a state-mandated local program.

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

(2) 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 provide that no reimbursement is required for costs imposed in connection with the report for a specified reason.

Ch. 637 (AB 3678) Frazee. Marriage certificates.

Existing law requires birth, death, and marriage certificates to be numbered consecutively, by each local registrar, in separate series, beginning with the number one for the 1st event in each calendar year

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This bill would, instead, permit marriage certificates to be numbered consecutively beginning with the number one for either the 1st event occurring or the 1st event registered, in each calendar year. It would specify that numbering could be based on the year that the event occurs, or the year of registration.

Existing law requires the local registrar of marriages to transmit to the State Registrar on or before the 5th day of each month all original certificates of registry of marriage accepted for registration by him or her during the preceding month

Existing law permits certificates to be transmitted at more frequent intervals by arrangement with the State Registrar.

This bill would require certificates of marriage to be batched by calendar year of event prior to transmission. By imposing this duty upon local registrars, 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 638 (AB 3511) N. Waters. Courts. El Dorado County

(1) Existing law does not specifically provide for a municipal court for El Dorado County.

This bill would establish the El Dorado County Municipal Court District, embracing the entire county, and providing for the officers and employees, thereof, as specified, 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.

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

Ch 639 (AB 3766) Connelly. Controlled substances: prescriptions

Existing law relating to prescriptions for controlled substances provides that prescription blanks in triplicate shall be furnished by the Department of Justice to any practitioner authorized to write a prescription for Schedule II controlled substances. Existing law provides that any person possessing a triplicate prescription blank, except as provided by law, is guilty of a misdemeanor

This bill would provide that when a practitioner is named in a warrant of arrest with a felony violation or is charged with a felony in an accusatory pleading with a specified controlled substance violation, the court in which the accusatory pleading is filed or the magistrate who issued the warrant of arrest shall, upon the motion of a law enforcement agency which is supported by reasonable cause, issue an order which requires the practitioner to surrender to the clerk of the court all triplicate prescription blanks in the practitioner's possession at a time set in the order and shall direct the Department of Justice to withhold prescription blanks from the practitioner. The bill would also provide that the law enforcement agency obtaining the order shall notify the Department of Justice.

The bill would provide that any practitioner possessing prescription blanks in violation of the order is guilty of a misdemeanor, and thus this bill would impose a state-mandated local program by creating a new crime.

This bill would also provide for vacation of the order under specified circumstances, and within a specified period of time, except as specified, but would provide that granting of a motion to vacate the order is no bar to prosecution of an alleged violation

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It would limit the evidence which may be presented at the preliminary examination, as specified, and would provide that if the defendant is not held to answer on the underlying charges at the conclusion of the preliminary examination, the order shall be vacated.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 2758) Stirling. Vehicles. crimes.

Under existing law, it is an infraction to display a license plate or registration permit on a vehicle which was not issued for that vehicle.

This bill would expressly include within these provisions any license plate sticker, tab, or any suitable device issued by the Department of Motor Vehicles in lieu of license plates.

This bill would also impose a state-mandated local program by making it a misdemeanor for any person to violate the above provisions with the intent to avoid compliance with vehicle registration laws

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

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

Ch 641 (SB 15) Robbins Schools pupils expulsion

Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils, including, but not limited to, prescribed minimum requirements. Existing law requires that written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation be sent to the pupil or the pupil's parent or guardian.

This bill would specify that the written notice described above be sent by the district superintendent of schools or his or her designee

Ch 642 (AB 3523) Mojonnier Subpoenas minors

Existing law authorizes any person, except a defendant in a criminal action to which he or she is a party, to serve a subpoena in a criminal action on any witness Existing law also authorizes a peace officer to serve a subpoena delivered to him or her for service in his or her county, either on the part of the people or the defendant in a criminal action, as specified

This bill would require that the service of a subpoena in a criminal action on a minor be made by delivering a copy of the subpoena to the minor's parent, guardian, conservator, or similar fiduciary or, if one of them cannot be located with reasonable diligence, then any person having care or control of the minor or with whom the minor resides or by whom the minor is employed, unless the parent, guardian, conservator, or fiduciary or other specified person is the defendant, and on the minor if the minor is 12 years of age or older It would also specify that willful failure to produce the child is punishable as contempt.

Ch 643 (AB 3475) Filante. Medi-Cal

Existing law requires the State Department of Health Services to establish, by regulations, an administrative appeal process, to review grievances or complaints of a provider of Medi-Cal covered services arising from the findings of an audit or examination, and authorizes the administrative law judge on the departmental staff to assign the administrative appeal of a noninstitutional provider to an informal level of review, when appropriate, which must be conducted within a specified time.

Under existing law, if a provider is not satisfied with the decision on an appealed claim for Medi-Cal reimbursement, the provider may present a claim against the state to the

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Board of Control.

This bill would, instead, authorize the provider to seek appropriate judicial remedies.

Ch. 644 (AB 3003) La Follette. Hazardous materials: transportation.

(1) Existing law authorizes the Department of the California Highway Patrol to restrict or prohibit the transportation of hazardous materials on state or interstate highways, pursuant to a specified procedure.

This bill would require the department, if it adopts regulations regarding specified electronic recording devices, to give the highest priority to the installation of these devices in tank trucks or truck trailers which are used to haul inhalation hazards, as defined, thereby imposing a state-mandated local program by creating a new crime This provision would become operative only if AB 3106 is enacted and becomes effective January 1, 1989, and adds a specific provision to the Vehicle Code.

(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. 645 (AB 3321) Duplissea. Historical motor vehicles: registration: license plates.

Existing law permits currently registered historical vehicle owners to use license plates corresponding to the model year date of the vehicle, subject to payment of specified fees, and requires that evidence of current registration be displayed.

This bill would delete the requirement for display of current registration and provide for retention of the license plates upon payment of a specified fee when payment of a regular vehicle renewal fee is not required. These provisions would become operative on July 1, 1989.

Ch. 646 (AB 4643) Zeltner. Alcohol recovery facilities.

Existing law defines an alcoholism recovery facility for purposes of licensing as any facility, place, or building maintained and operated to provide 24-hour resident nonmedical alcoholism recovery services exclusively for individuals whose involvement in services is related primarily to an alcohol-related problem.

This bill would define an alcoholism recovery facility as any facility, place, or building which is maintained and operated exclusively to provide 24-hour resident nonmedical alcoholism recovery services.

Existing law prohibits any person or entity from operating, establishing, managing, conducting, or maintaining an alcoholism recovery facility without obtaining a license from the State Department of Alcohol and Drug Programs.

This bill would require that the license be a current valid license.

Existing law permits the department to deny the license or suspend or revoke the license if the applicant does not meet or violates the requirements of the law regulating alcoholism recovery facilities.

This bill also would permit the Director of Alcohol and Drug Programs to bring an action to enjoin the operation of a facility without a current valid license. The bill would permit the department to assess civil penalties, as specified, for violations and would specify the procedures for suspension, revocation, and denial of licenses, including hearings by administrative law judges of the Department of Administrative Hearings.

Ch. 647 (AB 4592) Wright. Unemployment compensation.

(1) Existing law permits an employing unit not otherwise subject to the unemployment compensation provisions of the Unemployment Insurance Code, to elect to become an employer subject to those provisions. Existing law permits the Director of Employment Development to terminate any elective coverage agreement if he or she finds that certain conditions exist.

This bill would add to these enumerated conditions that the employing unit or self-employed individual is not normally and continuously engaged in a regular trade, busi-

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ness, or occupation.

(2) Existing law provides that employer contributions to the Unemployment Fund are based on wages, as defined, paid for employment. Existing law, among other things, defines wages to exclude any payment made to, or on behalf of, an employee or his or her beneficiary under a simplified employee pension under certain circumstances. Existing law, among other things, defines wages to exclude certain employee benefits.

This bill would define simplified employee pension in accordance with specified federal provisions. It would exclude certain other benefits provided to or on behalf of an employee, including any benefit under a cafeteria plan, as described in federal law.

(3) Existing law permits interest to be paid on refunds or credits of overpaid unemployment compensation contributions under certain circumstances at the rate of 12% per annum.

This bill would delete the 12% rate and provide a prescribed adjusted rate. It would make a related change involving an obsolete section reference.

Ch. 648 (AB 4579) Moore. Telephones: coin-activated: operator-assisted services.

(1) Under existing law, the Public Utilities Commission regulates the furnishing of services by public utilities, including telephone corporations. Under existing federal regulations, the furnishing of certain telephone services is deregulated with the result that nonpublic utilities may own and operate coin-activated telephone equipment for public use

This bill would require every owner or operator of coin-activated telephones for public use which is not a telephone corporation and which provides operator-assisted services by other than a telephone corporation tariffed to provide those services to post on or near the telephone the name of the provider of the operator-assisted services, a toll-free telephone number for contacting that provider, the applicable charges for each available operator-assisted service, and a statement that the provider will respond to inquiries.

The bill would make similar requirements applicable to other nonpublic utility providers of telephone services, including, but not limited to, hotels, motels, hospitals, and universities, which impose charges on users of the services and which provide operator-assisted service by other than a telephone corporation tariffed to provide those services.

Since, under other provisions, a violation of these requirements 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. 649 (AB 4417) Stirling State lands: prospecting permits

Under existing law, the State Lands Commission may issue prospecting permits for $1 per acre for state lands which are not known mineral lands

This bill would instead authorize the commission to issue those permits for a reasonable charge, as determined by the commission, of not less than $1 per acre.

Ch. 650 (AB 4573) Duplissea. PERS: survivors' continuance benefits.

Existing Public Employees' Retirement Law provides that, for purposes of continued receipt of a portion of the service or disability retirement allowance of a patrol, state peace officer/firefighter, or state safety member, a surviving spouse must have been married to the member for a continuous period beginning at least one year prior to the member's retirement and ending on the date of death.

The bill would provide, instead, in cases of disability retirements, that the surviving spouse must have been married to the member on his or her retirement date and continuously until his or her death.

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Ch 651 (AB 4372) Lancaster. Credit unions.

Existing law provides for the regulation of credit unions by the Commissioner of Corporations

This bill would, among other things, do all of the following:

(1) Require a credit union, within 10 business days of opening, closing, or relocating a branch office, to notify the commissioner of the location including the mailing address of the branch office

(2) Provide that certain investigation and examination reports prepared by the commissioner's duly designated representatives shall not be public records, as specified.

(3) Revise certain surety and bonding requirements and authorize the commissioner to adopt regulations with respect to the minimum amount of bond or insurance coverage deemed adequate, as specified.

(4) Revise the duties of the credit union directors, as specified

The bill would also make it unlawful for any person willfully to make any untrue statement of a material fact in any document filed with the commissioner or to willfully omit to state in any document any material fact which is required to be stated, as specified A violation of provisions of the Credit Union Law may be punishable, upon conviction, by a fine or imprisonment in the county jail or state prison, as specified. Thus, this bill would create a new crime.

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

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

Ch. 652 (AB 4330) Sher. Hazardous substances and solid waste fees and taxes: seizure and sale.

The existing Hazardous Substances Tax Law and Solid Waste Disposal Site Cleanup and Maintenance Fee Law provide for the seizure and sale of personal and real property whenever a fee payer or taxpayer is delinquent in the payment of the required fee or tax. Any seized real property which is sold is subject to a right of redemption under provisions of the Code of Civil Procedure.

This bill would delete the reference to a right of redemption.

The bill would also require the State Board of Equalization to prepare and submit to the Legislature by December 1, 1989, a report on changes needed to improve the due process procedures applicable to the seizure and sale of real property for purposes of collecting delinquent fees or taxes

Ch. 653 (AB 3811) Floyd Fire and Arson Training Act.

Existing law establishes the California Fire and Arson Training Act.

This bill would revise these provisions by placing the act and the California Fire and Arson Training Fund into an article to be known as the California Fire and Arson Training Act

Existing law requires the State Fire Marshal, with policy guidance and advice from the State Board of Fire Services to jointly, with the California Professional Firefighters, promote participation in, sponsor, and administer the California Firefighters, Joint Apprenticeship Program, and establish advisory committees or panels, as necessary, to assist the State Fire Marshal in carrying out his or her function

This bill would recast these provisions and eliminate the necessity for policy guidance and advice from the State Board of Fire Services

Ch 654 (SB 1879) Davis. State highways Route 101 scenic routes

Existing law designates the state highway routes, or portions thereof, which are included in the state scenic highway system.

This bill would include as part of State Highway Route 101 a highway segment from Route 27 to Beach Road at Gaviota State Park in that system

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Ch 655 (SB 1871) Mello San Benito County flood control.

(1) Under existing law, the San Benito County Water Conservation and Flood Control District is created by special act of the Legislature and consists of all the territory within San Benito County

This bill would change the name of the district to the San Benito County Water District

(2) Under existing law, directors of the district are entitled to receive a sum not to exceed $100 for each meeting of the board, not to exceed a maximum of $2,000 per year

This bill would instead authorize compensation in an amount not to exceed $100 per day, not exceeding a total of 6 days per month, together with specified expenses.

(3) The bill would make a violation of any provision of the district act a misdemeanor, punishable as prescribed, thereby imposing a state-mandated local program

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

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

Ch 656 (SB 1761) Lockyer. State officers expense allowances

Existing law provides that the Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and the Treasurer shall receive an allowance not exceeding $10,000 per year for certain expenses, including entertainment expenses, incurred in the course of carrying out the duties of the office

This bill would provide, in addition, that the Chief Justice of California shall receive this allowance.

Ch 657 (AB 4263) Hansen Mentally disordered offenders· outpatients.

Existing law requires treatment for certain convicted felons with a severe mental disorder as a condition of parole A parolee placed in an outpatient program can be placed in a secure mental health facility by the director of the program if the director determines that the parolee can no longer be safely and effectively treated in the outpatient program, and until the parolee can be safely and effectively treated in the program. However, within 15 days after placement in the secure facility, the State Department of Mental Health shall conduct a hearing on whether the parolee can be safely treated in the program.

This bill would provide for a continuance of the hearing, to within 21 days after placement in a secure facility, if the patient or the patient's attorney agrees to a continuance or if "good cause," as defined, exists.

The bill would also require that a community program director or his or her designee be furnished with state summary criminal history information when he or she provides evaluation, supervision, or treatment for a parolee under specified provisions

The bill also would make a conforming change

Ch. 658 (SB 538) McCorquodale. Mentally disordered offenders

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, as specified, on whether the prisoner, as of the date of the Board of Prison Terms hearing, has met the prescribed criteria for treatment by the State Department of Mental Health If the Board of Prison Terms continues a parolee's mental health treatment when it continues his or her parole under specified provisions, existing law provides that these provisions shall be applicable for the purpose of determining whether the parolee meets the criteria for continued treatment as a condition of parole

This bill would provide instead that, if the Board of Prison Terms continues a parolee's mental health treatment under those specified provisions, the above procedures shall only be applicable for the purpose of determining if the parolee has a severe mental

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disorder and whether the parolee's severe mental disorder is not in remission or cannot be kept in remission without treatment.

Existing law, as specified above, provides for the required 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. Existing law also provides that if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without treatment, the director of the mental health facility or the Director of Corrections shall submit his or her evaluation on remission to the district attorney. The district attorney may file a petition for the continued treatment of the person for a period of one year, as specified. The petition shall state the reasons necessitating the continued treatment and be accompanied by affidavits stating specified conditions and that treatment during the parole period, if any, has continuously been provided by the State Department of Mental Health, as specified.

This bill would delete the requirement that the petition state the reasons necessitating the continued treatment of the person. It would require the petition be accompanied by an affidavit specifying certain conditions including a statement that the treatment was provided by the State Department of Mental Health, as specified.

Ch. 659 (AB 4186) Nolan. California Film Commission.

Under existing law, the California Film Commission is required to perform various functions and duties with regard to the promotion of the motion picture and television film industry in California.

This bill would require the California Film Commission to establish a task force to conduct a study of the insurance requirements of local governments which authorize film production, as specified, and would require the task force to report to the Governor, the Legislature, and the commission on the study within 6 months of its formation. It would also permit the task force to remain in existence for 18 months after completion of the report to review, at 6-month intervals, whether any progress is being made on the problem.

Ch. 660 (SB 2058) Seymour. Local construction: state funding.

(1) Existing law authorizes the Department of Transportation, with the approval of the California Transportation Commission, to advance funds from the State Highway Construction Revolving Account in the State Transportation Fund to counties and cities for the cost of constructing or improving state highways if the project is programmed in the state transportation improvement program and would benefit the local community.

This bill would authorize the department to advance funds from that account to local agencies to carry out federally funded local highway demonstration projects in advance of the availability of the federal funds. The amount which could be advanced for a project would be limited to the federal funding share plus the required matching funds, and in any event, not more than $7,000,000. The bill would require an advance to be repaid, with interest as specified, within 24 months.

The bill would require the department to develop procedures for the submission of applications and criteria for the making of advances.

The above provisions of the bill would be repealed on December 31, 1992.

(2) Existing law authorizes the California Transportation Commission to allocate funds from the State Highway Account in the State Transportation Fund for state highway projects.

This bill would authorize the commission to allocate funds from that account to meet federally mandated local matching requirements for interstate transfer projects if the projects meet specified conditions.

Ch 661 (SB 2029) Beverly. County contracts.

Existing law permits the board of supervisors in counties containing a population of 6,000,000 or more to authorize a county officer to enter into contracts for architectural, engineering, and related services for county construction projects where the amount of the contract does not exceed $75,000.

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This bill would instead, permit the board of supervisors in those counties to authorize county officers having responsibility for the design and construction of county projects to enter into contracts for architectural, engineering, and related services where the amount of the contract does not exceed $75,000.

Ch. 662 (SB 2837) Seymour Criminal procedure: restitution.

Existing law provides in any case in which the defendant in a criminal matter is ordered to pay restitution as a condition of probation or of a conditional sentence that the order to pay restitution may be enforced in the same manner as is provided for the enforcement of money judgments.

This bill would recast that provision by requiring in the above-described cases that the order to pay restitution constitutes a civil judgment, and that upon the victim's request, the court would be required to provide the victim in whose favor the order of restitution is entered with a certified copy of that order

This bill would incorporate additional changes in Section 1214 of the Penal Code, proposed by AB 3755, to be operative only if AB 3755 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

Ch. 663 (SB 2491) Montoya. Physicians and surgeons.

Existing law prohibits certain health facilities, health care service plans, nonprofit hospital service plans, disability insurance policies, self-insured employer welfare benefit plans, 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 further clarify the extent to which a health facility is prohibited from discriminating against a physician and surgeon who holds an M.D. or D.O. degree, as specified. It would also mandate specified procedures to ensure high standards of professional and ethical practices among the physician and surgeon staff, including self-government.

This bill would also provide that a violation of any of these provisions may be enjoined by the district attorney in the county where the violation occurred, as specified.

This bill would also make a clarifying, technical change to these provisions.

This bill would also prohibit professional medical or osteopathic associations from requiring membership as a prerequisite for a physician to obtain staff privileges, employment, or a contract for services.

Ch. 664 (SB 2409) Kopp. Arrest warrants.

Existing law sets forth the requirements for the issuance of warrants for arrest. Existing law provides that when a complaint is filed with a magistrate charging a public offense originally triable in the superior court of the county in which he or she sits, if the magistrate is satisfied from the complaint that the offense complained of has been committed and there is reasonable ground to believe that the defendant has committed it, he or she shall issue a warrant for the arrest, as specified.

This bill would require the issuance of a summons, rather than a warrant for arrest, under the above provisions of law if the prosecutor requests the issuance of a summons rather than an arrest warrant. The bill would require the summons to be in substantially the same form as an arrest warrant. The bill also would provide that the summons contain certain specified information, including information concerning the booking process, and that a defendant who has not complied with the booking process, as specified in the summons, shall be ordered by the court to do so.

The bill would provide that if a defendant fails to appear in response to the summons, a bench warrant for arrest shall issue and that, in the absence of proof of actual receipt of the summons by a defendant, the failure to appear shall not be used in any future proceeding.

The bill further would specify that peace officers and specified public officers or employees shall serve the above-mentioned summons, and that, upon service of a summons, copies shall be delivered to the defendant and to the magistrate, as specified.

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Ch. 665 (SB 2143) Rosenthal. Air pollution: public utilities: control technologies.

(1) Under existing law, the South Coast Air Quality Management District is the regional authority which controls air pollution in the South Coast Air Basin by requiring the use of, among other things, the best available control technology and the best available retrofit control technology, as specified.

This bill would require the south coast district, by January 1, 1990, to adopt rules and regulations to determine, and to require the use of, the best available retrofit control technology, as specified, in existing electric plants, if the south coast district board finds and determines that to do so is necessary to carry out the district's plan to achieve and maintain state and federal ambient air quality standards in the basin The bill would define "electric plant" for these purposes.

By imposing these requirements on the south coast district, 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 666 (SB 645) Royce Medical assistants.

Existing law authorizes a medical assistant, as defined, to administer medication and perform skin tests, upon the specific authorization and under the supervision of a licensed physician and surgeon or a licensed podiatrist

This bill would add additional technical supportive services, as defined, to those functions and would require the Division of Allied Health Professions of the Board of Medical Quality Assurance to adopt and administer regulations which establish standards for those services, after requesting recommendations regarding those standards from appropriate public agencies and professional associations, as specified

The bill would also prohibit the employment or use of medical assistants at general acute care hospitals

Ch. 667 (SB 546) Bergeson. State civil service· temporary assignments and loans: limited term appointments.

Existing statutes authorize 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 apply the 2-year limit to assignments or loans of employees within an agency or between agencies and would apply a 4-year limit to assignments or loans of employees between jurisdictions

Under the existing State Civil Service Act, limited term appointments generally may be made only for temporary staffing needs and may not individually or consecutively exceed one year However, the State Personnel Board may authorize limited term appointments of up to 2 years when a permanent appointment would be likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need.

This bill would authorize, when an extension is needed to complete major work still in progress or to prevent disruption of significant state operations, limited term appointments to be extended for up to 2 years beyond these limits. The bill would repeal this authorization on January 1, 1993.

Ch. 668 (SB 467) Petris Insurance. withdrawal from market

Under existing law, no insurer issuing policies of designated classes of commercial liability insurance or residential property insurance shall cease to offer any particular line of coverage without prior notification to the Insurance Commissioner.

This bill would, in addition, require an insurer to notify the Department of Insurance at least 60 days prior to the date it intends to withdraw, wholly or substantially, from a line of commercial liability insurance, residential property insurance or prescribed motor vehicle insurance when coverage is provided by a separate rider or endorsement for

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an activity for which the insured receives compensation, a stipend, or remuneration of any kind for the activity and then only to the extent of the coverage. The bill would authorize the Insurance Commissioner to investigate market conditions to determine whether that insurance may become not readily available in the voluntary insurance market as a result of the withdrawal

The bill would require any insurer that has so notified the commissioner of the intention to withdraw from a line of insurance to notify the commissioner, as prescribed, if the insurer does not in fact withdraw that line of insurance from the market or if the insurer reenters that line after the withdrawal

Ch. 669 (SB 454) McCorquodale Voter registration

Existing law requires the county clerk to provide voter registration forms for use by deputy registrars of voters. It requires each deputy county clerk or registration clerk to receipt to the county clerk for all books and pads issued, who is charged with them until he or she returns and files them

This bill would change the reference from "deputy county clerk or registration clerk" to deputy registrar of voters in this provision and in related provisions of law. It would provide that the deputy is responsible for all books or pads until they are returned to the county clerk

Existing law requires all deputies to return affidavits of registration and books or pads containing spoiled or unused affidavit blanks on the 59th day before an election, and permits them to apply for new registration materials for use until the close of registration.

This bill would delete this provision

Existing law requires all other persons distributing voter registration cards who receive completed cards to return them to the county clerk within a specified time period

This bill would make this provision expressly applicable to individuals and organizations that distribute voter registration cards

Existing law requires all deputies or registration clerks and all organizations which have submitted plans for distribution of voter registration cards to immediately return all affidavits of registration, including unused affidavit blanks, when the registration for a statewide primary or general election is closed or when directed by the county clerk for the close of registration for any other election.

This bill would make this provision expressly applicable to deputy registrars of voters, and individuals who have submitted distribution plans

It would delete the specific requirement for return of the affidavits of registration when the registration for a statewide primary or general election is closed, and would require return of the completed affidavits of registration to the county clerk on the day of the close of registration. It would require that unused affidavits be returned upon completion of the distribution plan.

Existing law requires the county clerk, within 5 days after the close of registration, to report to the county district attorney the names of deputies or registration clerks who have not complied with required voter registration procedures and the names of any deputies who have failed to return affidavits of registration.

This bill would delete the 5-day requirement in these provisions

Ch. 670 (SB 314) Robbins. California State University employees.

Existing statutes governing industrial disability leave and nonindustrial disability leave for employees of the California State University are in both the Education Code and the Government Code.

This bill would transfer those Government Code provisions to the Education Code, without substantive change.

Ch. 671 (SB 162) Vuich. Income taxes: exempt income: management company.

Under the existing Personal Income Tax Law, a management company, or a series of that company, is qualified to pay exempt-interest dividends to its shareholders if, at the close of each quarter of its taxable year, at least 50% of the value of its total assets consists of obligations, interest on which is exempt from taxation under the Constitution or laws

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of this state.

This bill would instead authorize a management company, or a series of that company, to pay exempt-interest dividends to its shareholders if, at the close of each quarter of its taxable year, at least 50% of the value of its total assets consists of either (1) obligations, interest on which is exempt from taxation under the Constitution or laws of this state, or (2) obligations of the United States which pay interest excludable from income under the Constitution or laws of the United States.

This bill would take effect immediately as a tax levy.

Ch. 672 (AB 4689) Bane. Blood research.

Existing law requires an advisory committee composed of 5 specified persons to oversee a study to evaluate the comparative safety from transfusion-acquired infectious diseases of specified platelet transfusion products. The study is to 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.

This bill would eliminate the requirement that the comparative safety of the platelets being studied be from transfusion acquired infectious diseases.

Existing law requires that one of the advisory committee members be the Director of the North San Diego County Blood Bank.

This bill would instead require this member to be the Medical Director of the Community Blood Bank of North County located in Escondido.

Under existing law, one of the members of this advisory committee is to be the Director of Blood Banks at the University of Southern California Los Angeles County Medical Center.

This bill would allow that member either to be the Director or the Associate Director of Blood Banks at the University of Southern California Los Angeles County Medical Center.

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

Ch. 673 (AB 4174) Moore. Telephones: tone-dialing service

Under existing law, the Public Utilities Commission regulates the rates and terms and conditions of service for telephone service.

This bill would direct the commission to conduct an investigation and hearings on the establishment of telephone rates with respect to whether there should be no additional charge to subscribers for tone-dialing service. The bill would specify what the commission is to consider in this connection.

Ch. 674 (AB 4165) Polanco. Crimes.

(1) Under existing law, any willful and knowing violation of certain restraining orders against harrassment or issued pursuant to the Family Law Act or the Domestic Violence Prevention Act constitutes a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment. A person who has previously been convicted of a violation of an order issued pursuant to the Domestic Violence Prevention Act is required to be imprisoned in the county jail for up to one year.

This bill would increase the maximum imprisonment for a conviction for a 1st violation of any of these orders to one year in the county jail, and for a 2nd or subsequent conviction for a violation of any of them within 7 years of a prior conviction for such a violation if the subsequent violation involves an act of violence or "a credible threat" of violence, as defined, by imprisonment in the county jail for up to one year or in state prison for 16 months or 2 or 3 years, 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) 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. 675 (AB 4006) N. Waters. Air pollution. subventions.

(1) Existing law authorizes the State Air Resources Board to provide subventions of state funds to air pollution control districts and air quality management districts, with each district entitled to a specified minimum subvention if the district provides the required matching funds.

This bill would increase the minimum amount of these subventions in rural districts if the amount appropriated in the Budget Act for these subventions exceeds specified amounts and if other specified conditions are met

(2) Existing law provides for the transfer of the subvention of a county district to a unified or regional district into which the county district is merged after a specified date.

This bill would delete that specified date, and would provide for the apportionment of the subvention in cases in which a portion of the county district is merged into a unified or regional district

Ch. 676 (AB 3978) Frazee Bail.

Existing law makes it the duty of the judge or magistrate to file with the county clerk all affidavits for the justification of bail, by delivering or mailing the affidavits to the county clerk within 24 hours after presenting them to him or her. Existing law requires release of the bail undertaking to be filed with the county clerk.

This bill would require the above-described filings to be made with the clerk of the court, rather than the county clerk. It would thus create a state-mandated local program by increasing the level of service required of certain court clerks.

The California Constitution requires 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 677 (AB 3973) Chacon California State University· educational opportunity program

Existing law establishes a state student assistance program to provide educational assistance and grants for undergraduate study at the California State University for certain disadvantaged students who display potential for academic success at the university Existing law requires that a person selected for a grant under this program have been nominated by a high school or other designated agency.

This bill would, in addition, expressly authorize community colleges to nominate students for grant assistance under this program.

Under existing law there is established the Advisory Committee on Extended Opportunity Programs and Services comprised of 9 members appointed by the Board of Governors of the California Community Colleges, 2 members appointed by the Speaker of the Assembly, and 2 members appointed by the Senate Committee on Rules.

Existing law requires that the chairperson and vice chairperson of the committee be designated by the board from members appointed by the board

This bill would delete the restriction that the chairperson and vice chairperson be designated from those members appointed by the board

Ch. 678 (AB 3897) Harris Appeals family law

Existing law provides that an appeal may be taken from a superior court in specified cases

This bill would add to the specified cases an order or decree made appealable by the provisions of the Family Law Act.

This bill would also add a provision to the Family Law Act which would provide for the appeal of an issue or issues heard in advance of disposition of the entire case, as specified.

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

This bill would require the Judicial Council to promulgate rules by July 1, 1989, for the certification by the superior court that the appeal of a bifurcated issue or issues is appropriate

Ch 679 (AB 3736) Jones Surface impoundments. pollution

The Toxic Pits Cleanup Act of 1984 authorizes a California regional water quality control board to issue specified orders when the regional board determines that a surface impoundment is polluting, or threatening to pollute, the waters of the state

This bill would define pollution for the purposes of the act with reference to the Porter-Cologne Water Quality Control Act, which defines pollution as meaning an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either the waters for beneficial uses or facilities which serve those uses

Ch 680 (SB 2273) Mello. Alcoholic beverages nuisance

Existing law prohibits a person under the age of 21 years from having in his or her possession any alcoholic beverage on any street or highway or in any public place or any place open to the public

This bill would authorize a peace officer under certain circumstances to seize and impound all alcoholic beverages in plain view and in the possession of, or provided to, a person under the age of 21 years at social gatherings where persons under the age of 21 years are consuming alcohol, as specified

It would also authorize a police officer to destroy those alcoholic beverages which are in opened containers.

Ch 681 (SB 2219) Dills Polygraph examiners

Existing law authorizes a person whose polygraph examiner license has expired to obtain a renewal, without examination, upon application within 2 years after the date of the expiration of the license, as specified

This bill would provide that if a license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay a specified delinquency fee The bill would also specify effective dates of renewal

Existing law sets forth the amount of fees for licensure as a polygraph examiner

This bill would provide that the initial license or renewal fees shall be refunded to an intern licensee on a prorated basis upon the issuance of a general license

The bill would also provide in any case in which an administrative law judge recommends that the Polygraph Examiners Board revoke, suspend, or deny a license, the executive officer of the board may request that judge as part of the proposed decision to direct the applicant or licensee to pay to the board all reasonable costs of investigation and prosecution of the case, including, but not limited to, attorneys' fees, as specified

Ch 682 (SB 2131) Beverly Catalina Marine Science Center Marine Life Refuge

(1) Under existing law, the taking of birds, mammals, fish, and amphibia in any refuge is subject to permits from the Department of Fish and Game, with specified exceptions

This bill would create the Catalina Marine Science Center Marine Life Refuge, define its boundaries, authorize the Director of Fish and Game to appoint the director of the refuge, and authorize the director of the refuge to authorize persons to enter it for specified purposes under conditions prescribed by the department Also, with specified exceptions, the bill would authorize the director of the refuge to authorize persons, as specified, to anchor or moor vessels in the refuge

The bill would prohibit entry to, and generally the anchoring or mooring of vessels in, the refuge, and prohibit the taking of fish or marine plants in the refuge, except as authorized by the director of the refuge Since a violation of these prohibitions would be a misdemeanor pursuant to other existing provisions of law, 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

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Ch 683 (SB 2102) Beverly Transportation· mass transit revenue: paratransit vehicles.

(1) Existing law requires that rates, fees, and charges for service or rights furnished by the Southern California Rapid Transit District be determined and fixed to generate sufficient revenue to carry out specified purposes, including providing a specified amount to fund demonstrations and research and development programs in the field of public mass transportation

This bill would repeal the requirement that sufficient revenue be generated to fund those demonstrations and research and development programs and would make conforming changes

(2) Existing law, on and after July 1, 1988, requires the Department of the California Highway Patrol to inspect at least annually and certify general public paratransit vehicles, as defined, and requires drivers to possess a certificate to operate those vehicles

This bill would make those provisions operative on January 1, 1989, and on and after July 1, 1989, would prohibit any person from operating those vehicles without the certificate and would require those vehicles to have displayed a certificate regarding the vehicle's compliance with state law

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

Ch. 684 (AB 4229) Bronzan Occupational safety boiler inspections

Existing law requires the Division of Occupational Safety and Health to inspect each installed fired boiler internally and externally at least every year, except that the division may grant extensions for internal inspections where operating experience and design of the boiler has demonstrated to the satisfaction of the division that equivalent safety will be maintained

This bill would lengthen the duration of the extension.

Ch 685 (SB 1027) Davis Peace officers

(1) Under existing law, certain persons are peace officers while engaged in the performance of their duties, as specified The Public Employees' Retirement Law provides for state miscellaneous members and state peace officer/firefighter members, with benefits and contribution rates for peace officer/firefighter members being higher than those for state miscellaneous members State miscellaneous members are, however, also covered by the federal social security system, while under the statutes relating to the federal system, that coverage generally excludes "policemen" and "firemen" which categories encompass state peace officer/firefighter members The state's employer contributions to the Public Employees' Retirement Fund are appropriated monthly

This bill would provide that certain designated investigators employed by the Investigation Division of the Employment Development Department are peace officers.

Under existing law, this would have the result of including these persons within the state peace officer/firefighter category of PERS membership and provide for the termination of their federal social security coverage, to be operative upon a federal ruling or regulation being made authorizing inclusion of those personnel within the federal social security classification of "policeman" or "fireman "

This bill would make an appropriation by increasing the state's contributions to the Public Employees' Retirement Fund for those new state peace officer/firefighter members, which contributions are statutorily appropriated monthly

(2) Existing law exempts from the prohibition against the disclosure of peace officer personnel records and citizen complaint records, the disclosure of these records with respect to investigations or proceedings concerning the conduct of a police officer or a police agency which is conducted by a grand jury or a district attorney's office

This bill would include in the above exemption investigations or proceedings of the above-described matters which are conducted by the Attorney General's office

Ch 686 (AB 2929) Clute Schools Veterans Day.

Under existing law, public schools are required to close on November 11th known as

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Veterans Day or the Monday or Friday of the week in which November 11th occurs. If November 11th falls on a Sunday, the public schools are required to close on the Monday following. If November 11th falls on a Saturday, the public schools are required to close on the preceding Friday.

This bill would delete the authority of public schools to close in observance of Veterans Day on the Monday or Friday of the week in which November 11th occurs, except when November 11th occurs on a Saturday or Sunday.

Ch. 687 (AB 2837) Margolin. Unemployment insurance: disability benefits.

Existing law requires the Director of Employment Development to develop and maintain a program of education concerning disability insurance rights and benefits. Existing law also requires 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 Existing law requires the notice to be given by every employer to each new employee hired on or after July 1, 1988

This bill would additionally require that the notice be given by every employer to each employee leaving work due to nonoccupational sickness or injury or pregnancy on or after July 1, 1989.

Ch. 688 (AB 2885) Elder. School employees· leave of absence.

Existing law provides that a classified or certificated school or community college employee 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, with the amount of credit earned not to exceed 8 calendar years

This bill would increase the maximum amount of service credit which may be earned by an employee on that approved leave to 12 calendar years

This bill would impose a state-mandated local program by increasing the length of time for which school districts and community college districts must assume liability for contributions made to retirement funds during an employee's approved absence.

The California Constitution requires the state to 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 689 (AB 3647) Friedman Food Stamp Program· outreach.

Existing law requires each county welfare department to administer the distribution of federal food stamps, subject to the supervision of the State Department of Social Services.

Existing law specifies that existing law shall not be construed to authorize the department to administer outreach programs or to adopt regulations mandating that counties conduct outreach programs, except for a specified program, operative from July 1, 1988, until July 1, 1991, requiring county welfare departments to make certain information available to food stamp applicants, and to the extent required by federal law.

This bill would impose a state-mandated local program by making that temporary information program permanent

This bill would authorize the department to administer outreach programs and adopt rules and regulations requiring counties to conduct the outreach to the extent required by federal law and eligible for federal participation.

The bill would require the State Department of Social Services to develop Food Stamp Program information on services targeted to the homeless.

This bill would impose a state-mandated local program by requiring county welfare departments to offer annual training on the food stamp application process to homeless shelter operators. In addition, the bill would require county welfare departments to provide to shelters a supply of that portion of food stamp applications used to request food stamp expedited service

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish proce-

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dures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $500,000 statewide and other procedures for claims whose statewide costs exceed $500,000.

This bill would provide that, 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. 690 (AB 4071) Vasconcellos. Postsecondary education.

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 an assessment of the feasibility and present possible options for identifying and addressing educational equity at the University of California, California State University, and the California Community Colleges. The bill would define "educational equity" and "multicultural success" for purposes of the bill.

This bill would require that the California Postsecondary Education Commission report to the Governor and the Legislature on or before January 1, 1990, detailing the results of this study and recommendations for implementation of state policy to achieve the intent of this bill.

This bill would appropriate $50,000 to the California Postsecondary Education Commission for the purposes of the bill.

Ch 691 (AB 4293) Bronzan. Health facilities financing.

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 local agencies and to nonprofit corporations or associations for financing or refinancing 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 the definition of health facility for purposes of these provisions to expressly include certain health care facilities and community facilities that provide services to developmentally disabled or mentally impaired persons.

Ch. 692 (AB 4319) Connelly. Long-term health care facilities.

Existing law regulates skilled nursing facilities and intermediate care facilities as types of long-term health care facilities and requires each skilled nursing facility and intermediate care facility to maintain a resident council consisting of the residents and which may include family members and others. Existing law requires family members to be invited to the meetings of resident councils and imposes other requirements.

This bill would provide that no licensed skilled nursing facility or intermediate care facility may prohibit the formation of a family council, as defined, would require that the family council be allowed to meet in a common meeting room of the facility, and would require the facility to provide space to display notices of meetings, minutes, and newsletters.

Ch. 693 (AB 4632) Costa. Homeless mentally disabled persons: personal incidental living needs.

Pursuant to existing law there is established the Community Support System for Homeless Mentally Disabled, as specified, for the purpose of requiring counties to provide a community support system to provide assistance to the homeless mentally disabled, including, but not limited to, personal assistance in securing and maintaining income, housing, food, clothing, and other support, as specified. This bill would authorize community support systems to provide temporary funds to be used for homeless mentally disabled clients' personal incidental living needs not to exceed $75 per month, and would require that these funds be collected from the clients when they are able to pay.

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Ch 694 (AB 3772) Leslie. Small business development. loan guarantees

Existing law provides that loans made under an urban development or rural development corporation guarantee shall be secured by a 100% reserve with the guaranteed portion of the loan accounting for no more than 90% of the total required financing from all lending sources, except as specified

This bill instead would authorize the Executive Director of the Office of Small Business, with the approval of the Small Business Development Board, to determine the necessary reserve but would require the reserve to be at least 25% of the guarantee This bill would also provide that the guarantee percentage rate shall be set by the executive director upon approval of the board.

Ch 695 (AB 3455) La Follette Medi-Cal. nonemergency medical transportation services.

Existing law prohibits cities and counties from establishing equipment and personnel standards for the furnishing of nonemergency medical transportation services for eligible Medi-Cal beneficiaries which are in conflict with equipment and personnel standards for reimbursement established by the State Department of Health Services

This bill would also prohibit cities and counties from establishing any permit, license, or inspection fees in excess of the actual cost of providing services directly associated with the provision of a permit, license, or inspection of nonemergency medical transportation vehicles. It would also require cities and counties, prior to the collection of these fees, to provide the nonemergency medical transportation provider from whom the fees will be collected with an itemized cost analysis specifying how the fees will be used The new duties and costs associated with providing these analyses 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 696 (AB 3702) Farr. Small business development and commercial lending law

Existing law authorizes a rural development corporation to guarantee certain loans whenever possible, but also permits direct lending in some circumstances Rural development corporations are authorized to use trust funds when making a direct loan to a farmer or farm corporation, provided that at least 50% of the direct loan portfolio is guaranteed by a governmental agency other than a state agency.

This bill would also authorize direct loans from the trust fund if the direct loan is guaranteed

Existing law requires the Department of Commerce to issue regulations on or before March 1, 1988, governing direct loans made by rural development corporations.

This bill would delete the date specified for the issuance of the regulations.

Existing law allows the Office of Small Business to loan trust funds to rural development corporations for the purpose of direct lending A loan made by the Office of Small Business must be evidenced by the loan agreement between the corporation and the borrower

This bill would change the requirement by stating that the loan by the Office of Small Business must be evidenced by a credit agreement, with specified terms and conditions, and secured by the assignment of any note from the borrower to the rural development corporation.

Existing law limits the liability of a rural development corporation to repay the loan made by the Office of Small Business.

This bill would create an exception to the limit when the Farmers Home Administration requires exposure by the rural development corporation in rule or regulation This

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bill would also provide for deposit of interest and principal by the Office of Small Business, as specified

Existing law requires persons or entities engaged in the business of making commercial loans to be licensed by the Commissioner of Corporations

This bill would exempt the Department of Commerce from these licensing requirements

This bill would incorporate additional changes in Section 14131 of the Corporations Code, proposed by AB 3772, to be operative only if AB 3772 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 697 (AB 4513) Tanner Warranties: new motor vehicles.

Existing law relating to warranties on new motor vehicles requires 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 revise the definition of "motor vehicle" for these and related purposes to include the chassis, chassis cab, and that portion of a motorhome devoted to its propulsion. The bill would, also, define "motorhome" for these purposes to mean a vehicular unit built on, or permanently attached to, a self-propelled motor vehicle chassis, chassis cab, or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy.

Ch 698 (AB 4522) Wright. Courts Santa Barbara County

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.

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

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

Ch. 699 (SB 354) Craven Interior designers Contractors' State License Board

Existing law does not provide for the licensing of interior designers.

This bill would require the Contractors' State License Board to report to the Governor and the Legislature, on or before February 15, 1989, on various specified matters relating to the licensing of interior designers The bill would appropriate $25,000 from the Contractors' License Fund to the board for the purposes of the act.

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

Ch 700 (SB 1736) Kopp. 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 also provide that for purposes of the above provisions, "purchased" and "change in ownership" do not include the purchase or transfer of real property between parents and their children, as specified

Existing statutory law implements the constitutional provisions excluding purchases or transfers between parents and their children from the terms "purchase" and "change in ownership"

This bill would provide that "transfer" includes any transfer of the present beneficial ownership of property from an eligible transferor to an eligible transferee through the

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medium of an inter vivos or testamentary trust.

This bill would, if AB 3020 is chaptered, and this bill is chaptered last, incorporate the changes made in Section 63.1 of the Revenue and Taxation Code by both bills.

Ch 701 (SB 1859) Presley. Minors.

(1) Existing law provides that a peace officer may, without a warrant, take a minor into temporary custody under specified circumstances, including when the officer has reasonable cause to believe that the minor comes within the jurisdiction of the juvenile court, as specified, and, in addition, the minor is in immediate danger of continued physical or sexual abuse or the physical environment poses an immediate threat to the child's health or safety

This bill would revise this authorization to permit that action when the minor is in immediate danger of physical or sexual abuse, rather than in immediate danger of continued physical or sexual abuse, or when the physical environment or lack of supervision poses an immediate threat to the child's health and safety.

(2) Existing law provides that a social worker in a county welfare department, as specified, may take into and maintain custody of a minor, without a warrant, under specified circumstances, including when a minor has been declared a dependent child of the juvenile court or when the social worker has reasonable cause to believe the minor comes within the jurisdiction of the juvenile court, under specified provisions, and the social worker has reasonable cause to believe that minor is in immediate danger of continued physical or sexual abuse.

This bill would revise the above authorization to permit that action when the minor is in immediate danger of physical or sexual abuse, rather than in immediate danger of continued physical or sexual abuse.

(3) This bill would also make technical changes.

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

Ch 702 (SB 1959) Dills. Loans.

Existing law provides that persons licensed as personal property brokers who lend any sum of money may contract for and receive charges at a specified rate. Those provisions do not apply to any loan of a bona fide principal amount of $2,500 or more.

This bill would additionally provide that those rates do not apply to any commercial loan made by a person engaged in the business of selling goods for the purpose of financing the purchase of goods for resale.

Existing law with respect to personal property brokers regulates credit disability insurance, as specified.

This bill would provide that those provisions do not apply to any loan of a bona fide principal amount of $10,000 or more, or to any commercial loan of a bona fide principal amount of $5,000 or more, or to any commercial loan made to a person engaged in the business of selling goods for the purpose of financing the purchase of goods for resale, as specified.

This bill, as respects personal property brokers, would also make certain limitations upon scheduled loan repayments inapplicable to certain commercial loans and would make certain charges on scheduled loan balances inapplicable to all open end loans rather than to open end loans above a specified amount.

Existing law, with respect to consumer finance lenders, provides that every licensee who lends any sum of money may contract for and receive charges at specified rates. Existing law also provides alternatives to those charges thus authorizing a licensee to contract for and receive charges at the greater of specified amounts.

This bill would provide that those provisions shall be inapplicable, as specified, to loans above a specified amount. In this connection it would also make certain credit disability insurance provisions inapplicable to any loan of a bona fide principal amount of $10,000 or more, as specified. This bill, as respects consumer finance lenders, would also make certain charges in scheduled loan balances inapplicable to all open end loans rather than to open end loans above a specified amount.

Existing law, with respect to consumer finance lenders and commercial finance lenders, provides that a loan secured by a lien on real property, as specified, may not be also

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secured by a lien on personal property with certain exceptions

This bill would delete those prohibitions.

This bill would incorporate additional changes in Sections 22470 and 24470 of the Financial Code, proposed by AB 3028, to be operative only if AB 3028 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

The bill would make related changes.

Ch. 703 (SB 2009) Bergeson. Yogurt: heat treated after culturing

(1) Existing law specifies the label requirements for yogurt offered for sale in this state.

This bill would specify an additional label requirement for yogurt that is heat treated after culturing. Violation of this requirement would be a misdemeanor; 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

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

Ch. 704 (SB 2027) Marks. Political Reform Act of 1974: campaign statements.

Under the Political Reform Act of 1974, committees are required to file periodic campaign statements containing specified information including the name, street address, and telephone number of the committee and of the committee treasurer

This bill would instead provide that with respect to a committee which makes independent expenditures totaling $1000 or more in a calendar year or a committee which makes contributions totaling $10,000 or more a year to, or at the behest of, candidates or committees, the name that the filer uses on the campaign statement shall be the name by which the filer is identified for other legal purposes or any name by which the filer is commonly known to the public

This bill would make other technical nonsubstantive changes to the act.

Ch. 705 (SB 2251) Bergeson Highways: utility relocation costs

Under existing law, the Department of Transportation and a utility, as defined, may agree to the costs to be borne by each of them in relocating facilities of the utility necessitated by highway construction In the case of a utility which is financially unable to bear the cost of relocating its facilities, the department may provide for the work to be done on condition that the utility's portion of the cost be repaid to the department over a period of time not exceeding 10 years

This bill would authorize the department to make a 20-year loan to the Coachella Valley Water District for relocation costs necessitated by the construction of a specified highway segment. The bill would prescribe other conditions relative to that loan

Ch. 706 (SB 2263) Keene. Water systems. fees and other charges.

Under existing law, any entity is authorized, under specified conditions, by an ordinance approved by a ⅔ vote of the members of the legislative body of the entity, to prescribe, revise, and collect, fees, tolls, rates, rentals, or other charges, including water, sewer standby or immediate availability charges, for services and facilities furnished by it either within or without its territorial limits, in connection with its sanitation or sewerage system.

This bill would add water systems to this authorization

Ch. 707 (SB 2567) Ellis Airport operations

(1) Under the State Aeronautics Act, the proprietor of any permitted airport open to the public which has received public funds may not close or suspend airport operations without giving 60 days' notice to the Department of Transportation, which, on its own motion, or on request of an affected or interested person, may conduct a hearing on the impact of the proposed closure or suspension, and may take appropriate action

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to assist the proprietor in keeping the airport operational and open for public use

This bill would, in addition, make those provisions applicable to the proposed closure of an existing airport runway or taxiway, except as specified, 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 708 (SB 2798) Lockyer Political Reform Act. judges' campaign disclosures statements of economic interest

Under the Political Reform Act of 1974, elected officers, candidates, and committees, as defined, are required to file semiannual campaign statements during a calendar year, but excepts from that requirement, among others, judges, judicial candidates, and their controlled committees who, for any applicable 6-month period, have not made or received any contributions or made any expenditures

This bill would further except a judge who is not listed on the ballot for reelection to, or recall from, any elective office during a calendar year if, in that year, the judge has not received any contributions and the only expenditures made by the judge are contributions from his or her personal funds to other candidates or committees totaling less than $1,000.

Under the Political Reform Act of 1974, certain public officials and candidates are required to file statements of economic interest

This bill would require candidates for the office of judge to file these statements.

Ch. 709 (SB 960) McCorquodale. Sales and use tax exemptions. youth organizations

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group sponsored by a school district, or other organization the primary purpose of which is to provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization It expressly limits the exemption to a list of specified organizations.

This bill would add Special Olympics, Inc. to this list of specified organizations.

This bill would make technical corrections with respect to references to the Internal Revenue Code.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

This bill would provide that no 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

This bill would also incorporate additional changes to Section 6361 of the Revenue and Taxation Code proposed by AB 2693 only if this bill and AB 2693 are both chaptered and this bill is chaptered last

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

Ch. 710 (AB 2693) Speier. Sales and use tax exemptions· youth organizations.

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group sponsored by a school district, or other organization the primary purpose of which is to

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provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization It expressly limits the exemption to a list of specified organizations.

This bill would add the American Youth Soccer Organization, the California Youth Soccer Association, North, the California Youth Soccer Association, South, and Pop Warner Football to this list of specified organizations

This bill would make technical corrections with respect to references to the Internal Revenue Code

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

This bill would provide that there is no reimbursement or appropriation to local agencies pursuant to the bill because the revenue losses are minor and will not cause any financial burden to local government

This bill would also incorporate additional changes to Section 6361 of the Revenue and Taxation Code proposed by SB 960 only if this bill and SB 960 are both chaptered and this bill is chaptered last

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

Ch. 711 (AB 2822) Duplissea. Sales and use tax exemptions. youth organizations.

The existing California Sales and Use Tax Law exempts from the tax imposed by that law food products, nonalcoholic beverages, and other tangible personal property which are sold on an irregular or intermittent basis by any nonprofit organization, youth group sponsored by a school district, or other organization the primary purpose of which is to provide a supervised program for youth or to promote good citizenship in youth, as specified, and which are made or produced by members of the organization It expressly limits the exemption to a list of specified organizations

This bill would provide, until January 1, 1992, that any youth organization that is not among the list of specified organizations, but is otherwise described in the statute providing the exemption, shall be deemed a consumer under that statute if the State Board of Equalization approves a written request filed by the youth organization

This bill would require the State Board of Equalization to report to the Legislature on or before January 1, 1991, on the amount of tax revenues lost as a result of the exemption provided by the bill and the identities of those organizations receiving a tax exemption pursuant to the bill

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that there is no reimbursement or appropriation to local agencies pursuant to the bill because the revenue losses are minor and will not cause any financial burden to local government

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

Ch. 712 (AB 2700) Killea. Controlled substances

(1) Existing law classifies controlled substances into 5 schedules, with the most restricted substances contained in Schedules I and II Existing law provides criminal penalties for various activities with respect to controlled substances.

This bill would impose a state-mandated local program by providing that a controlled substance analog, as defined, shall, for the purposes of these criminal penalty provisions, be treated the same as the Schedule I or II controlled substance of which it is an analog.

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(2) Existing law provides that certain substances which are stimulants, such as amphetamines and methamphetamines, as specified, are Schedule II controlled substances.

This bill would also classify dimethylamphetamine (N,N-dimethylamphetamine), its salts, isomers, and salts of its isomers, and N-ethylmethamphetamine (N-ethyl, N-methylamphetamine), its salts, isomers, and salts of its isomers as Schedule II stimulants. This bill would make technical amendments to Schedule II.

(3) Existing law requires any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state, specified listed substances which may be used in the unlawful manufacture of controlled substances, to require proper identification before a transaction and to report the transaction to the Department of Justice not less than 21 days prior to the delivery of the substance The Department of Justice is authorized to add substances to that list by regulation adopted pursuant to specified Government Code provisions relating to the adoption of regulations

This bill would include propionic anhydride, isosafrole, safrole, piperonal, thionylchloride, benzyl cyanide, ergonovine maleate, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, chloroephedrine, chloropseudoephedrine, and any of the substances listed by the Department of Justice in specified regulations in the above specified list of controlled substances It would therefore constitute a state-mandated local program by expanding the scope of an existing crime.

(4) Existing law provides 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 hydriodic 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.

This bill 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 N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, or N-ethylpseudoephedrine plus hydriodic acid, thionyl chloride and hydrogen gas, phosphorus pentachloride and hydrogen gas, or any other reducing 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.

(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. 713 (SB 2341) Lockyer. Arrest warrants

Existing law provides for the issuance of an arrest warrant for a minor with regard to whom a petition for wardship has been filed with the juvenile court, as specified.

Existing law also provides, with limited exceptions, that a court may retain jurisdiction over any person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains the age of 21 years.

This bill, in addition, would provide that the court may retain jurisdiction over any person while that person is the subject of the above-mentioned arrest warrant for a minor

Ch. 714 (SB 507) Rosenthal Energy technology and energy conservation.

Under the Warren-Alquist State Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission has specified powers and duties, including the making of loans and provision of contract research funding for energy efficient technologies and the development of new cost-effective alternative sources of energy.

This bill would authorize the commission, in cooperation with the California State World Trade Commission and the California Department of Commerce, to assist Califor-

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nia energy technology and energy conservation firms to export technologies, products, and services to international markets. The bill would require the commission to consult with the California State World Trade Commission on conducting overseas trade missions, trade shows, and trade exhibits, and to include in its energy development trend report a description of the international energy market and an evaluation of its export promotion activities.

Ch. 715 (AB 3997) Stirling Punishment.

An existing statute, that will be repealed on January 1, 1990, authorizes a county work release program, and permits a court to deny eligibility, but only if the court sentences the defendant to a period of confinement of 15 days or more. That limitation on the court's authority to deny eligibility has been held invalid by a court of appeal.

This bill would eliminate that limitation on the court's authority to deny eligibility

Ch. 716 (SB 451) Beverly. Securities: national market systems security: interdealer quotation system

Existing law makes it a crime for any person to offer or sell in this state any security in an issuer or nonissuer transaction, unless the sale or security is either qualified or exempted.

This bill would specify as an exempted security for the purposes of these provisions regulating the sale of securities, a security designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc., which has been certified by a rule or order of the Commissioner of Corporations pursuant to specified criteria.

This bill would provide that before the National Association of Securities Dealers, Inc. automated quotation system is certified by the commissioner pursuant to specified provisions of current law, the commissioner shall determine and conclude that the National Association of Securities Dealers, Inc. has adopted and obtained Securities and Exchange Commission approval of corporate governance standards, including voting rights, which are substantially similar to the corporate goverance standards in effect on the date of application by the association for either the New York or the American Stock Exchange.

This bill would provide that the certification of the interdealer quotation system is subject to applicable decertification proceedings and is effective for only 36 months from the date of certification.

Ch. 717 (SB 2035) Davis. Secondhand dealers

Existing law authorizes the chief of police, the sheriff, or where appropriate, the police commission, to accept an application for and grant a license to engage as a secondhand dealer to an applicant who has not been convicted of an attempt to receive stolen property or any other offense involving stolen property The same requirement is applicable to license renewal.

This bill would provide, notwithstanding those requirements, that no person shall be denied renewal of a secondhand dealer's license or be subject to license forfeiture solely on the grounds that he or she violated specified provisions relating to secondhand goods and pawnbrokers, except as specified.

Ch. 718 (AB 2355) Bane. Savings associations

Existing law provides for the regulation of savings associations.

This bill would, among other things, revise existing law with respect to savings associations as follows:

(1) Revise certain requirements with respect to the articles of incorporation

(2) Authorize the Savings and Loan Commissioner to enforce any statute or regulations of the Federal Deposit Insurance Corporation, as specified.

(3) Revise provisions of existing law which provide that without the prior approval of the commissioner no association shall acquire the assets or saving accounts liability from another financial institution, to instead provide that no association shall acquire all or substantially all of the assets or saving accounts liability of a branch or branches of

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another financial institution.

(4) Revise certain net worth requirements with respect to the computation of total assets.

(5) Authorize an association to permit an organization which is maintained primarily for political purposes to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

(6) Make revisions with regard to the authorized securities in which an association may invest pursuant to existing law.

(7) Specify certain other authorized investments in bonds and securities.

(8) Provide loan-to-value-ratio guidelines for real estate loans, as specified.

(9) Authorize the reorganization of mutual associations as mutual holding companies, under the supervision of the Savings and Loan Commissioner, as specified.

(10) Require the board of directors of every association and affiliate or service corporation of an association to establish standards for the maintenance of hazard insurance which are considered necessary to protect the institution's interest in real estate security for its loans, as specified

(11) Revise specified provisions with respect to conservatorships and receiverships, as specified.

(12) Require a bank to pay interest on savings accounts as to which a depositor has agreed to make periodic installment deposits at a rate of interest per annum that is not less than the lowest rate paid on other types of savings deposits rather than at a rate of interest as is paid on savings deposits.

(13) Recast the definition of "corporate debt security" with respect to agricultural, business, corporate, or commercial loans made by an association

Ch 719 (AB 4465) Duplissea Groundwater pollution onsite waste water disposal zones

Existing law authorizes counties, districts, and other political subdivisions of the state that are empowered to acquire, construct, maintain, or operate sanitary sewers or sewerage systems to form onsite waste water disposal zones with prescribed powers to provide for and finance the disposal of waste water without the use of communitywide sanitary sewers or sewerage systems

This bill would authorize the West Bay Sanitary District, until January 1, 1991, to use the procedures for formation of onsite waste water disposal zones to provide alternative or innovative waste water technologies, as defined, in the district's jurisdiction. If the district provides these technologies, it shall submit a report, as specified, to the Legislature by January 1, 1991.

Ch 720 (AB 4466) Hannigan Office buildings: evacuation.

Existing law requires the owner or operator of any privately owned high-rise structure, as defined, or any hotel or motel, to provide to persons entering those buildings specific emergency procedures to be followed in the event of fire.

This bill would require the owner or operator of any privately owned high-rise structure, any office building 2 stories or more in height, or any hotel or motel to provide to persons entering those buildings specific emergency procedures to be followed in the event of fire, including procedures for handicapped and nonambulatory persons A violation of these provisions would be a misdemeanor, thus imposing a state-mandated local program

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

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

Ch. 721 (SB 1255) Roberti. Economic development: small business.

Existing law provides for a Small Business Development Center Program within the Department of Commerce to assist the development of small businesses.

This bill would repeal these provisions

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This bill would enact a California Small Business Development Center Program and would place the administrative unit of this program within the Office of Small Business of the Department of Commerce Among other things, it would require the department to establish small business development centers according to a specified plan, would require the department to award grants on a 3-year cycle, and would require that the director of the program be appointed by the Governor upon recommendation by the Director of Commerce.

This bill would make an appropriation by requiring the Department of Commerce to utilize grants in an amount not to exceed $400,000 from the Economic Development Grant and Loan Fund, a continuously appropriated fund, to fund 3 existing small business development centers and to establish one new center.

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

Ch 722 (SB 2086) Presley Child abuse and neglect federal fund allocations

Existing law requires a fee of $3 to be paid for a certified copy of a birth certificate that a public agency or licensed private adoption agency is required to obtain in the ordinary course of business. Existing law also authorizes the imposition of a fee of $7 for applicants, other than public agency applicants, for a certified copy of a birth certificate. Four dollars of that $7 fee is required to be paid to the county children's trust fund or to the State Children's Trust Fund, a continuously appropriated fund

Existing law provides that the Committee on Child Abuse of the State Social Services Advisory Board shall advise the Office of Child Abuse Prevention, the State Department of Social Services, the Health and Welfare Agency, and the Governor on matters concerning child abuse

This bill would rename that committee as the Committee on Child Abuse Prevention of the State Social Services Advisory Board, and would require the committee to make recommendations for the expenditure of State Children's Trust Fund moneys to be used for child abuse and neglect projects

Existing law requires the State Department of Social Services to report annually to the Legislature on the operation and progress of the child welfare services program

This bill would, instead, require the department to report every 3rd year, commencing in 1989, and would specify the contents of the report.

Existing law provides that a county board of supervisors may designate an existing voluntary local commission, board, or council for the purpose of establishing child abuse and neglect prevention and intervention programs, and that whenever such a commission is designated, the county clerk shall deposit the money from birth certificate fees in a county children's trust fund

This bill would specify that when such a commission is designated, the court clerk shall deposit the money from birth certificate fees in the county children's trust fund.

Existing law specifies that money in a county children's trust fund shall be used to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations or public institutions of higher education, as specified

Existing law also requires the designated commission to establish criteria for determining those programs which shall receive funding, and to accept all program proposals

This bill would specify that the commission shall accept only those proposals that meet the criteria set by the commission

Existing law provides for the transfer of money collected from the surcharge on birth certificates to the Treasurer for deposit in the State Children's Trust Fund when the county board of supervisors does not designate a local commission and does not establish a county children's trust fund.

This bill would specify that those surcharge moneys that would have been transferred to the Treasurer shall, instead, revert to the county trust fund when the board of supervisors designates a commission to carry out the purposes of the county children's trust fund.

The bill also would specify that the state-generated money in the State Children's Trust Fund shall be used for innovative and distinctive child abuse and neglect prevention projects and intervention projects

The bill would also specify that the State Department of Social Services may not

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supplant any federal, state, or county funds with any funds made available through the State Children's Trust Fund.

The bill would also express the intent of the Legislature that the State Children's Trust Fund provide for specified outreach, informational, and research and demonstration projects.

Existing law specifies that the State Department of Social Services may use up to 50% of the funds appropriated to the State Children's Trust Fund from counties from which there is no response to the department's request for proposals for innovative child abuse and neglect prevention and intervention programs, or evaluation research or dissemination of information concerning existing program models, and that the department shall use those funds appropriated to it from state and local sources for the purpose of funding child abuse and neglect and intervention programs, and that the department may use the funds for evaluation research or dissemination of information concerning existing program models.

This bill would revise the priorities for the expenditure of funds to require the use of funds received from state sources and from the local birth certificate fee for certain related uses.

The bill would require the Office of Child Abuse Prevention and those local commissions designated by the county board of supervisors to collect and publish certain data relevant to the state and local trust funds, thereby resulting in 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. 723 (AB 4445) Vasconcellos. Legal services for minors. [6]

Existing law contains various provisions relating to minors who are the subjects of, or otherwise involved in, judicial proceedings.

This bill would establish an optional, state-assisted program of court-appointed special advocates for children. This bill would require the Judicial Council to establish a planning and advisory group, as specified, and to adopt program guidelines and a request-for-proposal process for the establishment and maintenance of Court-Appointed Special Advocate (CASA) programs, as prescribed The bill would state the intent of the Legislature regarding funding of programs. This bill would specify the duties and responsibilities of CASA programs with respect to the representation by the advocate of the interests of children who are involved in juvenile court dependency proceedings and in proceedings for the termination of parental rights, as specified. This bill would repeal these provisions on January 1, 1992.

This bill would appropriate $75,000 from the General Fund to the Judicial Council for the purposes of this act, to be allocated as specified.

Ch. 724 (AB 3684) Frazee Driving records.

Existing law requires the court in which a person is convicted of any violation of the Vehicle Code or specified other laws to prepare an abstract of the record of the court covering the case and to forward it to the Department of Motor Vehicles at its office in Sacramento. The department is required to file the abstracts of court convictions and maintain individual records of every drivers' license, which the department is expressly permitted to maintain electronically.

Existing law also requires the department to retain records for the period of time necessary to accomplish the license suspensions or revocations resulting from convictions of violations of the prohibitions against driving a motor vehicle while under the influence of an alcoholic beverage, any drug, or a combination thereof, driving a vehicle with a blood-alcohol concentration in excess of 0.10% by weight, or driving a motor vehicle when addicted to any drug, which occurred up to 7 years previously. Furthermore, existing law makes destruction of the department's records permissive and makes destruction of the records subject to the further approval of the Department of General

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Services.

This bill would prohibit the department from making available any information from a record relating to a conviction of any of those described offenses to any person, except persons authorized by law to receive the information, as defined, on and after a date which is 5 years after the date of conviction.

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

Ch. 725 (AB 3789) Eastin. Contractors unlicensed individuals.

Existing law, known as the Contractors' State License Law, provides that the failure of a licensee or an applicant for licensure to comply with a citation issued by the Registrar of the Contractors' State License Board after it is final is a ground for the suspension, revocation, or denial of a license. Existing law further provides that the provisions regarding the issuance of citations, including the above provision, shall also be applicable to an unlicensed individual acting in the capacity of a contractor who is not otherwise exempted from the provisions of the Contractors' State License Law

This bill would provide that, notwithstanding the above provisions, the failure of an unlicensed individual to comply with a citation after it is final is a misdemeanor, and thus this bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 726 (AB 4376) Farr. Powers of arrest

Under existing law, certain enumerated persons are specifically deemed to be peace officers. A second category of persons are specifically deemed not to be peace officers but are granted the right to exercise the powers of arrest of a peace officer during the course and scope of their employment if they receive a course in the exercise of peace officers' powers, as specified.

This bill would create a third category of persons involving those persons designated by a local agency as litter control officers, vehicle abatement officers, registered sanitarians, and solid waste specialists The bill would specifically provide that this third category of persons shall not be deemed to be peace officers, may not exercise the powers of arrest of peace officers, and shall not be authorized to carry or use firearms The bill would also provide that these designated persons may be authorized by the governing board of the particular local agency to issue citations involving violations of laws relating to abandoned vehicles and littering.

Ch. 727 (SB 606) Deddeh Attachment.

Existing law provides that no right to attach order or writ of attachment may be issued unless it appears from facts shown by affidavit that great or irreparable injury would result to the plaintiff if issuance of the order were delayed until the matter could be heard on notice This requirement may be shown under various specified situations.

This bill would additionally provide that the requirement may be satisfied in a case where a defendant has failed to pay a debt underlying the attachment and he or she is insolvent in the sense that the defendant is not paying his or her debts as they become due. The bill would provide for a court hearing with respect to defendant's debts, as specified

Ch. 728 (SB 1009) Montoya. Accountancy.

Existing law provides that the State Board of Accountancy after notice and hearing may revoke, suspend, or refuse to renew any permit or certificate granted pursuant to the Accountancy Act, as specified Existing law specifies various causes for that action.

This bill would additionally provide that this action may be taken whenever fiscal dishonesty or breach of fiduciary responsibility is committed, as specified.

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Ch. 729 (SB 1341) Hart. Family law

Existing law provides that the respective interests of the husband and wife in the community property during the existence of the marriage relationship are present, existing, and equal. Existing law requires that in proceedings for dissolution of marriage or for legal separation, except upon the written agreement of the parties, or on stipulation of the parties in open court, the court shall divide the community property and the quasi-community property of the parties equally, except as specified. Under existing law, a court, rather than ordering the sale of the family home in order to achieve equal division, may make a "family home award," in which temporary use of the family home is given to the party having custody of minor children in order to minimize the adverse impact of dissolution or legal separation on the welfare of the children.

This bill would revise the law relating to the making of a family home award to, among other things, rename this award a "deferred sale of home order," specify factors that shall be considered in determining whether to make such an order, authorize the order if a specified determination is made, and provide that the value of the order may be considered to constitute additional child support

The bill would also make related changes.

Ch. 730 (SB 1560) Rosenthal Santa Monica Mountains Conservancy

Existing law authorizes compensation for the member of the Santa Monica Mountains Conservancy appointed by the State Coastal Conservancy and for the member appointed by the California Coastal Commission if the appointees are also public members of their respective agencies.

This bill would instead provide compensation for these appointees if they are not employees of their respective agencies or are not full-time elected officials

Ch 731 (SB 1727) L. Greene Dairy products: yogurt toppings

(1) Existing law specifies the contents and processing standards for various dairy products, including nonfat yogurt and cream toppings

This bill would specify the contents and processing standards for whipped nonfat yogurt toppings Since violation of these standards 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

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

Ch 732 (SB 1779) Morgan Day care centers.

Existing law requires the State Department of Social Services to license day care centers, in accordance with regulations adopted by the department

Existing regulations require that a day care center have at least 75 square feet of outdoor activity space per child, based upon the licensed capacity of the day care center Certain outdoor areas are not included for purposes of making this determination

This bill would require the department to conduct a comprehensive evaluation of the square footage requirements for outdoor activity space in child care centers, as specified, and would require the department to report to the Legislature by June 1, 1989

Ch 733 (SB 1937) Garamendi Gas transportation rates

(1) Under existing law, the Public Utilities Commission is directed to require every gas corporation to follow purchasing and procurement practices which assure its customers the lowest rates consistent with security of supply and other considerations.

This bill would, in addition, prohibit a gas corporation from charging a higher rate for the transportation of gas produced in this state than for gas from any other source, and from requiring any producer of gas or customer for whom a gas transportation service is performed to utilize the corporation's services or facilities either to deliver gas from the producer's facilities to the corporation's gas plant or to process the gas for compatibil-

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ity with the corporation's plant. The bill would permit a gas corporation to impose a charge for any necessary processing of gas prior to transportation or for any new facilities constructed at the request of the producer or customer exclusively to receive that gas, and would require the commission to establish the amount of that charge and to allow the recovery of all reasonable and prudent costs associated with that transportation. The bill would define "transportation" for these purposes, and would except from these requirements exchanges of gas between a gas corporation and a producer.

Since a violation of these provisions 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 734 (SB 2192) Craven. Mobilehome park purchases

Under existing law, the Department of Housing and Community Development is authorized to make loans from the Mobilehome Park Purchase Fund to (1) resident organizations to finance mobilehome park acquisition and conversion costs and (2) to make loans to low-income residents to enable them to reduce their monthly housing costs in connection with such a conversion The program is repealed effective January 1, 1990

This existing program is supported through the payment of a specified $5 fee, in addition to other fees, by mobilehome owners at the time of registration or renewal Moneys collected from these fees are deposited into the Mobilehome Park Purchase Fund, which is continuously appropriated Registered mobilehome owners who provide documentation that their mobilehome is located on a private parcel owned by the mobilehome owner are exempt from this fee The funding described in this paragraph is repealed effective January 1, 1990.

This bill would delete the repeal of the program It would make an appropriation by reenacting the program's funding provisions, thereby extending a continuously appropriated fund The extension of the $5 fee also would constitute an increase in state taxes, requiring a ⅔ vote of all of the members of each house of the Legislature.

The bill would add procedures to prohibit the department, once a registered owner has established his or her exemption from the $5 fee as a result of having his or her mobilehome located on a private parcel, from requiring the owner to establish the exemption in each subsequent year. The bill also would repeal an existing requirement that the department undertake and complete a specified report on the Mobilehome Park Purchase Fund.

In addition, the bill would appropriate $70,000 to the department from the Mobilehome-Manufactured Home Revolving Fund for the department's administrative costs in determining exemptions from the $5 fee, as described above.

Ch. 735 (SB 2427) Russell Liability. donated food

Existing law provides that any person engaged in the business of processing, distributing, or selling any food may donate it, free of charge, to a nonprofit charitable organization. That law provides for the establishment of food banks to distribute food It also provides that any person who donates food is not liable for injury on account of donating it, except as specified

This bill would specifically authorize any food facility to donate food to a nonprofit charitable organization or a food bank. It would limit the civil liability that may result from an injury resulting from consuming donated food and would limit the civil and criminal liability that may arise on account of a violation of specified regulatory laws, as specified.

Ch 736 (SB 2469) Dills Hypodermic needles and syringes

Existing law requires hypodermic needles and syringes to be disposed of and destroyed in a manner so as to render each unit unfit for reuse in any manner A violation

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of any provision relating to hypodermic needles or syringes constitutes a misdemeanor.

This bill would prohibit the disposal of a hypodermic needle or syringe in any public place or area unless in a container rendering it safe from an accidental cutting or sticking, as specified.

This bill would exempt the disposal of syringes or needles in a private home, physician's or dentist's office, or health care facility.

This bill would impose a state-mandated local program by adding 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. 737 (SB 2598) C. Green Insurance.

Existing law requires, with prescribed exceptions, all fire or residential property policies issued in this state to meet certain prescribed standards and requirements.

This bill would require, with prescribed exception, any insurer whose insured has made a claim under his or her residential fire or property insurance policy for loss due in part or in whole to corrosive soils to notify, at least 30 days before the expiration of the applicable statute of limitation, its insured in writing of the statute of limitation applicable to the insured's claim for damage, and would provide for tolling of the statute of limitation, as specified, for failure to provide this notice

The bill would specify that its provisions would apply to any claim presented, and not denied, prior to January 1, 1989, and to claims presented on or after January 1, 1989.

Ch. 738 (SB 2677) C. Green. Limited state employee examination and appointment program: persons with disabilities

Existing law confers various powers and duties upon the State Personnel Board.

This bill would establish the Limited Examination and Appointment Program to be administered by the State Personnel Board to provide an alternative to the traditional civil service examination and appointment process to facilitate, as specified, the hiring of persons with disabilities in state civil service where accommodation can be provided and where prohibitive physical requirements are not mandated by the board.

Ch. 739 (SB 2682) C. Green. STRS· errors and omissions adjustments· period of limitation.

The existing State Teachers' Retirement Law establishes the State Teachers' Retirement System (STRS) under the administration and management of the Teachers' Retirement Board, authorizes the board to correct errors and omissions by the board, the system, employers, members, retirants, disabilitants, and beneficiaries, and prescribes a period of limitation of actions by or against STRS or the board of 3 years after all obligations have been discharged.

This bill would make that period applicable only to adjustments of errors or omissions for purposes of payments into or out of the retirement fund and provide for the application of that period to erroneous payments, as specified

Ch. 740 (AB 3541) Baker. Bonds.

Pursuant to existing law, the Trustees of the California State University are authorized, with the approval of the State Board of Control, to issue revenue bonds for the acquisition and construction of projects and to take various specified actions regarding those bonds pursuant to the State University Revenue Bond Act of 1947.

This bill would delete the requirement that the State Board of Control approve the various actions of the trustees regarding these revenue bonds.

Existing law provides that the authorized, executed bonds shall be sold by the Treasurer in those parcels and numbers as directed by the Governor after a resolution requesting the sale has been adopted by the trustees and approved by the State Board of Control

This bill would delete the requirement that the Governor direct the sale and would,

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instead, provide that the Treasurer shall be directed by a resolution of the trustees. It also would delete the requirement that the resolution be approved by the State Board of Control.

Existing law provides that the proceeds from the sale of all bonds and notes, except those proceeds used to redeem outstanding notes, shall be deposited forthwith by the Treasurer, on order of the Controller, in the State Treasury, as specified.

This bill would also provide that proceeds from the sale of all bonds and notes may be used to redeem outstanding bonds.

This bill would make other related changes.

This bill would also amend Section 90011 of the Education Code to incorporate changes proposed to that section by both this bill and AB 3100, which amendment would only become operative if both bills are enacted and become effective on January 1, 1989, each bill amends Section 90011 of the Education Code, and this bill is enacted after AB 3100, as specified.

Ch. 741 (SB 2285) Presley South Coast Air Quality Management District.

(1) Under existing law, the governing board of the South Coast Air Quality Management District consists of 11 members, including 4 members appointed by the city selection committees of the 4 counties in the district.

This bill would increase the board to 12 members, by having 2 members represent cities in Los Angeles County. Thus, the bill would impose a state-mandated local program by imposing new duties on local agencies.

The bill would increase the number of members constituting a quorum from 6 to 7, and from 5 to 6 when there are 2 or more vacancies, provide for the expiration of the terms of the Los Angeles County members, and provide for the appointment of a representative to attend meetings of a city selection committee if a mayor is unable to attend.

(2) Existing law allows the south coast district to provide for the frequency and location of its meetings, subject to a requirement of 7 days' advance public notice. Other provisions of law, known as the Ralph M Brown Act, applicable generally to meetings of legislative bodies of local agencies, require prescribed notice to be given at least 24 hours in advance of special meetings, except in the case of emergency meetings, as specified.

This bill would make those provisions of the Ralph M. Brown Act applicable to special and emergency meetings of the south coast district.

(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. 742 (SB 2352) Mello. Conservatorships: conservator information.

Existing law sets forth a conservator's rights, duties, limitations, and responsibilities, as specified.

This bill would impose a state-mandated local program by requiring every county, either through the appropriate court or the office of the public conservator, to provide private conservators with the above information, as well as other specified information, in written form. The bill would require the Judicial Council, after consultation with specified organizations and others, to develop this information package and to make the information package available to individual counties. Moreover, the bill would require the Judicial Council to periodically update the package and provide individual counties with any revisions necessitated by the updating. The bill would appropriate $75,000 from the General Fund to the Judicial Council for these purposes. The bill would also provide that the failure of any court, public guardian, public officer, or public agency, or any employee or agent thereof, to provide the above-specified information to a conservator shall not operate to (1) relieve the conservator of any of his or her duties, as specified, or (2) make the court, public guardian, public officer, or public agency, or the employee or agent thereof liable, in either a personal or official capacity, for any damage to a

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conservatee, conservator, the conservatorship of a person or an estate, or any other person or entity.

The California Constitution requires 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. 743 (AB 147) Elder. STRS: proposed alternative retirement plan.

The existing State Teachers' Retirement Law (STRL) prescribes benefit formulas and contribution rates for the members of the State Teachers' Retirement System (STRS).

This bill would require the State Teachers' Retirement Board to develop an alternative retirement plan to be known as Plan II to provide a member an adequate retirement benefit when the benefits are coupled with Social Security, and to be actuarially funded within the present employer and employee contribution rates. The board would be required to submit a recommendation to the Legislature by March 1, 1989.

This bill would also appropriate $100,000 from the Teachers' Retirement Fund to STRS for the implementation of this bill

Ch. 744 (AB 263) Farr Federal expenditures.

Existing law requires the State Commission on Finance and the Employment Development Department to perform specified studies and other duties in furtherance of the intent of the Legislature that the commission and the department be jointly responsible for collecting information and analyzing the impact of federal expenditures on California's economy, employment, and tax revenues, among other matters. It provides for the repeal of these provisions on January 1, 1989.

This bill would extend the repeal date to January 1, 1991.

Ch 745 (AB 1421) Filante. Medi-Cal.

Existing law provides for the Medi-Cal program pursuant to which public assistance recipients and other low-income persons are eligible for health care benefits The Medi-Cal program is administered by the State Department of Health Services.

Under existing law, the State Department of Health Services or a county which has contracted for the provision of Medi-Cal services may enter into contracts with primary care providers, within specified geographic areas, for the provision of services on a capitated or risk-sharing basis, or a combination of both

This bill would authorize the State Department of Health Services to contract for the provision of services on a capitated or risk-sharing basis, or a combination thereof, on an exclusive or nonexclusive basis, with an established professional organization with a membership which consists of physicians who provide certain services or who provide service within specified locations.

The bill would require the implementation of the contract in a manner consistent with federal waivers which are obtained by the department to enable the arrangement.

The bill would authorize Medi-Cal beneficiaries receiving health services pursuant to the contract authorized by this bill to make an initial choice of a primary care physician, and would require the establishment of a procedure through which a beneficiary may change a primary care physician with good cause.

The bill would be limited to the provision of services to beneficiaries, who, for purposes of Medi-Cal eligibility determination, are residents of certain counties.

Ch. 746 (AB 2307) N. Waters. Pesticides· pest control operations.

(1) Existing law authorizes the Director of Food and Agriculture to adopt regulations which govern the conduct of pest control. Existing law also authorizes the director to specify the pesticide applications that must be made by, or under the supervision of, a

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person holding a valid qualified applicator certificate issued by the Department of Food and Agriculture.

This bill would specifically authorize the director to adopt regulations to establish minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or the renewal thereof, issued by the director pursuant to laws relating to pest control operations or qualified applicator certificates.

(2) Existing law requires the director to adopt regulations, as specified, regarding pesticides and worker safety.

This bill would require the director to approve programs for training persons who handle or apply pesticides in aerial pest control operations which are consistent with the pesticides and worker safety regulations.

Ch 747 (AB 2716) Klehs. Income taxes credits: renters.

The existing Personal Income Tax Law provides for a refundable credit against the taxes imposed by that law for qualified renters. For purposes of that law, a qualified renter means an individual who was a resident of the state and either (1) on March 1 of the taxable year rented and occupied premises in this state which constitute the principal place of residence or (2) was absent from this state on March 1 as a result of military service, but who rented and resided in premises in this state during 50% of the taxable year, including January 1 or December 31

This bill would change the definition of "qualified renter" to an individual who was a resident of this state and rented and occupied a principal place of residence in this state during at least 50% of the taxable year

This bill would take effect immediately as a tax levy.

Ch. 748 (AB 2747) M. Waters. Emergency shelter. public facilities

Existing law permits a political subdivision, as defined, to allow persons unable to obtain shelter to occupy designated public facilities during a period of a shelter crisis, as declared by the governing body of the political subdivision For purposes of these provisions, governing body is defined as the chief executive or the legislative body, trustees, or director of a political subdivision. Public facility is defined as any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment

This bill would redefine "governing body" as the Governor for the state, the legislative body for a city or city and county, the board of supervisors for a county, the governing board or board of trustees for a district or other public agency, and an official designated by ordinance or resolution adopted by the legislative body, board of supervisors, or governing board or board of trustees. It would also expand the definition of "public facility" to include facilities which are leased by the political subdivision with money derived by taxation or assessment.

Ch. 749 (AB 3428) Leslie *Developmental disabilities. habilitation services*

(1) Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities, as defined Existing law makes various provisions relating to habilitation services inoperative on July 1, 1988, and repeals them as of January 1, 1989.

This bill would delete the repealer for most of the provisions relating to habilitation services which would become inoperative July 1, 1988, and be repealed January 1, 1989

(2) Existing law requires the Habilitation Services Program to set hourly rates for supported employment according to prescribed provisions. Existing law also permits the Habilitation Services Program to negotiate a higher hourly rate for work crews and enclaves, as defined, in certain circumstances. Existing law provides that these provisions are inoperative on October 1, 1988, and repeals them as of January 1, 1989.

The bill would make these provisions inoperative on October 1, 1990, and would repeal them as of January 1, 1991. It would delete one of the circumstances under which a higher hourly rate for work crews or enclaves could be negotiated

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(3) Existing law which will become inoperative on October 1, 1988, and repealed as of January 1, 1989, provides criteria for the approval or disapproval by the Habilitation Services Program for the funding of supported employment programs and components, and the evaluation of the program.

This bill would make these provisions inoperative on October 1, 1990, and would repeal them as of January 1, 1991.

Ch. 750 (AB 3624) Hannigan. Residential care facilities for the elderly.

Existing law does not make residential care facilities for the elderly liable to reimburse a resident for, or to replace, stolen or lost resident property.

This bill would require a residential care facility for the elderly, as defined, which fails to make reasonable efforts to safeguard resident property, to reimburse the resident for, or to replace, stolen or lost resident property at its then current value.

This bill would establish a rebuttable presumption that a facility has made reasonable efforts to safeguard resident property and exempt it from citation or deficiency by the State Department of Social Services for violation of the provisions enacted by the bill, if all of various prescribed conditions of a theft and loss program 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 residential care facilities for the elderly 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. 751 (AB 3661) Bane. Vehicles: occupational licensing.

(1) Under existing law, the Department of Motor Vehicles licenses various occupations, including vehicle verifiers, automobile dismantlers, lessor-retailers, vehicle salesmen, driving school owners, operators, and instructors, and traffic violator school owners, operators, and instructors.

This bill would authorize the department to serve legal process on those licensees or prior licensees, as specified, by registered mail at the address last filed with the department.

The bill also would require persons applying for a vehicle verifier's license to include their residence address on the application and would require licensed vehicle verifiers to report every change of address to the department within 10 days. Since a violation of the reporting requirement would be an infraction, 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. 752 (AB 3705) Eastin. Transportation: San Francisco Bay region.

(1) Existing law establishes the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the 9-county San Francisco Bay region within the jurisdiction of the commission.

This bill would authorize each county within the region, together with cities within the county, to develop or update a transportation plan for the county every 2 years or have the commission prepare a plan for the county. The county plan would be the primary basis for the commission's regional plan. The bill would impose a state-mandated local program by requiring the commission, in consultation with local agencies, to develop guidelines to be used in the preparation of county transportation plans.

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(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 Department of Transportation and the California Transportation Commission. The plan is required to include an action element and, in urban areas over 50,000 in population, the action element is required to include a transportation system management element.

This bill would impose a state-mandated local program by requiring, in urban areas over 50,000 in population, that a transportation system management element be included in the regional plan as a separate element, rather than as a component of the action plan. The bill would require the transportation system management element to identify specified traffic mitigation strategies, and would prescribe the process for developing and implementing the transportation system management element.

(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. 753 (AB 3958) Condit Postsecondary education. residency

Existing law provides certain rules that are to be observed in determining a person's place of residence for purposes of the uniform student residency requirements. Existing law provides that the residence of the parent with whom an unmarried child maintains his or her place of abode is the residence of the unmarried minor child.

This bill would entitle a student who has not been a resident of California for more than one year and who is the dependent child of a California resident who has been a resident for more than one year prior to the residence determination date to resident classification until the student has resided in California for the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

To the extent that the community college district would be required to give resident classification to additional students 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. 754 (SB 394) Alquist. State employee benefits.

Existing law contains a schedule setting forth the amount of vacation credit per month to be received by a state officer and employee who is not subject to the Ralph C. Dills Act or is a supervisory employee, as defined, or is a nonelected officer or employee of the executive branch of state government who is not a member of the state civil service Existing law also contains a schedule setting forth the amount of annual leave credit per month to be received by managerial employees, as defined, nonelected officers of the executive branch of state government exempt from state civil service designated by the Department of Personnel Administration as eligible to receive managerial benefits, and State Traffic Sergeants in the California Highway Patrol, with the amount of vacation or annual leave dependent upon the amount of time an individual has been employed with the state.

This bill would increase the monthly credit for vacation and annual leave for those

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employees with over 25 years of service, to, respectively, 2 days per month and 20 hours per month.

Ch. 755 (SB 1553) Kopp. Legislative funds.

(1) Existing law requires the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee to issue annual reports to the public on specified expenditures made on behalf of members and committees from the contingent funds

This bill would expand the list of expenditure categories which must be reported

(2) Existing law does not require that when the Assembly Committee on Rules, Senate Committee on Rules, or Joint Rules Committee advance funds to a person for travel expenses, goods or services, or legislative printing, the person shall reconcile claims for these advances within a certain established period of time.

This bill would require the person to reconcile these claims within 30 days of the date of the expenditure

(3) Existing law requires the Joint Rules Committee to annually contract for an independent audit or audits, made on a fiscal year basis, of the expenditures of the legislative funds administered by the rules committees, of expenditures for legislative printing, and of expenditures for reimbursement of Members of the Legislature, as specified Existing law further requires yearly audit reports to the Legislature.

This bill would require the audits to be made of all funds and entities of the Legislature, including the expenditures specified, would expand the list of expenditure categories to be evaluated, and specifically would require that the reports shall also be made available to the public.

Ch 756 (SB 1702) Bergeson. Validations

This bill would enact the Second Validating Act of 1988, 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 757 (SB 1703) Bergeson Validations

This bill would enact the Third Validating Act of 1988, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Ch 758 (SB 1764) Maddy State Water Resources Control Board. member salaries

Existing law provides that the annual salaries of the chairperson and members of the State Water Resources Control Board shall be $57,000 and $55,000, respectively, as adjusted by a percentage equal to the percent of state employee cost-of-living salary increases since July 1, 1984.

This bill would increase these annual salaries to $65,000 for the chairperson and $63,000 for members, as so adjusted

Ch 759 (SB 1822) Rosenthal. Electrical, gas, and telephone corporations: subsidiaries, affiliates, and holding corporations.

(1) 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 corporation holding 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

This bill would require every electrical, gas, and telephone corporation to prepare and submit an annual report to the commission describing all significant transactions, as specified by the commission, between the corporation and every subsidiary, affiliate, and holding corporation, including specified matters. The bill would also direct the commission to periodically audit all significant transactions, as specified by the commission, between every electrical, gas, and telephone corporation and that corporation's subsidi-

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ary, affiliate, and holding corporation, and would permit the commission to use an independent auditor for these purposes.

Since, under other provisions, a violation of these requirements by an electrical, gas, or telephone corporation 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. 760 (SB 1917) Rogers. Recreation and park districts directors

(1) Existing law provides for the organization of recreation and park districts, and provides that the board of directors of a district shall be composed either of the supervising authority, as defined, or of 5 members, appointed as specified.

This bill would require the North Bakersfield Recreation and Park District to have a 7-member board, appointed as specified, thereby imposing a state-mandated local program.

The bill would provide that prior acts of that board of directors are authorized, confirmed, validated, and legalized, as specified

The bill would declare that a special law is necessary for the district to maintain a 7-member board

(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 761 (SB 2647) Kopp PERS. definition of "compensation"

An existing statute defines, for purposes of the Public Employees' Retirement System, the term "compensation" through specified included and excluded categories

This bill would add specified matters to the included and excluded categories and would revise certain excluded categories

Ch. 762 (SB 2449) Hart Disruption of public school activities.

Existing law contains certain provisions that prohibit, and punish as a misdemeanor, the insult or abuse of any teacher of the public schools, under specified conditions, by any parent, guardian, or other person Those provisions were recently held to be unconstitutionally vague and overbroad by an appellate court of this state.

This bill would repeal those provisions, and instead make it a misdemeanor and prescribe the punishment for a parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder, except as otherwise specified This bill would thereby 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. 763 (SB 2674) C Green PERS service credit - public service survivors' continuance.

Existing statutes define "public service" for service credit purposes under the Public Employees' Retirement System (PERS)

This bill would make technical, updating, and clarifying changes in that definition

Existing statutes readjusted the survivors' continuance benefit for former state safety members who retired prior to April 1, 1973, but limited that benefit to deaths prior to

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September 28, 1987.

This bill would specify that the survivors' continuance benefit for former state safety members who retired prior to April 1, 1973, and died on or after September 28, 1987, shall be determined pursuant to the generally applicable survivors' continuance benefit provision of law.

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

Ch. 764 (AB 1764) Margolin. Ionizing radiation: penalties.

(1) Existing law prohibits any person from taking specified actions with respect to any source of ionizing radiation unless the person is licensed or registered with the State Department of Health Services and prohibits any person from taking specified actions concerning radioactive materials or facilities for which a permit is required. Existing law requires any person convicted of violating the Radiation Control Law to be punished by a fine of up to $1,000 or by imprisonment in the county jail for up to 180 days, or by both the fine and imprisonment.

This bill would impose a state-mandated local program by creating a new crime which would make it a public offense for any person to knowingly dispose, or cause the disposal, of radioactive material regulated by the Radiation Control Law at an unlicensed facility or unauthorized point in the state, as specified, or to knowingly transport, or knowingly cause the transportation of, this material to such a facility or unauthorized point in the state, as specified, in violation of the Radiation Control Law or a regulation or order adopted pursuant to that law, except as specified.

The bill would permit a person convicted of this offense to be punished by imprisonment in the county jail for not more than one year or in the state prison for 16, 24, or 36 months, if the violation is found to have caused a substantial danger to public health and safety, and would authorize the person to be punished by a fine of not more than $100,000 for each day of violation The bill would allow the term of imprisonment to be increased to 3, 5, or 7 years, and would allow the fine to be increased to not more than $250,000 for each day of violation, if the act which caused the violation caused great bodily injury or a substantial probability that death could result

(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. 765 (AB 2806) Duplissea. Vehicles: highways.

(1) Existing law makes it unlawful to exit any freeway upon any on ramp.

This bill would make it unlawful to enter or exit any freeway except upon designated on ramps or off ramps, as specified, thereby imposing a state-mandated local program by creating a new crime.

(2) Under existing law, it is a misdemeanor to drive any vehicle upon a freeway, except to the right of an intermittent barrier or a dividing section separating 2 or more opposing lanes of traffic.

This bill would make it a misdemeanor to drive a vehicle on a highway except to the right as specified, except that a willful violation resulting in injury or death could be punished as a felony, 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. 766 (AB 2904) Speier. Alcohol and drug programs.

Existing law provides that counties develop alcohol and drug programs. Existing law has separate provisions regarding administration of alcohol and drug programs.

This bill would expressly authorize the Director of Alcohol and Drug programs to

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establish demonstration programs in San Mateo County, Fresno County, and San Francisco County which would allow joint administration of the county drug and alcohol programs if the board of supervisors of the respective county adopts a resolution consenting to the establishment of the demonstration program.

This bill would become operative July 1, 1989, and would be repealed as of January 1, 1993

Ch. 767 (AB 2907) Stirling. Local building department records.

Existing law requires a building department of a city or county to maintain an offical copy, which may be on microfilm or other photographic copy, of plans of buildings for which that department has issued a building permit, and exempts certain specified buildings from that requirement.

This bill would remove the exemption with respect to a common interest building, as defined

Existing law specifies that the copy of the plans be open to inspection only on the premises of the building department as a public record, and prohibits duplication in whole or in part of the copy except with written permission of the certified, licensed, or registered professional or successor, if any, who signed the original documents and written permission of the owner of the building or on order of the proper court.

This bill would, instead, prohibit the duplication of the plans except (a) with the written permission, which the bill would require to not be unreasonably withheld, as specified, of the certified, licensed, or registered professional or his or her successor, if any, who signed the original documents and with the written permission of (1) the original or current owner of the building, or (2), if the building is part of a common interest development, with the written permission of the board of directors or other governing body of the association established to manage the common interest development or (b) by order of a proper court.

It would impose a state-mandated local program by requiring the building department of a city or county to request written approval, as prescribed, for duplication of the plans and to furnish, upon request, affidavit forms. It would also authorize the governing body of a city or county to establish a fee to cover the building department's costs

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

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

Ch. 768 (AB 2934) Quackenbush. Regional trauma care systems.

Existing law permits a local emergency medical services agency to implement a trauma care system, if it meets minimum state standards.

Existing law also permits a local emergency medical services agency to charge a fee to an applicant seeking initial or continuing designation as a trauma facility in an amount sufficient to cover the costs directly related to the designation of trauma facilities and to the development of plans for the trauma system.

This bill would require each local emergency medical services agency charging this fee, to annually provide a report, as specified, to the Emergency Medical Services Authority and to each trauma facility having paid a fee to the agency.

Since the bill would impose new duties upon an emergency medical services agency, 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.

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Ch. 769 (AB 3020) 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 of 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.

Existing statutory law implements those constitutional provisions. The statutory provisions define the term "children" for purposes of dealing with stepchild or son-in-law or daughter-in-law relationships

This bill would amend that definition by providing that the stepparent and stepchild relationship shall be deemed to exist until the marriage on which the relationship is based is terminated by divorce or, if the relationship is terminated by death, until the remarriage of the surviving stepparent It would further amend that definition by providing that the parent and son-in-law or daughter-in-law relationship shall be deemed to exist until the marriage on which the relationship is based is terminated by divorce or, if the relationship is terminated by death, until the remarriage of the surviving son-in-law or daughter-in-law

This bill would provide that the $1,000,000 exclusion shall not apply to any property in which the eligible transferor's interest was received, as specified, unless the transferor qualifies as an original transfer, as specified. It would provide that, in the case of 2 or more eligible transferors who elect to combine their separate $1,000,000 exclusions, the combined amount shall apply to any property jointly sold or transferred, but the amount of full cash value of real property of any eligible transferor excluded shall not exceed the amount of the transferor's separate unused exclusion on the date of the joint sale or transfer. It would provide that the State Board of Equalization shall design the form for claiming eligibility for the exclusion.

It would also provide that any claim for eligibility for the exclusion shall be filed within 3 years after the date of the purchase or transfer of real property for which the claim is filed

This bill would also include within the meaning of "full cash value" the full value of any new construction in progress as of the date immediately prior to the date of a purchase by or transfer to an eligible transferee of real property

The existing statutory provisions implementing the constitutional provisions adopted by the voters at the November 4, 1986, general election also provide that a transferee may specify the amount of the allocation of the exclusion he or she is seeking.

This bill would provide that the exclusion must be applied to an entire appraisal unit on a pro rata basis.

This bill would provide that the amendments made by the bill shall apply to purchases and transfers of real property which occur on or after November 6, 1986.

This bill would, if SB 1736 is chaptered, and this bill is chaptered last, incorporate the changes made in Section 63.1 of the Revenue and Taxation Code by both bills

Ch. 770 (AB 3058) Johnston. State surplus real property.

Existing law authorizes the Department of Transportation to lease airspace under the interchange of Route 4 and Route 5 in San Joaquin County to any qualified nonprofit agency for emergency shelter or feeding program purposes.

This bill would, instead, authorize the leases to be made to cities, counties, and other political subdivisions and other state agencies and would require that any lease executed

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pursuant to this law provide for the rescission of existing leases of the airspace between the department and the City of Stockton and for the refunding of any rent paid pursuant to those leases for periods commencing on or after January 1, 1988.

The bill would require the Director of General Services, with the approval of the Director of Developmental Services, to sell, subject to specified terms and conditions, certain surplus real property located in the City of Stockton to the County of San Joaquin. The bill would require the Director of General Services to except and reserve to the state all mineral deposits below a depth of 500 feet, without surface rights of entry.

The bill would state that nothing in AB 4279 regarding the use of surplus state hospital lands would affect this bill.

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

Ch 771 (AB 2869) Eastin. Hazardous waste transportation financial assurances.

(1) Existing law requires every transporter of hazardous waste to maintain the ability to respond in damages resulting from the operation of that business, consistent with specified liability limits The federal Motor Carrier Act of 1980 requires the Secretary of Transportation to establish regulations to require minimal levels of financial responsibility sufficient to satisfy liability amounts to be determined by the secretary covering public liability, property damage, and environmental restoration for the transportation of hazardous materials, substances, or wastes by motor vehicle.

This bill would specify that the ability to respond in damages includes the ability to respond to public liability, as defined, and would provide that the ability to respond to public liability means having a policy of insurance coverage or a surety bond which meets specified requirements concerning liability limits and complies with specified federal regulations. The bill would require an insurer or surety which provides the insurance coverage or bond to enter into an agreement with the State Department of Health Services to provide notice of cancellation or termination.

(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 concerning the transportation of hazardous waste and the provision of insurance coverage.

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

Ch. 772 (AB 3112) Jones. California Pistachio Commission.

(1) Existing law specifies investments that may be utilized by agricultural marketing orders.

This bill would make these permissible investments available to the California Pistachio Commission.

(2) Under existing law, the commission is authorized to promote the sale of pistachios through advertising, education, and research.

This bill would authorize the commission to recommend to the Director of Food and Agriculture that he or she adopt quality standards, product labeling, or engage in any other activities authorized pursuant to the California Marketing Act of 1937, as specified.

Ch. 773 (AB 3182) Harvey. Sanitarians.

Under existing law, provision is made for the registration, certification, and regulation of sanitarians.

This bill would change the name of sanitarians to environmental health specialists, and would revise and recast the provisions relating to the registration, certification, and regulation of the environmental health specialists. By increasing fees which are deposited into a continuously appropriated fund, the bill would make an appropriation.

Ch. 774 (AB 3257) O'Connell. Use fuel tax.

Under the Use Fuel Tax Law, a tax of $0.09 per gallon is imposed upon the use of fuel, and, until January 1, 1989, imposes a tax on the use of ethanol or methanol fuels, as defined, at 1/2 the general rate.

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This bill extends that January 1, 1989, repeal date to January 1, 1994.

The bill would take effect immediately as a tax levy.

Ch. 775 (AB 3275) Filante Brain-impaired adults: Statewide Resources Consultant: annual reports.

Existing law requires that the Director of Mental Health assume responsibility for the coordination of funds and services for brain-impaired adults with other specified departments that may also serve brain-impaired adults.

This bill would include the Office of Statewide Health Planning and Development among these specified departments

Existing law defines "respite care" for this purpose to mean time-limited substitute care or supervision in support of the caregiver.

This bill would delete the requirement that the care be time-limited, and would, for this purpose, define "caregiver" as any unpaid family member or individual who assumes responsibility for the care of a brain-impaired adult, and "family member" as any relative or court appointed guardian or conservator who is responsible for the care of a brain-impaired adult.

Existing law requires the Statewide Resources Consultant to serve as a centralized information and technical assistance clearinghouse for brain-impaired adults and others, and to develop training packages.

This bill would, in addition, require that the consultant disseminate information, including, but not limited to, the results of research and activities conducted pursuant to the responsibilities of the consultant, and would require that the consultant conduct the training

Existing law requires that the consultant conduct conferences for specified persons and agencies.

This bill would require that the conferences include business associations, community groups, and the general public

Existing law requires that the Statewide Resources Consultant selected by the Director of Mental Health, submit annual reports to the director for submission to the Legislature within 3 months after the end of each calendar year, regarding the effectiveness of resource centers for brain-impaired adults, as specified.

This bill would, instead, require that the report be submitted within 6 months after the end of each fiscal year.

Existing law requires that the report include, but not be limited to, a comparative assessment of the costs and effectiveness of each type of service or combination of services provided, and an analysis of the effectiveness of the program.

This bill would instead require that the report include, but not be limited to, the costs and amount of each type of service provided, and recommendations for improving the effectiveness of the program.

Ch. 776 (AB 3297) Killea. Used oil transportation.

(1) Existing law requires any person transporting used oil to register as a hazardous waste hauler with the State Department of Health Services, unless the used oil is transported to a location not subject to hazardous waste facility permitting requirements and certain conditions are met concerning the transportation, including that the person had used the oil.

The bill would prohibit a manufacturer of containers produced for the noncommercial storage or transportation of used oil, as specified, from selling or transferring those containers in this state unless the container meets certain requirements concerning leakage, absorption, and labeling The bill would also prohibit a manufacturer of containers produced for noncommercial drainage of used oil, as specified, from selling or transferring those containers in this state unless the container meets certain requirements concerning absorption and labeling.

(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 con-

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cerning the sale of containers used to transport or store used oil

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

Ch. 777 (AB 3325) Duplissea Lease of real property: state agencies.

Existing law permits any state department, board, or commission to lease any real property for storage, warehouse, or office purposes, provided the lease term does not exceed 2 years and the total rental does not exceed $3,000. It makes the lease subject to the approval of the Department of General Services.

This bill would change the allowable terms of the lease to 3 years and permit an annual rent up to $24,000. It would also require that prior approval to engage in a lease activity must be obtained from the Department of General Services and would continue to require the lease agreement to be subject to approval by the department.

Ch. 778 (AB 3343) Tanner. Air pollution: indoor toxic air contaminants.

Under existing law, the State Department of Health Services and the State Air Resources Board evaluate the health effects of, and prepare recommendations concerning, substances emitted into the ambient air which may be determined to be toxic air contaminants. Existing law requires the state board to assess potential exposure to toxic air contaminants in indoor environments, consult with the state department on which potential contaminants may be found in the indoor environment and the best methodology for measuring exposure to them, and refer all data on identified indoor contaminants to specified state agencies

This bill would require the state board to identify the relative contribution to total exposure to contaminants from indoor concentrations, taking into account both ambient and indoor air environments

Ch. 779 (AB 3395) Chandler. Local members of PERS service credits.

Existing statutes provide for the acquisition of various categories of service credit under the Public Employees' Retirement System (PERS)

This bill would, in a provision which would be optional to contracting agencies, grant prior service credit for service by a local member while absent and serving in the military to persons who become PERS members with an agency other than the agency for whom the prior service was rendered.

This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local 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 780 (AB 3556) Clute Vocational education.

(1) Existing law, except as otherwise specified, prohibits the receipt of apportionments from state funds based on average daily attendance unless the classes or programs are in conformance with certain standards Existing law prohibits a student enrolled in cooperative vocational education conducted by a regional occupational center or program from being credited with more than one day of attendance in any calendar day for purposes of the program

This bill, instead, would prohibit a student enrolled in a vocational education class using the cooperative vocational education methodology or a regional occupational center or program from being credited with more than 15 hours of attendance in any calendar week for purposes of the methodology

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

Ch. 781 (AB 3602) N Waters Unemployment compensation

Existing law provides, among other things, that an individual is disqualified for unemployment compensation benefits if the Director of Employment Development finds that he or she left his or her most recent work voluntarily without good cause Existing law provides for purposes of these provisions that an individual may be deemed to have left his or her most recent work with good cause if he or she leaves employment to accompany his or her spouse to a place from which it is impractical to commute to employment, to which a transfer of the claimant by the employer is not available, and at which the spouse has secured employment

This bill would provide that spouse, for purposes of these provisions, includes a person to whom marriage is imminent It would delete the requirement that the spouse has secured employment It would make certain conforming changes concerning the noncharging of benefit received by a claimant under the above-described programs, to the account of the employer It would make other technical changes

Ch 782 (AB 3622) Zeltner. Agency administrative costs

Existing law requires the State Board of Control to determine which funds, other than the General Fund, and which functions or activities of the Department of Water Resources supported by the General Fund shall be charged a share of administrative costs.

Existing law requires the State Board of Control to consider the factors of cost distribution and cost estimation it deems necessary in determining the fair share of administrative cost allocation, to certify annually to the Controller the amount due and payable from each state agency, and to certify to the Controller any amount it determines to be a reasonable advance for administrative costs to be made to each state agency supported from a fund

This bill would transfer these functions to the Department of Finance.

Existing law requires state agencies unable to make payment of the administrative costs because of unavailability of funds to file with the Controller a written request to defer payment, as specified The Controller is required to transmit a copy of the request to the Department of Finance and to defer action to effect transfer of funds covering the costs until the transfer has been approved by the Director of Finance

This bill would provide that the Department of Finance shall notify the Controller of the deferral request.

Ch 783 (AB 3951) Speier Health care.

Under existing law, the Medi-Cal program provides qualified categories of low-income individuals with basic health care benefits, and is administered by the State Department of Health Services.

Existing law authorizes the California Medical Assistance Commission to negotiate exclusive contracts with any county which seeks to provide or arrange for the provision of Medi-Cal services, and authorizes the Boards of Supervisors of San Mateo County, San Bernardino County, and Ventura County to establish special commissions on publicly assisted medical care to negotiate for the provision of Medi-Cal services.

This bill would authorize any county board of supervisors, or the boards of supervisors of more than one county, to establish a commission to negotiate an exclusive contract with the commission and to arrange for the provision of Medi-Cal services, as specified.

Ch 784 (AB 4031) Polanco. Public Utilities Commission publication of orders and decisions

Under existing law, public utilities and common carriers and related businesses are regulated by the Public Utilities Commission, which issues orders and decisions in this connection Existing law does not specifically direct the commission to publish its orders and decisions.

This bill would direct the commission, commencing January 1, 1989, to publish its orders and decisions within one year after issuance, and to publish by January 1, 1990, every decision or order issued, but not published, as of January 1, 1989. The bill would

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permit the commission to publish only the docket number, name, parties, and ordering language of an order or decision in any proceeding not assigned to an administrative law judge The bill would direct the commission to assure reasonable public access to any electronic means of publication it may employ.

The bill would appropriate $150,000 to the commission, $75,000 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund and $75,000 from the Public Utilities Commission Transportation Reimbursement Account in the General Fund, to assist the commission in publishing its orders and decisions

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

Ch 785 (AB 4081) Leslie Medi-Cal payments

Existing law provides basic health services to qualified low-income persons pursuant to the Medi-Cal program which is administered by the State Department of Health Services

This bill would require the Legislative Analyst to review the discrepancies between Medi-Cal reimbursement rates and payment policies for emergency physician services and nonemergency physician services and report to the Legislature on or before January 1, 1989

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

Ch 786 (AB 4401) Filante. Nurses licensing

Existing law requires the State Department of Health Services to establish certain standards and regulations for health facilities, including staffing with duly qualified licensed personnel, based on the type of health facility and the needs of the persons served by those facilities, and prohibits those standards and regulations from requiring the use of a registered nurse for the performance of any service or staffing of any position in skilled nursing or intermediate care facilities which may be lawfully performed or staffed by a licensed vocational nurse, as prescribed. This prohibition would be repealed on January 1, 1989

This bill would instead repeal that prohibition on January 1, 1994. The bill also would require that the skilled nursing or intermediate care facility make provision for a registered nurse to be available for consultation and professional assistance during the hours in which a licensed vocational nurse is used

Ch 787 (AB 4484) Stirling Railcars and locomotives: unauthorized use.

Existing law makes it either a misdemeanor or a felony for any person to, among other things, maliciously remove, displace, injure, or destroy any part of any railroad, as specified

This bill would additionally make it a misdemeanor for any person to maliciously move or cause to be moved, without authorization, any locomotive, and would make it either a misdemeanor or felony for the same to occur when the moving creates a substantial likelihood of causing personal injury, thereby constituting 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 788 (SB 1920) Rogers State employees disciplinary proceedings

Existing law specifies the procedures for the conduct of disciplinary proceedings by the State Personnel Board for employees in state civil service.

This bill would provide that prior to the scheduling of a contested adverse action or rejection on probation for hearing, the board may require or any party may request a prehearing or settlement conference

The bill would also authorize the board to designate certain of its decisions as precedents

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Ch. 789 (SB 1969) Ellis. Civil procedure: sanctions

Existing law provides that an appeal may be taken from a final judgment or order, as specified. Existing law also provides that a court order imposing monetary sanctions is a final, appealable order.

This bill would make nonappealable court orders imposing monetary sanctions not exceeding $500 for abuse of the discovery process or actions or tactics that are frivolous or solely intended to cause unnecessary delay, as specified

This bill would also limit the effect of these provisions to San Diego County for a period of one year as a pilot project.

Ch 790 (SB 2440) Alquist Unfair competition: prosecution.

Existing law authorizes certain injunctive actions based upon a violation of specified unfair competition provisions to be brought by the Attorney General or any district attorney or any city attorney of a city having a population in excess of 750,000.

Existing law provides that any person who violates specified provisions on unfair competition shall be liable for a civil penalty which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by, among others, any city attorney of a city having a population in excess of 750,000

The bill would authorize the City Attorney of San Jose to bring those actions, with the annual concurrence of the district attorney. These provisions would remain in effect until San Jose's population exceeds 750,000

The bill also would set forth legislative findings

Ch 791 (SB 2673) Doolittle. Blood· donations

(1) Existing law makes it unlawful for any person to 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.

This bill would also make directing that blood donated by the donor be used in any blood transfusion to the individual specified by the donor contingent upon either the donation being specifically requested by the designee, or in the event that the designee is medically or legally incapable of making the request, by the designee's next of kin, legal guardian, or legal representative

The bill would prohibit a donor from redesignating the use of his or her blood except that he or she would be authorized to release it to a licensed blood bank or transfusion service

Under existing law, when blood is released for use by someone other than the person designated by the donor, only specified costs may be charged to the original designee

This bill would require that when a unit of blood is released at the request of a blood collection center prior to the time the blood is needed by the designee, that the transfusion service bear these costs for that unit.

This bill would impose a state-mandated local program since any violation of the bill would constitute a misdemeanor, thereby imposing duties upon local law enforcement agencies.

(2) The California Consitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 (AB 3172) Elder STRS payments: transmission to financial institutions.

An existing statute authorizes the State Teachers' Retirement System, upon request of any retirant, disabilitant, or beneficiary, to transmit payments to a bank, savings and loan association, or credit union for deposit in that person's account.

This bill would require the system to send, commencing on July 1, 1989, a copy of the

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benefit payment information to those persons who have those payment transmissions made.

This bill would also appropriate $134,238 from the Teachers' Retirement Fund to the system for implementation of this bill.

Ch. 793 (AB 3353) Bader. Manufactured structures.

(1) Existing law requires dealers and manufacturers of mobilehomes and manufactured homes to provide a prescribed warranty to the purchaser

This bill would define "dealer" for purposes of these provisions and require the manufacturer or dealer to complete warranty service within 90 days after receiving the buyer's written notification of the defects, unless there are circumstances which are beyond the control of the manufacturer or dealer

(2) Under existing law, the Department of Housing and Community Development is also responsible for enforcement of existing law regulating the manufacture and sales of manufactured homes and mobilehomes.

This bill would authorize the director of the department or the director's designee to assess prescribed civil penalties for certain violations of those laws, would require deposit of those civil penalties in the Mobilehome-Manufactured Home Revolving Fund, and would provide for an informal hearing, upon request, to contest a citation assessing such a civil penalty. Because the Mobilehome-Manufactured Home Revolving Fund is continuously appropriated to the department, this bill would constitute an appropriation measure.

(3) Under existing law, dealers in manufactured homes, mobilehomes, and commercial coaches are required to be licensed by the Department of Housing and Community Development. As a condition to licensure, a dealer is required to have a display area.

This bill would delete the requirement that these dealers have a display area and make a technical, clarifying change

(4) Under existing law, the licensed established place of business of a mobilehome or manufactured home dealer is required to have an office meeting certain requirements. Existing law prohibits the mobilehome or manufactured home displayed for sale in a mobilehome park or subdivision from being used as a dealer's established place of business.

This bill would permit a mobilehome or manufactured home displayed for sale in a mobilehome park or subdivision to be used as the office of a dealer's established place of business if so licensed.

Ch. 794 (AB 3498) Speier. Passenger stage corporations handicapped or disabled passengers.

(1) Under the existing Public Utilities Act, the Public Utilities Commission issues operating authority to, and regulates the fares, charges, and conditions of service of, passenger stage corporations.

This bill would direct the commission to prohibit any passenger stage corporation from imposing any fare or charge on a physically disabled or handicapped passenger which is more than the fare or charge for the same transportation or service for a passenger who is not disabled or handicapped, and to approve no schedule of fares or charges which is discriminatory under these provisions The bill would specify that any special provision made by a corporation for assisting a physically disabled or handicapped passenger is, for these purposes, a part of the same transportation or service offered to nondisabled or nonhandicapped passengers, and is not a separate service for which an additional charge may be made. The bill also would state that these provisions do not require a corporation to furnish any equipment or assistance for a disabled or handicapped person different from, or in addition to, that required under any other law.

Since, under other provisions, a violation of these requirements or any rule or order of the commission by a passenger stage corporation 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.

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

Ch. 795 (AB 3681) Frazee. Driving offenses: driving records.

(1) Under existing law, the clerk of a court, or the judge if there is no clerk, is required to transmit an abstract of every case in which a person is convicted of any violation of the Vehicle Code, specified offenses relating to the use or possession of controlled substances, and any other statute relating to the safe operation of vehicles, except as specified. Until January 1, 1989, the abstract for convictions of violations 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 is required to include the blood-alcohol concentration if it was determined by a chemical test, as specified, and that information is required to be kept confidential in the records of the department except for research and statistical summary purposes, as specified

This bill would authorize the department to use the information for determining the eligibility of a person to operate a motor vehicle on the highways The bill would also delete the termination date, thereby imposing a state-mandated local program.

(2) This bill would incorporate additional changes in Section 1804 of the Vehicle Code, proposed by SB 2594, to be operative only if SB 2594 and this bill are both chaptered and become effective January 1, 1989, 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, 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. 796 (AB 3687) Bates Community care facilities licensing

Existing law requires licensees operating community care facilities, residential care facilities for the elderly, and child day care facilities to terminate, remove, or bar from entering the facility any person who is found to have been convicted of specified crimes unless the Director of Social Services grants an exemption However, the director may not, under existing law grant the exemption to a person convicted of any of certain offenses.

This bill would require the termination, removal, or barring from any of these facilities of any person convicted of the infliction of pain or mental suffering on, or endangering the health of, elderly or dependent adults. The bill would further, with respect to residential care facilities for the elderly, require the termination, removal, or barring of any person convicted of sexual battery The bill would also add the crimes of sexual battery and the infliction of pain or mental suffering on, or endangering the health of, elderly or dependent adults to those crimes which prevent a person who has been convicted from being granted an exemption and would also add specified violent crimes to these crimes for which no exemption may be granted with respect to community care facilities, residential care facilities for the elderly, and child day care facilities subject to the existing exemption for employees and prospective employees. The bill would, with respect to community care facilities and residential care facilities for the elderly, provide that an individual may transfer a current criminal records clearance from one facility to another.

Ch. 797 (AB 3712) Polanco. Termination of tenancies: disposal of property.

Existing law authorizes a landlord to dispose of personal property left by a former tenant, upon specified notice, if the property is believed to be worth less than $300.

This bill would provide an alternative procedure if, among other things, the tenant requests the return of his or her personal property within 18 days of vacating the premises, as specified, and tenders payment of all reasonable costs associated with the

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landlord's removal and storage of the property, as specified.

The bill would provide that this alternative procedure applies only if the landlord has not already initiated or completed the procedures authorizing the landlord to dispose of the property.

This bill would also allow the tenant to recover in a civil action, actual damages, as specified, for a violation of these provisions with reasonable attorney's fees and costs recoverable by the prevailing party

Ch. 798 (AB 3922) Johnston. California Insurance Guarantee Association.

Under existing law, the California Insurance Guarantee Association, established by, and funded through assessments of, member insurers, pays and discharges certain obligations of insolvent insurers Under existing law, member insurers are to recoup assessments by way of a surcharge on premiums, and the amount of the surcharge is required to be separately stated on any billing or a policy declaration sent to an insured.

This bill would require that statement to include a description of, and purpose for, the California Insurance Guarantee Association and would set forth the language of this statement.

Existing law provides that the initial premium for each member shall be adjusted by applying the same rate of premium charge as initially used to each insurer's written premium as shown on an annual statement for the year following the year in which the initial premium charge is made.

This bill would instead provide that the initial premium shall be adjusted by applying the same rate of premium charge as initially used to each insurer's written premium as shown on the annual statement for the 2nd year following the year in which the initial premium charge is made.

Ch. 799 (AB 3948) Grisham. Mobilehomes.

The existing Mobilehome Parks Act defines and provides for regulation of mobilehome parks, recreational vehicle parks, temporary recreational vehicle parks, and tent camps.

This bill would revise the definitions in the Mobilehome Parks Act to, among other things, change the definition of "tent camp" and add a new definition of "special occupancy park" that would include recreational vehicle parks, temporary recreational vehicle parks, and tent camps. The bill would add legislative findings concerning recreational vehicles The bill would clarify the application of existing provisions on mobilehome accessory structures outside mobilehome parks. The bill would clarify the application of provisions of the act on local conditional use permits, to special occupancy parks. The bill would impose a state-mandated local program by making certain criminal provisions relating to use and occupancy of mobilehomes and manufactured homes also applicable to recreational vehicles

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

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

Ch. 800 (AB 4016) Filante. Psychologists

Existing law does not authorize psychologists to practice their profession under an assumed or fictitious name.

This bill authorizes the issuance of a fictitious-name permit by the Psychology Examining Committee under specified conditions, prohibits a psychologist from practicing under a fictitious name without a permit, and specifies the fee for that permit.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Psychology Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 801 (AB 4077) Connelly. Mental health: weapons: confiscation.

Existing law authorizes confiscation of any firearm or other deadly weapon under the

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possession or control of any person detained or apprehended for examination of his or her mental condition, as specified.

This bill would make these weapons subject to disposition, as prescribed. By requiring that local officials dispose of these weapons, as prescribed, 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. 802 (AB 4137) Wright. CERL 9-member retirement boards: alternate retiree representatives

A provision of the County Employees Retirement Law of 1937 provides for a 9-member retirement board in any county meeting specified conditions and includes as a board member a representative of and from the retired members.

This bill would authorize, only in Ventura County and Santa Barbara County, that board to initially appoint, and thereafter provide for the election of, an alternate representative of the retired members, as specified. Any resulting county costs would constitute state-reimbursable, state-mandated local program costs.

The California Constitution requires 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 803 (AB 4172) Kelley California Avocado Commission.

(1) Under existing law, each handler of avocados is required to pay to the Director of Food and Agriculture an inspection and certification fee each month to cover the cost of administering the avocado inspection laws. The fees are deposited in the Department of Food and Agriculture Fund and are continuously appropriated to the Department of Food and Agriculture for the administration and enforcement of the avocado inspection laws

This bill would additionally permit these funds to be expended for scientific research to improve avocado inspection and certification methods, thus resulting in an appropriation.

(2) Under existing law, the state is not liable for the acts of the California Avocado Commission or its contracts

This bill would create an exception to this immunity for state-directed supervision of the avocado inspection program which is performed under an agreement that specifies the liability of each party.

(3) Under existing law, the commission is authorized to recommend to the director the adoption of avocado quality standards in accordance with the procedures specified in the California Marketing Act of 1937.

This bill would further authorize the commission to recommend to the director any other activity authorized by that act.

Ch. 804 (SB 1752) Mello. Seniors: respite care.

(1) Existing law, known as the Training and Employment Program for Older Californians Act of 1983, specifies the types of programs and services which may be considered

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for purposes of the state's implementation of the federal Job Training Partnership Act of 1982.

This bill would include for these purposes programs that train older workers to meet the growing demand for respite care, as defined.

(2) Under existing law, the Director of Mental Health is required to contract with a nonprofit community agency to act as a Statewide Resources Consultant and to contract with nonprofit community resource agencies to establish regionally based resource centers to provide specified services to brain-impaired adults.

This bill would require the Statewide Resources Consultant to develop and distribute respite care training materials, as specified. It would require a specified report of the Statewide Resources Consultant to include an assessment of the utilization of these respite care training materials.

Ch. 805 (AB 703) Allen Child custody· appeals

Existing law provides that in order for a child to be available for adoption as soon as possible, and to minimize anxiety, an appeal from a judgment freeing a minor who is a dependent child of the juvenile court from parental custody and control has precedence over all cases.

This bill would provide that in order to make placement of the child permanent and stable, and to minimize anxiety, an appeal from those judgments has precedence It would also require the Judicial Council to implement a 4-year pilot project to assure that any appeal filed on or after January 1, 1989, from such a judgment of the Orange County Superior Court is finally determined within 250 days of the filing of the notice of appeal. The Judicial Council would be required to make a specified report to the Legislature. The changes made by the bill would remain in effect for 4 years, when they would be repealed

Ch. 806 (AB 1422) Wright. Public assistance. child and spousal support

Existing law requires each county to maintain a single organizational unit, located in the office of the district attorney, for the purpose of enforcing child and spousal support obligations in both civil and criminal actions when a child is receiving public assistance, and when requested to do so by the individual on whose behalf the enforcement efforts will be made when the child is not receiving public assistance, as specified Existing law also requires the county to refer all cases of nonsupport or paternity to the district attorney for investigation immediately at the time of an application for assistance, or a certificate of eligibility, is signed by the applicant or the recipient, as specified.

This bill would provide that public assistance, as defined, includes Medi-Cal benefits, thus establishing a state-mandated local program.

Existing law provides health care services and related remedial or preventive services, including related social services to qualifying individuals and families who receive public assistance and are otherwise eligible, as specified.

This bill would require as a condition of eligibility for medical services provided pursuant to the Family Economic Security Act of 1982 or the Waxman-Duffy Prepaid Health Plan Act that the applicant or beneficiary of the services shall, among other things, assign his or her rights to medical support and to payments for medical care from a 3rd party and cooperate with the county welfare department, the district attorney, and the state in pursuing any 3rd party who may be liable to pay for care and services available under the Medi-Cal program, 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.

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Ch. 807 (AB 1734) Isenberg Fruit and nut trees assessments

Existing law, until January 1, 1993, requires a licensed nursery dealer to 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 are deposited in the Department of Food and Agriculture Fund and are continuously appropriated to the Department of Food and Agriculture to support specified programs regarding fruit and nut trees and grapevines

This bill would, as of April 1, 1989, increase the assessment to 1% on the gross sales of all pome and stone fruit trees, nut trees, and grapevines, thereby making an appropriation.

Ch 808 (AB 2139) Filante. Tanning facilities

Existing law does not regulate tanning facilities

This bill would impose several requirements on tanning facilities, including complying with applicable federal laws and regulations, requiring written warnings to be given to customers regarding the use of tanning devices, and reporting injuries to the Department of Consumer Affairs, and the Federal Food and Drug Administration It would also require customers to sign specified consent forms, parents or guardians to sign specified consent forms for persons between the ages of 14 to 18 to use a tanning device, and a parent or guardian to accompany a person under the age of 14 using a tanning device

The bill would provide that the regulation of tanning facilities does not apply to the use of a phototherapy device by or under the direct supervision of a licensed physician, as specified.

The bill would make a violation of any of the above provisions a misdemeanor and thus 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 809 (AB 2696) Statham. State employees Dependent Care Assistance Program

Existing law makes various provisions for the provision of child care and health care for state employees

This bill would authorize certain state employees to receive, in lieu of a portion of their salaries, the benefits of a State Employees' Dependent Care Assistance Program or a Health Care Reimbursement Account, or both. This bill would establish therefor the continuously appropriated State Employees' Dependent Care Assistance and Health Care Assistance Fund.

Ch. 810 (AB 2756) O'Connell. Veterinarians.

Existing law requires a veterinarian who has reasonable cause to believe that a dog has been injured or killed through participation in a staged dogfight, as prescribed in a certain provision of the Penal Code involving staged animal fights, to promptly report the same to appropriate law enforcement authorities, as defined. A veterinarian is immune from civil liability for making that required report

This bill would provide that in addition to immunity with regard to the required report, a veterinarian is immune from civil liability for making reports concerning other specified crimes against animals.

Existing law provides that if a citation for a violation of the law relating to veterinarians is resolved by payment of an assessed civil penalty, or by an agreement to comply with an order of abatement, at or before a specified time, the civil citation and any records relating thereto are confidential and not subject to public disclosure

This bill would delete that provision

The bill would (1) provide that if a fine is paid by a veterinarian licensee, it shall be represented to the public as a satisfactory resolution of a violation, (2) provide that if a fine is paid, it shall not constitute an admission of a violation, (3) provide that a request

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for a hearing on an assessment shall be made within 30 days, (4) delete a requirement that a hearing on an assessment be heard by the Board of Examiners in Veterinary Medicine, and (5) prohibit the renewal of a veterinarian's license if an assessed fine is not paid.

Ch 811 (AB 2825) Tucker Crimes limitation on total subordinate terms.

(1) 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, when a consecutive term of imprisonment is imposed in cases involving 2 or more convictions of robbery where it is charged and found that the defendant personally used a deadly or dangerous weapon in the commission of that robbery and each of those robberies is not a "violent felony," the aggregate term shall be calculated pursuant to specified provisions of existing law, except that the subordinate term for each subsequent robbery conviction shall consist of ⅓ of the middle term of imprisonment and ⅓ of the enhancements provided in specified provisions of existing law. This bill would authorize the total number of subordinate terms to exceed 5 years, but would limit the term so that it does not exceed 10 years

(2) This bill would incorporate additional changes in Section 1170.95 of the Penal Code, proposed by AB 2750, to be operative only if AB 2750 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last

Ch 812 (AB 2832) N Waters Animals

(1) Existing law authorizes the Director of Food and Agriculture to adopt regulations to control or eradicate hog cholera, swine brucellosis, and other swine diseases, as specified

This bill would add pseudorabies to the list of swine diseases that the director may adopt regulations to control or eradicate.

(2) Under existing law relating to cattle identification and animals grazing at large, a violation of that law is generally punishable as a misdemeanor by a fine of $100 to $1,000, by imprisonment from 10 days to 6 months, or by both the fine and imprisonment Existing law also requires brand inspections to be performed prior to specified cattle movements

This bill would, with specified exceptions, increase the maximum term of imprisonment to one year, thereby imposing a state-mandated local program by increasing the penalty for a crime

(3) Existing law exempts cattle from a registered feedlot or a public salesyard or cattle sales market which are being shipped to a slaughterhouse from brand inspection requirements

This bill would also exempt cattle which are being shipped from out-of-state to a slaughterhouse from brand inspection requirements if those cattle are accompanied by proper documents, as specified

The bill would also authorize the director to issue a permit to allow cattle to be transported out-of-state for immediate slaughter without a brand inspection if specified conditions are met and a permit is obtained for which a maximum annual fee of $100 may be charged The fees would be deposited in the Department of Food and Agriculture Fund which, for specified purposes, including cattle protection, is continuously appropriated to the Department of Food and Agriculture Thus, the bill would make an appropriation

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

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

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Ch 813 (AB 2936) Quackenbush. AIDS advertising.

Existing provisions of the Sherman Food, Drug, and Cosmetic Law make it unlawful for any person to advertise any drug or device, as defined, represented to have any effect in any of specified conditions, disorders, or diseases

This bill would add to the list of these conditions, disorders, or diseases, acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and diseases, disorders, or conditions of the immune system.

Since a violation of the Sherman Food, Drug, and Cosmetic Law is a misdemeanor, this bill would create a new crime, thereby imposing additional law enforcement 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.

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

Ch 814 (AB 2978) Katz Community colleges: parking service fees

Existing law authorizes the governing board of a community college district to require students in attendance in grades 13 and 14 and employees of the district, who use parking services, to pay a parking services fee in an amount not to exceed $20 per semester or $40 per regular school year, to be fixed by the governing board.

This bill would authorize the governing board to increase the parking services fee in an amount not to exceed $40 per semester and to charge a parking services fee of up to $20 per intersession. This bill would authorize the governing board to impose a reduced fee of up to $30 per semester and $10 per intersession to students who certify that they rideshare or carpool with 2 or more passengers, as specified This bill would exempt students who receive financial assistance from certain programs from parking fees in excess of $20 per semester.

This bill would prohibit a community college district from increasing its parking fees above $40 per year to an amount within an authorized level permitted by this bill until the board of trustees of the community college district has made sufficient findings, as specified, that a fee increase is necessary

Ch. 815 (AB 3425) Katz Off-highway vehicles: noise levels

(1) Existing law adopts specified noise level limits for off-highway motor vehicles according to the year in which the vehicles were manufactured. Existing law enforces those noise limits as measured by the California Highway Patrol within a specified distance from the highway

This bill would establish a specified noise level limit for any such vehicle manufactured on or after January 1, 1986 Thus, the bill would impose a state-mandated local program by creating a new crime.

The bill would also require off-highway motor vehicles to be equipped with a device which limits noise emissions, as specified, when measured from a distance of 20 inches, 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. 816 (AB 3484) Filante. Assault and battery: process servers.

Existing law provides for specified enhanced penalties for an assault or battery against various persons including peace officers, firefighters, emergency medical technicians, mobile intensive care paramedics, or lifeguards.

Existing law also provides that when an assault or battery is committed against the person of a process server and the person committing the offense knows or reasonably

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should have known that the victim is a process server engaged in the performance of his or her duties, the offense shall be punishable by a fine not exceeding $1,000, or by imprisonment in the county jail not exceeding one year, or by both.

This bill would eliminate the above specific provisions concerning an assault or battery against the person of a process server, and, instead, would include "process server," as defined, in the above provisions concerning various other persons, thereby increasing the punishment for assault or battery upon a process server.

Ch. 817 (AB 3876) Bradley. Land surveyors.

Existing law, the Land Surveyor's Act, 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

This bill would add the coordination of the work of professional, technical, or special consultants in connection with activities authorized by the Land Surveyor's Act. The bill would also declare the intent of the Legislature in this regard, and would state that the act is declaratory of existing law, as specified.

The bill would authorize a land surveyor to perform land planning activities in connection with land survey activities, as specified.

Ch 818 (AB 3941) Areias. Travel promoters.

Existing law requires travel promoters to maintain trust accounts and deposit specified funds, received for transportation into these accounts. The law does not require travel promoters to be registered or licensed with any state agency.

This bill would require a travel promoter to register with the Attorney General, pay a specified fee and provide specified information prior to doing business in the state.

A violation of these provisions is a misdemeanor, and thus 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. 819 (AB 4327) Farr Art.

Existing law provides that all art dealers who sell or consign a fine art multiple, as defined, offered or sold at wholesale or retail for $100 or more, exclusive of frame, shall furnish to the purchaser or consignee a written instrument, as defined, which discloses certain information, as specified, prior to or at the time of delivery, and as specified. Existing law also establishes a civil penalty not to exceed $500 for each violation of these provisions.

This bill would substitute a certificate of authenticity, as defined, for the written instrument required under these provisions and would increase the civil penalty to $1,000. It would also add a civil penalty surcharge in the same amount to be applied to the costs of enforcing these provisions, as specified

This bill would also make other technical, clarifying changes to these provisions

Ch. 820 (AB 4332) N. Waters. Tahoe Regional Planning Compact: Tahoe transportation district.

Existing law contained in the bistate Tahoe Regional Planning Compact, among other things, prescribes the membership of the board of directors of the Tahoe transportation district, which is comprised of specified representatives of California and Nevada, respectively, including the directors of the states' departments of transportation. Existing law requires the vote of 5 of the directors to take any action

This bill would delete the director of the California Department of Transportation and the Director of the Department of Transportation of the State of Nevada from that board, and change to 4 the number of directors required to vote to take action.

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Ch 821 (SB 399) McCorquodale. Property taxation· hearing on petition for reassessment

Under existing property tax law, the State Board of Equalization is required to provide an assessee who files a petition for reassessment with notice of a hearing on that petition not less than 5 days before the hearing date.

This bill would require the State Board of Equalization to provide this notice not less than 10 working days before the hearing date.

Ch. 822 (SB 1109) Mello Nutrition programs for the elderly

Under existing law, there is a nutrition program for the elderly administered by the Department of Aging.

This bill would require the Department of Aging to allocate any new funds to area agencies on aging for home-delivered meals to the elderly, as set forth in the bill It would also require area agencies on aging and nutrition programs to report on the unmet need in their planning and service areas, as specified The bill would require the department to make this information available to the Legislature at least annually

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

Ch 823 (SB 1157) Davis. Senior citizens and disabled persons.

(1) Existing law makes it unlawful for any person to engage in unfair business practices, as defined The law provides that any person who violates those provisions is subject to a civil penalty not to exceed $2,500 for each violation and authorizes a court to order restitution to any injured party.

This bill would provide that when the act or acts of unfair competition are perpetrated against one or more senior citizens or disabled persons, as defined, an additional civil penalty, not to exceed $2,500, may be imposed, and would authorize restitution to the senior citizen or disabled person which would have preference over the recovery of the civil penalty

(2) Existing law establishes the Consumers Legal Remedies Act

This bill would extend the definition of "goods," for purposes of that act, to leased goods. The bill would increase the minimum award for actual damages in a class action under that act from $300 to $1,000 The bill would further provide for an award of attorney's fees, as specified, in an action brought under that act Additionally, the bill would entitle senior citizens or disabled persons, as defined, who suffer damage by a violation of that act to damages, up to $5,000, in addition to punitive damages, and other relief, as specified.

(3) Existing law provides for the award of punitive damages to civil plaintiffs injured as a result of certain unlawful acts involving oppression, fraud, or malice, and awarded in order to punish the defendant

This bill would provide that, with respect to actions brought by or on behalf of senior citizens or disabled persons to redress unfair or deceptive acts or practices or acts of unfair competition, whenever a trier of fact is authorized by a statute to impose a fine, a civil penalty or other penalty, or any other remedy, the purpose or effect of which is to punish or deter, and the amount of that fine, penalty, or remedy is discretionary, the trier of fact shall consider specified factors, and upon making a finding, as specified, may increase the amount of the fine, penalty, or remedy up to 3 times greater than authorized by statute or than the trier of fact would otherwise impose

Ch. 824 (SB 1696) Russell. Joint powers entities: designation as single school districts

Existing law authorizes 2 or more public agencies to enter into an agreement providing for the joint exercise of any power common to the contracting parties if the public agencies are so authorized by their legislative or other governing bodies

This bill would authorize any separate joint powers entity formed pursuant to those provisions, that has as its sole function the provision of school transportation services, to be designated a single school district for purposes of receiving state apportionments or allowances in support of those services or programs, subject to prior approval by the Superintendent of Public Instruction, which allocation would be subject annually to the

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approval of affected school districts, as specified The bill would provide that the fiscal officer of the joint powers entity shall be the county superintendent of schools. The bill also would provide that the joint powers entity shall be subject to the same budget, expenditure, appropriation, accounting, auditing, and program requirements as school districts and county superintendents of schools generally with respect to school transportation programs

The bill would authorize the Superintendent of Public Instruction to adopt regulations for the implementation of the bill.

Ch 825 (SB 1750) Mello. Certified nurse assistants

(1) Existing law empowers the State Department of Health Services to certify nurse assistants.

Existing law provides that any person holding a nurse assistant certificate as of January 1, 1988, shall, notwithstanding new certification requirements effective on that date, be issued a nurse assistant certificate if he or she meets specified requirements In order to renew a certificate under this provision, however, a person whose year of birth was in an odd-numbered year is required to submit a renewal application during calendar year 1989, and a person whose year of birth was in an even-numbered year is required to submit a renewal application during 1990

This bill would specify that these applications be submitted on or before the person's date of birth during the applicable year.

(2) Existing law contains specified grounds for suspension or revocation of a nurse assistant certificate by the department

This bill would also permit denial of a nurse assistant certificate on these specified grounds.

(3) Existing law requires every skilled nursing or intermediate care facility to designate a licensed nurse as a director of nurse training who is to be responsible for specified duties

This bill would replace the reference to director of nurse training with director of staff development and would make conforming changes.

(4) Since violation of nurse assistant certification provisions is a crime, the bill would impose additional costs upon local law enforcement agencies, thus imposing a state-mandated local program

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

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

Ch 826 (SB 1897) Bergeson. Local agency formation commissions

Existing law requires the local agency formation commission to adopt, amend, or revise spheres of influence after a public hearing. Existing law permits any local agency or county to file a request for an amendment or revision of an adopted sphere of influence or urban service area with the executive officer of the commission which is required to set a time and date for a hearing of the request.

This bill would repeal the provision authorizing the filing of a request for amendment or revision of the adopted sphere of influence. The bill would permit any person or local agency to file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission The bill would require the executive officer to place the request on the agenda of the next meeting of the commission, to review each request, and to make a report and recommendation The bill would require the commission to consider the request and receive testimony and would permit the commission to approve or disapprove the request as specified. The bill would permit the commission to require the requester to pay a fee covering costs and would permit the review and action on the request to be concurrent with related actions. This bill, by requiring local agency formation commissions to consider and hear these requests made by individuals, would impose a state-mandated local program.

Existing law relating to local agency formation commissions requires the conducting

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authority or any affected party or other interested party desiring any addition, deletion, amendment, or revision of any resolution adopted by the commission making determinations approving the proposal or of any term, condition, or other provision in that resolution to file a written application with the executive officer before final actions of the conducting authority or within 30 days of the adoption of the resolution. Reconsideration of the resolution is required to be made prior to final action of the conducting authority and in no case to exceed 60 days from the date of the notification of the request for rehearing. The commission is authorized, with or without further notice, to deny or approve the application in whole or in part.

This bill would repeal that provision and would establish various deadlines for the filing of the written request for amendments to reconsideration of any resolution adopted by the commission making determinations Upon receipt of the request by the executive officer, the conducting authority would be prohibited from taking any further action until the commission acts on the request and all other time periods would be tolled until the commission acts. The bill would specify the notice requirements for the consideration of the request, require the commission to consider the request and receive testimony at that meeting, require action to be taken within 35 days from the date specified in the notice, and adopt a resolution, if the commission approves the request, making determinations which shall supersede the previous resolution.

Existing law relating to local agency formation commissions permits proposed terms and conditions for a change of organization or reorganization to be contained in any proposal for change of organization or reorganization. At any time prior to completion of a change of organization or a reorganization proposed terms and conditions or revisions may be submitted to the commission

This bill would repeal that provision.

Existing law permits any legislative body conducting a proceeding pursuant to the repealed provision to correct clerical errors with the written consent of the executive officer or the commission before the proceeding is completed.

This bill would, instead, permit the conducting authority to make those corrections, as specified

This bill would state that in enacting this bill it does not intend to make any statement concerning any pending litigation

By creating new procedures for changing resolutions of the commission making determinations, this bill would impose a state-mandated local program on the commission and the conducting authority

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

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

Ch. 827 (SB 2155) Petris Wage deduction records. inspection and reproduction.

Existing law, with specified exceptions, requires employers to furnish each employee with a wage deduction statement containing prescribed information whether the employee is paid by check, draft, voucher, or in cash Existing law requires a record to be kept on file by the employer for at least 3 years of deductions made from cash payments of wages and requires that an employers' records be available for inspection by the employee upon reasonable request.

Under existing law, an employer who violates the above-described provisions is subject to civil penalties and damages.

This bill would revise these provisions to require an employer who is required by the Labor Code or any regulation adopted pursuant thereto to keep the information described above, to afford current and former employees the right to inspect or copy these records as they pertain to that employee upon reasonable request. It would permit the employer to take reasonable steps to assure the identity of a current or former employee and to charge those persons the actual cost of the reproduction of the records.

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

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Ch. 828 (SB 2244) Beverly. Health: liability.

Existing law requires health care plans to establish procedures to continuously review the quality of care, performance of medical personnel, utilization of services and facilities, and costs. One of these procedures is peer review committees. Existing law provides that the proceedings and records of the reviews are not subject to discovery and that no person in attendance at the reviews shall be required to testify about what transpired at the reviews.

This bill would rename the peer review committees as plan or provider peer review committees and would provide that disclosure of the proceedings or records to the governing body of a plan or to any person or entity designated by the plan to review activities of the committees shall not alter the status of the records or of the proceedings as privileged communications.

This bill would apply the above discovery and immunity provisions to nonprofit hospital service plans which issue comprehensive health care contracts under designated provisions. The bill would specify that these plans are not prohibited from utilizing subcommittees to participate in peer review committees and would grant the same immunity to persons participating in the subcommittees

Ch 829 (SB 2271) L Greene. California Housing Finance Agency: fiscal matters.

(1) Nothing in existing law authorizes the California Housing Finance Agency to loan moneys from the California Housing Finance Fund to the Housing Insurance Fund.

This bill would authorize these loans to meet reserve requirements, and would authorize loans from any other fund available by law to create reserves for loans or bonds, and would declare legislative intent with respect to those changes Because the California Housing Finance Fund is continuously appropriated, this bill would make an appropriation.

(2) Under existing law, the agency may issue bonds that are taxable under the personal income tax provisions of state and federal law, as specified.

This bill would, instead, authorize the issuance of bonds taxable under the personal income tax provisions of federal law, regardless of whether the bonds are taxable or tax-exempt under state law.

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

Ch. 830 (SB 2293) Garamendi. Property taxation.

Existing law permits the Controller to offset any amount due a county from a person or entity against any amount owing the person or entity by a state agency on a claim for refund from the Franchise Tax Board of personal income taxes or bank and corporation franchise and income taxes. These provisions apply only where amounts have been reduced to judgment or are contained in a court order.

This bill would extend the application of these provisions to delinquent unsecured property taxes on which a certificate lien has been filed for record with the county recorder.

Existing property tax law requires the allocation of property tax revenues from supplemental assessments by the county auditor to be made on a timely basis, but no later than 30 calendar days after the close of the preceding monthly or 4-weekly accounting period.

This bill would permit these allocations to be made on a biannual basis in counties with a population of 500,000 or less.

Existing property tax law defines a tax rate area for purposes of the allocation of property tax revenues.

This bill would permit tax rate areas to be combined into a single tax rate area if the tax rate areas have the same combinations of local agencies and school entities and would require the calculation of a weighted average of the annual tax increment factors used in the tax rate areas being combined in determining the factors used to allocate the annual tax increment in the combined tax rate area.

Existing property tax law requires the tax collector to transmit to the assessor reports or copies of certificates of all property from which tax liens have been removed

This bill would delete that requirement.

Existing property tax law authorizes any person filing an affidavit of interest to apply

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to the tax collector to have any parcel separately valued on the current roll and permits a county to prohibit the making of applications for separate valuation of parcels on the current assessment roll during the 10-day periods preceding each tax installment delinquent date and prior to June 30th of each year.

This bill would specify that once created, an individual interest parcel may be entered as a separate assessment on subsequent assessment rolls until ownership in the interest is conveyed or the applicant requests the parcel be recombined, and would substitute 10 working days for the 10-day period in which the board of supervisors may prohibit applications for separate valuation

Existing law specifies that the deed conveying title to tax-defaulted property sold by the tax collector shall convey title to the purchaser free of all encumbrances, with specified exceptions.

This bill would also specify that any federal service liens which are not discharged by the sale are included within those exceptions to conveyance of title free of encumbrances

Existing law provides for the designation by the board of supervisors of the county tax collector as the county's redemption officer and provides for the transfer of the powers and duties of that office from one county office to another

This bill would delete these provisions and would designate the county tax collector as the redemption officer in each county.

Existing law provides that if exempt property is acquired, as specified, after the commencement of the fiscal year for which the current taxes are a lien on the property, the portion of the current taxes, plus penalties and costs, that are allocable to the part of the fiscal year that ends on the day before the date of apportionment are required to be paid at the close of escrow or from an eminent domain award, or, if unpaid, are required to be transferred to the unsecured roll and are collectible from either the person from whom the property was acquired or the public entity that acquired the property.

This bill would delete the provisions relating to collection in the event of nonpayment This bill would also impose a state-mandated local program, in connection with acquisitions of exempt property, by requiring the auditor to ascertain, as specified, the amount of taxes or special assessment liens which are unknown at the time of acquisition for purposes of determining the portion of current taxes attributable to the period of the fiscal year that ends on the day before the date of apportionment

This bill would delete obsolete provisions relating to each of the following: proceedings based on an alleged invalidity or irregularity of a tax collector's deed issued on tax sold property, the assessment of tax sold property, the mailing of taxes on personal property on the unsecured roll, the collection of recording fees in certain counties for the record of a notice that property is subject to a power of sale, assessment roll corrections relating to liens created prior to January 1, 1974.

This bill would relocate or revise, or both, provisions relating to each of the following the mailing of information copies of tax bills, the nonapplication of general statute of limitation provisions to proceedings based on alleged invalidity or irregularity of proceedings dealing with tax sales of property and tax deeds to taxing agencies

The bill would specify that the tax collector shall be afforded time to determine the value of a mobilehome prior to issuing a tax clearance certificate when an escrow demand is made for a mobilehome that has not been enrolled in the county

The bill would also validate acts and proceedings taken by local taxing agencies and revenue districts relating to specified actions concerning the budgets, tax rates, and taxes of the agencies and districts and related matters

This bill would make additional technical nonsubstantive changes

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

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

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Ch. 831 (SB 2377) Mello Crimes theft.

Under existing law, every person who, having been convicted and imprisoned of petit theft, grand theft, auto theft, burglary, or robbery, who is subsequently convicted of petit theft, upon conviction of the subsequent offense is punishable by imprisonment in the county jail not exceeding one year, or in the state prison.

This bill would impose a state-mandated local program by including specified other offenses relating to the receipt of stolen property within the above offenses for which a subsequent conviction of petit theft would result in additional imprisonment

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

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

Ch 832 (AB 9) Hughes. Education

Under existing law, the State Board of Education is required to develop a composite rating of each school's performance in specified subject areas pursuant to the Education Improvement Incentive Program

This bill, in addition, would require the establishment of an advisory task force on at-risk schools, to be comprised of a specified membership, for the purpose of developing criteria and strategies for identifying and improving at-risk schools, as specified The State Department of Education would be required to provide staff assistance to the task force Members of the task force would be compensated for certain actual expenses, as determined by the Department of Personnel Administration.

This bill would repeal the above provisions as of June 30, 1989

The bill would also appropriate $150,000 to the Superintendent of Public Instruction for the 1988–89 fiscal year to pay for the provision of assistance to the task force and to pay the members' expenses

Under existing law, which will be repealed on January 1, 1989, the second Wednesday in May of each year is designated and set apart as the Day of the Teacher, and all public schools and educational institutions are required to observe the day, as specified

This bill would encourage, rather than require, the observance of that day, and would repeal those provisions on January 1, 1994

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

Ch 833 (AB 1050) Bader Parks and recreation property use

Under existing law, property acquired or developed pursuant to the Roberti-Z'berg Urban Open-Space and Recreation Program Act is required to be used by the grant recipient only for the purpose for which the grant moneys were requested and no other use of the area is permitted except by a specific act of the Legislature

This bill would authorize the County of San Bernardino to grant an easement for road purposes across specified lands acquired under that act, subject to an exchange for, or acquisition of, property of equal or greater recreation value and would specify related matters

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

Ch 834 (AB 3047) Kelley Standby charges

Existing law authorizes various districts and municipalities to establish standby or availability charges for water and sewer services

This bill would provide an optional alternate uniform procedure for any local agency authorized to impose these charges to utilize in fixing, continuing, and revising those charges which if adopted is required to be followed exclusively The bill would specify that any charges imposed pursuant to the procedure are deemed to be assessments and, if imposed upon public entities, are subject to provisions of law concerning public agency liability for capital facilities fees This bill would impose a state-mandated local program on other local agencies required to collect those charges

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

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

Ch. 835 (AB 3063) Polanco. Vehicles: parking violations.

Existing law provides that the Department of Motor Vehicles is not required to attempt to collect undeposited parking penalties and administrative fees from a former registered owner of a vehicle whenever a vehicle is transferred or not renewed for 2 renewal periods.

This bill would require the department to develop a plan to establish a pilot program to collect parking penalties, regardless of whether a vehicle is transferred, to collect fees to cover the costs of the pilot program, and to report on the plan to the Legislature on or before March 31, 1989. The department would be authorized, if the pilot program is shown to be cost-effective, as specified, to request funding and upon appropriation to implement a 24-month pilot program by December 31, 1989. The department would be required to submit specified reports and information to the Legislature

Ch. 836 (AB 3210) Hannigan. Solano County flood control

(1) Under existing law, the Solano County Flood Control and Water Conservation District is organized under a special act of the Legislature.

This bill would repeal the existing Solano County Flood Control and Water Conservation District Act and would enact a new act creating the Solano County Flood Control and Water Conservation District and specifying the powers and duties of the district, and providing for the management and financing of the district The bill would impose a state-mandated local program by imposing various duties upon the Board of Supervisors of Solano County and other county officers and by making violations of district regulations and ordinances 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 specified reasons.

Ch. 837 (AB 3252) Longshore Courts: Orange County.

(1) Existing law provides for the number, compensation, and classification of superior court personnel in Orange County, as specified.

This bill would revise the number, compensation, and classification of superior court personnel in Orange County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law authorizes the assignment of retired municipal court commissioners of Los Angeles, San Diego, San Bernardino, or Monterey Counties to serve as municipal court commissioners at full compensation, less retirement allowance received

This bill would include within that authorization the assignment of retired municipal court commissioners of Orange County.

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

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

Ch. 838 (AB 3299) Killea. Solid waste. plastics

(1) Existing law prohibits the use of plastic connectors for beverage containers that are not degradable, as defined, except as specified

This bill would declare legislative findings and intent, and would require all rigid plastic bottles, as defined, and rigid plastic containers, as defined, sold in California on and after January 1, 1992, to have a label, as defined, which indicates their composition,

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as specified.

The bill would also require, on and after January 1, 1989, the Division of Recycling of the Department of Conservation to maintain a list of abbreviations used in those labels, and to provide a copy of that list to any person upon request.

The bill would make it a crime, punishable by a specified fine, to manufacture for use in this state any rigid plastic container, as defined, which is not labeled in accordance with the bill, thereby imposing a state-mandated local program.

The bill would require the Legislative Analyst to submit a report on compliance with the bill to the Legislature on or before January 1, 1993.

(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. 839 (AB 3413) Longshore. Workers' compensation: inmates of penal or correctional institution

Existing law provides that each inmate of a state penal or correctional institution is entitled to limited workers' compensation benefits for an injury arising out of and in the course of assigned employment and for the death of the inmate if the injury proximately caused death. However, under existing law no benefits are to be paid to the inmate while incarcerated and the period of benefit payment commences upon the release from incarceration

This bill would provide that the above-described provisions are not to be construed to provide for the payment to an inmate, upon release from incarceration, of certain temporary disability benefits.

It would, additionally, provide that an inmate is not entitled to receive a workers' compensation benefit based on an injury received prior to his or her incarceration and would prescribe that the period of this benefit payment also commences upon the release from incarceration. It would require that a temporary and permanent disability benefit based on an injury sustained prior to incarceration be paid to the dependents of the inmate but would provide that if the inmate has no dependents the temporary disability benefits would be paid to the Uninsured Employers Fund, and the permanent disability benefits would be held in trust for the inmate by the Department of Corrections during the period of incarceration Since that fund is continuously appropriated this bill would make an appropriation.

Ch. 840 (AB 3444) O'Connell. Crimes: domestic violence shelters. disclosure of location.

Existing law provides for the funding of programs that provide basic services, including temporary housing, to victims of domestic violence and their children.

This bill would provide that any person who maliciously discloses the location of any domestic violence shelter, as defined, without the authorization of that shelter, is guilty of a misdemeanor, thereby creating a new crime. This bill would not apply to confidential communications between an attorney and his or her client By creating a new crime, this bill imposes 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 841 (AB 3540) Tanner Consumer disputes· motor vehicle 3rd party dispute resolution and warranties.

Existing law, operative July 1, 1988, requires the Bureau of Automotive Repair to establish a program for the certification of each 3rd party dispute resolution process used for the arbitration of disputes

This bill would make technical, nonsubstantive, and clarifying changes in these provisions

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Ch. 842 (AB 3631) Zeltner. Oath and acknowledgment

Under existing law, the acknowledgment of an instrument may not be taken unless the officer taking it personally knows, or has satisfactory evidence that the person making the acknowledgment is, the individual who is described in and who executed the instrument. Satisfactory evidence may be the presentation of various specified documents or the oath or affirmation of a credible witness personally known to the officer taking the acknowledgment that the person making the acknowledgment is personally known to the witness.

This bill would permit the taking of an acknowledgment of an instrument by a person if 2 credible witnesses, whose identities are proven to the officer upon the presentation of satisfactory evidence, give their oath or affirmation under penalty of perjury that (1) the person making the acknowledgment is the person named in the document; (2) the person making the acknowledgment is personally known to the witnesses; (3) the witnesses reasonably believe that the person's circumstances make it difficult or impossible to obtain another form of identification, (4) the person making the acknowledgment does not possess any of the documents that may constitute satisfactory evidence of identity, and (5) the witnesses do not have a financial interest in the document being acknowledged and are not named in the document

The bill would provide that a witness convicted of perjury under the above-mentioned provisions relating to the acknowledgment of an instrument shall forfeit any financial interest under the document.

Existing law requires a notary public to keep a sequential journal of official acts.

This bill would provide that if the identity of the person making the acknowledgment was established by the oaths of 2 witnesses whose identities are proven by the presentation of satisfactory evidence, the journal shall include specified information concerning the identifying documents.

Ch 843 (AB 3659) Duplissea Vehicles trailer buses traffic emergencies

(1) Existing law defines "bus," for purposes of the Vehicle Code, to include any motor vehicle, except motor trucks or truck tractors, designed for carrying more than 10 persons including the driver and used or maintained for the transportation of passengers, with specified exceptions for vanpool vehicles, as defined, and specified vehicles transporting household members

This bill would redefine "bus" to include any vehicle which is designed, used, or maintained for carrying more than 10 persons including the driver, except vanpool vehicles, and to expressly include trailer buses, as defined in the bill. The bill would exempt from that definition specified vehicles used for transporting immediate family members, rather than household members.

The bill would also make trailer buses subject to the speed limit and lane requirements applicable to buses, as specified Existing law would make violations of the bill a crime; therefore, the bill would impose a state-mandated local program by creating new crimes.

(2) Existing law authorizes public safety personnel to regulate traffic during emergencies.

This bill would make it unlawful to traverse flare or cone patterns provided for regulating traffic or where public safety personnel are engaged in traffic control or managing emergency situations, thereby imposing a state-mandated local program by creating new crimes

(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. 844 (AB 3721) La Follette. Pipelines hazardous liquids.

Existing law proscribes certain willful and malicious acts involving the transportation, conveyance, or distribution of gas through a main or pipeline and provides that any

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person who is found to have willfully and maliciously committed any of the proscribed acts, as specified, is guilty of a felony.

This bill would impose a state-mandated local program by expanding this section to include hazardous liquids.

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

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

Ch. 845 (AB 3737) W Brown Task force urban impact aid.

Existing law establishes a 9-member task force on urban impact aid for the purposes of reviewing the rationale and purpose of urban impact aid, reviewing the formulas and factors that are the basis for providing urban impact aid, and proposing criteria, if appropriate, for the allocation of general aid to school districts in recognition of the impaction of educationally disadvantaged pupils

This bill would require that members of the task force be reimbursed for expenses.

This bill would appropriate $15,000 to the State Department of Education for the purposes of defraying the expenses incurred by members of the task force

Ch. 846 (AB 3759) Stirling. Vehicles financial responsibility.

Existing law exempts driving during the course of employment from suspension of driving privileges for failure to establish proof of financial responsibility.

This bill would permit the Department of Motor Vehicles, on and after July 1, 1989, and upon application and payment of a $50 fee and a penalty fee of $200, to issue a restricted license, as specified, to a person with serious health problems for driving a motor vehicle to receive medical treatments when the persons' privilege to drive is otherwise suspended. The bill would require the penalty fees to be deposited in the Financial Responsibility Penalty Account in the General Fund. Existing law would require the other fees to be deposited in the Motor Vehicle Account in the State Transportation Fund

Ch. 847 (AB 3807) Harvey. Courts Kern, San Luis Obispo, and Tulare Counties.

(1) Existing law establishes the number, compensation, and classification of municipal court personnel in Kern, San Luis Obispo, and Tulare Counties

This bill would revise the number, compensation, and classification of municipal court personnel in Kern, San Luis Obispo, and Tulare Counties, thereby creating 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. 848 (AB 3816) Chandler. Health care service plans

Under existing law, there is established in the Department of Corporations a Health Care Service Plan Advisory Committee consisting of 15 members appointed by the Commissioner of Corporations to assist and advise the commissioner in the implementation of his or her duties relating to health care service plans and specialized health care service plans.

This bill would increase the membership of the committee to 20 by adding 2 persons with 5 years' experience in an administrative capacity with a dental service plan, 2 persons with 5 years' experience in an administrative capacity with a vision service plan, and one person with 5 years' experience in an administrative capacity with a mental health service plan, to be appointed by the commissioner for 3-year terms commencing January 1, 1989. The bill would permit the commissioner until January 1, 1996, to substitute other factors for the 5 years' administrative experience with a vision service plan

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with respect to only one of the 2 members.

Ch. 849 (AB 3866) Leslie. Correctional institutions.

Existing law requires the Department of Corrections to give notice to a community prior to the award of a contract for the establishment of a community correctional center.

This bill would delete these notice requirements and would instead require the department, after designation of a site as a potential site, to notify the county board of supervisors or city council in whose jurisdiction the center may be located of the designation. The local agencies would be permitted to hold hearings and make recommendations concerning the site and the department would determine whether to proceed with the facility after receipt of the recommendations.

Ch. 850 (AB 3874) Costa. Fisheries rehabilitation.

Existing law does not provide an adopt a lake program for cooperation to do fish habitat and restoration work on inland waters. Existing law, however, does provide for salmon and steelhead trout restoration, including habitat restoration on certain spawning streams.

This bill would declare findings of the Legislature, and would enact the Adopt a Lake Program under which the Legislature would declare it to be the state's policy to encourage cooperation by local, regional, state, and federal governmental agencies with jurisdiction over inland waters with private groups and associations in order to do fish habitat and restoration work. The bill would authorize the Department of Fish and Game to implement the program and to prepare and periodically update a plan for the volunteer efforts to be undertaken in cooperation with private groups or associations and the public agency with jurisdiction over the inland water, as specified.

The bill would encourage the Department of Parks and Recreation and state and local agencies, and federal agencies to the extent permitted by federal law, to cooperate with private groups and associations to do fish habitat and restoration work to implement the Adopt a Lake Program.

Ch 851 (AB 3889) Harris. Criminal procedure· appeals.

Existing law provides that no appeal shall be taken by a defendent from a judgment of conviction upon a plea of guilty or nolo contendere, or a revocation of probation following an admission of violation, except where the defendant has filed with the trial court a written statement, executed under oath or penalty of perjury showing reasonable, constitutional, jurisdictional, or other grounds going to the legality of the proceedings; and the trial court has executed and filed a certificate of probable cause for such appeal with the county clerk.

This bill, instead, would provide that no appeal shall be taken by a defendant from a judgment of conviction or from a revocation of probation, as described above, except where the defendant has filed as part of the notice of appeal a written statement, as specified, showing reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings

The bill would repeal its provisions on January 1, 1992.

Ch. 852 (AB 3914) Eastin Pupil motivation and maintenance programs

Existing law requires the Superintendent of Public Instruction to conduct quality and fiscal reviews of certain pupil motivation and maintenance programs operated by school districts.

This bill would further require the Superintendent of Public Instruction to contract for independent evaluation of the effectiveness of those programs, pursuant to specified criteria, and to report, accordingly, to the Legislature on or before January 1, 1990, and, again, on or before January 1, 1992

The bill would specify that, of specified funds to be allocated by the Superintendent of Public Instruction under the Budget Act of 1988 for the purpose of implementing certain pupil dropout prevention programs, $90,000 is available for the performance of those contracting and reporting responsibilities.

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Ch. 853 (AB 3933) Hill. Horseracing: owners' premiums breeders' awards.

(1) Under existing law, any license granted by the California Horse Racing Board to an association other than a fair may be only for one type of racing, except that on and after January 1, 1989, the board may authorize, by regulation, the entering of thoroughbred horses in quarter horse races at a distance of 870 yards at quarter horse meetings, mixed breed meetings, and fair meetings

This bill would prescribe the amounts required to be paid by the association which conducts the meeting to the horsemen's organization that represents thoroughbred horsemen at the meeting. The bill would also require, for races with both quarter horses and thoroughbreds, that any moneys from unclaimed tickets which are paid to a welfare fund established by a horsemen's organization be divided between the thoroughbred organization welfare fund and the quarter horse organization welfare fund based on the number of thoroughbreds and quarter horses in the race

(2) Existing law requires that owner's premiums be paid from purse funds from satellite wagering facilities for thoroughbred meetings in the same relative percentages as owners' premiums are paid at the racing meeting.

This bill would require, for meetings commencing after the effective date of the bill, that owners' premiums be paid from purse funds from satellite wagering facilities for harness, quarter horse, Appaloosa, mixed breed, and fair meetings in the same relative percentages as owners' premiums are paid at the racing meeting.

(3) Existing law requires that 0 4 of 1% of the amount handled on quarter horse races at satellite wagering facilities be distributed as breeder awards to breeders of quarter horses.

This bill would provide for the distribution of these funds. The bill would require that a breeders' award equal to 5% of the winning horse's share be paid for all races won by California-bred quarter horses at all meetings in the state, except fair or mixed breed meetings. The bill would authorize not more than 10% of the funds for administrative expenses and would provide for distribution of the remaining amounts for stallion awards.

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

Ch 854 (AB 3998) Stirling. School grounds weapons.

(1) Under existing law, except for certain enumerated persons, anyone bringing or possessing a firearm on the grounds of any public school, including the University of California, the California State University, or the California Community Colleges, is guilty of either a misdemeanor or felony.

This bill would make the above-described offense exclusively a felony punishable by imprisonment in the state prison for 1, 2, or 3 years.

(2) Existing law makes the possession of specified weapons by any person, except for certain enumerated persons, on the grounds of any public school, including the University of California, the California State University, or the California Community Colleges, a misdemeanor punishable by imprisonment in county jail not exceeding 6 months.

This bill would make the above-described offense either a misdemeanor punishable by imprisonment in county jail not exceeding one year or a felony punishable by imprisonment in the state prison for 1, 2, or 3 years. To the extent that it would increase the length of imprisonment in county jail from 6 months to one year it would constitute a state-mandated local program.

The bill also would make technical, nonsubstantive changes. In addition, it would add faculty members of the university or the state university to the list of those persons authorized to seize certain weapons or to direct that other weapons be brought upon the school grounds for use in a university or state university activity or class.

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

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

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Ch 855 (AB 4008) Lancaster Department of Insurance: funding

(1) Existing law authorizes the Governor to appoint chief deputies for various departments, including one chief deputy for the Department of Insurance, and provides for a secretary as a position exempt from civil service for any deputy appointed pursuant to that provision.

This bill would repeal that provision restricting that exempt position to a secretarial position

(2) Existing law authorizes the Insurance Commissioner to prepare a list of all currently licensed agents, brokers, and solicitors at the expense of the person requesting the service, except for specified lists, and appropriates all list preparation expense moneys to the department to be deposited in the General Fund to the credit of the department's support appropriation

This bill would instead provide that the moneys shall be deposited in the Insurance Fund

(3) Existing law provides for imposing and collecting various fees for filing various documents with the department or the Insurance Commissioner

This bill would authorize the Insurance Commissioner, where no fee is designated in the Insurance Code, to establish fees for the review of filings required to be made with the department or commissioner pursuant to the Insurance Code, under prescribed conditions, and would permit the commissioner to increase those fees, as specified, and to assess fees in addition to the fees designated by existing law, as prescribed

(4) Existing law requires all moneys received by the Insurance Commissioner as fees and reimbursements to be deposited in the State Treasury to the credit of the Insurance Fund Any moneys in excess of the authorized budget for the Department of Insurance revert to the General Fund. These and related provisions would be repealed on July 1, 1989, at which time other provisions of law would become effective which would provide a different scheme of funding for the Department of Insurance

This bill would delete the scheduled July 1, 1989, termination date as respects the above provisions and would repeal those provisions scheduled to become operative on July 1, 1989.

Existing provisions of the Insurance Code appropriate moneys in the Insurance Fund Because this bill would increase the amount of moneys in the Insurance Fund, it would constitute an appropriation

Ch 856 (AB 4022) Filante Transportation local grants.

Under a law which was in existence until 1982, the Secretary of the Business and Transportation Agency allocated funds in the Transportation Planning and Development Account in the State Transportation Fund to local entities for transportation projects

This bill would provide that vehicles and equipment acquired with the funds shall become the property of those entities, and that local entities may sell the property and retain the proceeds for specified purposes.

Ch 857 (AB 4024) Hauser State Board of Equalization sales tax revenue information

Existing law generally requires the State Board of Equalization to administer and enforce the California Sales and Use Tax Law and generally makes confidential particular information contained in returns or reports required to be filed by retailers or other persons.

This bill would require the board to provide to cities and counties, upon request, as specified, a summary of sales and use tax revenue reported to the board on sales and use tax returns from the types of businesses located in the city or unincorporated area of the county, segregated by each ZIP Code area within the city or unincorporated area of the county for any calendar quarter

Ch 858 (AB 4047) Harris Electronic data processing and telecommunications goods and services

Existing law contains provisions generally relating to combinations in restraint of

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trade and contains penalties for the violation of those provisions

This bill would expressly authorize private vendors of electronic data processing equipment or telecommunications goods and services to sell or lease equipment, goods, or services to a private school for the same price and on similar terms as the vendors sell or lease to a public school or school district, as specified

Ch 859 (AB 4057) Wright. General plan changes notice.

(1) Existing law requires specified notice of a planning commission hearing to review proposals for the adoption or amendment of a city or county general plan, to be given by publication in a newspaper of general circulation

This bill would impose a state-mandated local program by additionally requiring mailed or delivered notice to owners of affected property and prescribed local public service agencies at least 10 days prior to the hearings of the planning commission of the city or county The bill would, however, permit published notice to property owners numbering more than 1,000 The bill would authorize this notice to be combined with the planning commission's notice for a hearing on a zoning ordinance or change if these hearings are to be held at the same time.

(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. 860 (AB 4167) Polanco Bakery equipment

Existing law does not specifically prohibit the removal and abandonment of bakery trays or baskets from the premises of a bakery or retail establishment

This bill would make it unlawful to be in possession of or use any bakery tray or basket identified with a sign affixed to it, as specified, or to obliterate the sign on the bakery tray or basket, and would impose penalties therefor.

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. 861 (AB 4334) N Waters. Audit reports and state refunds

(1) Under existing law, the Controller has jurisdiction over state fiscal matters and may audit claims against the state, disbursements of state money, and conduct additional field audits and other audits.

This bill would require the Controller to receive audits prepared for local public agencies pursuant to the federal Single Audit Act of 1984 and required to be submitted to any state agency, to ascertain their compliance with that federal act, and to transmit them to the designated state agency

(2) Existing law generally provides that any fee or payment paid to the state which is subject to refund and any excess payment to a state revolving fund may be refunded by the state agency collecting the fee or erroneous or excess payment before deposit in the State Treasury from any unremitted balance of revenue of the same nature in the state agency's checking account or, if the fee or payment has already been deposited in the State Treasury, it may be refunded from the fund to which it was credited or from any appropriation made for the refund.

This bill would provide instead that any such fee or payment may be refunded by the state agency collecting the fee or payment before deposit in the State Treasury from any unremitted balance of receipts of the same nature in the state agency's checking account or, if the fee or payment has already been deposited in the State Treasury, it may be refunded from any appropriation made for the refund or from any unremitted balance of receipts of the same nature in the state agency's checking account The bill would appropriate from the fund to which the payment was credited a sufficient amount to

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make the refund

Ch. 862 (AB 4352) Longshore. Cal-Vet: dishonored checks and revolving funds.

(1) Under existing law, the Department of Veterans Affairs conducts a program of farm and home purchase benefits for eligible veterans under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program Under other provisions, every state agency is directed to accept a personal check in payment for any obligation owed the public agency, and a charge of not more than $10 may be imposed for a dishonored check and becomes a part of the underlying obligation, other than an obligation constituting a lien on real property.

This bill would permit the department to impose a charge for a dishonored Cal-Vet payment check without the restriction that such a charge may not become a part of the Cal-Vet purchaser's contract and a lien against the Cal-Vet property

Under other provisions, the amounts collected by the department under this bill would be deposited in the Veterans' Farm and Home Building Fund of 1943, a continuously appropriated fund, thereby making an appropriation.

(2) Under existing law, the Department of Finance may make advances of not more than $10,000,000 from the Veterans' Farm and Home Building Fund to the Department of Veterans Affairs, which is administered as a revolving fund, for purposes of carrying out the Cal-Vet program.

This bill would increase the maximum authorization of the advancements to $25,000,000

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

Ch. 863 (AB 4596) Wright. Medi-Cal· Santa Barbara County pilot program

Under existing law, the State Director of Health Services has contract authority for the operation of a Medi-Cal local pilot program with special consideration given to approving a program contracted through county government in Santa Barbara County Existing law provides that during the first year of the pilot program, the amount of the state contract is to equal 95% of total projected Medi-Cal expenditures for delivery of services and for administration based on fee-for-service conditions in the program county. Existing law provides that in the remaining years of the pilot project expenditures in the program county are to be no more than 100% of total projected expenditures for delivery of services and for administration based on relevant prior fee-for-service Medi-Cal experience in the program county or fee-for-service Medi-Cal experience in comparable counties, or a combination of these factors Existing law provides that this projected total expenditure be determined annually according to an acceptable actuarial process and requires that data elements used by the State Department of Health Services be shared with the contractor.

This bill would provide, instead, that the pilot project expenditures in the remaining years be no more than 100% of total projected expenditures for delivery of services and for administration based on any combination of the factors set forth in existing law relative to fee-for-service experience and certain other Medi-Cal experience, as determined by the department.

Ch. 864 (AB 4617) Lancaster Marriage, family, and child counselors

Existing law provides that the name of a marriage, family, and child counseling corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or last name of one or more of the present, prospective, or former shareholders and shall include one or more of specified words and either "counseling" or "counselor" and wording or abbreviations denoting corporate existence.

This bill would remove the applicability of that requirement to the name or names under which a marriage, family, and child counseling corporation may be rendering professional services, and instead provide that the name of the marriage, family, and child counseling corporation shall contain one or more of those specified words with one or more of the words "counseling" or "counselor," and wordings or abbreviations denoting corporate existence. It would also provide that a marriage, family, and child counsel-

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ing corporation and any licensed marriage, family, and child counselor shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice, or, in the case of a corporation, that the business is conducted by a marriage, family, and child counseling corporation. A violation of these provisions would be a misdemeanor, thus creating a new crime, and imposing a state-mandated local program.

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

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

Ch. 865 (AB 4672) Katz. Vehicles: weight limitations: intermodal freight

Existing law prohibits vehicles from traveling on highways in excess of specified weight limitations under the Vehicle Code, and imposes specified fines for violations of those weight limitations

This bill would declare certain legislative findings regarding overweight vehicles on California's highways, and would require the Department of Transportation, in cooperation with representatives of specified business and government entities and labor organizations, to develop a plan for implementing facilities, as specified, for weighing intermodal container trailers, as defined, prior to their entry onto highways which are subject to weight limitations. The bill would require the plan to include financing options for required intermodal weighing facilities The bill would also authorize the department to enter into agreements with local authorities or private entities to provide for exemption from weight restrictions for short distance movement to intermodal weighing facilities

The bill would require the department to submit the plan to the Legislature, not later than August 1, 1989, and to thereafter report annually to the Legislature, as specified, describing its progress in developing the intermodal weight determination program.

Ch. 866 (SB 737) Lockyer. Contracts: county jail facilities.

Existing law authorizes the county board of supervisors of counties of the 1st, 2nd, or 3rd class (Los Angeles, Orange, and San Diego), which is under court order to relieve jail overcrowding, or in which the sheriff certifies that the inmate capacity of the county jail system is exceeded by more than 20%, that the overpopulation is likely to continue, and that it poses a threat to the public safety, health, and welfare, to contract for the construction or expansion of jail facilities without the formality of obtaining bids, adopting plans and specifications, or complying with other requirements of specified provisions of the Local Agency Public Construction Act.

This bill would extend the above authorization to counties of the 4th class (Alameda).

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

Ch. 867 (SB 2032) Morgan. State freeways.

Existing law requires the Department of Transportation to execute street or highway closing agreements with cities or counties before acquiring real property for freeways.

This bill would permit a city council to authorize the purchase of rights-of-way prior to approval of an agreement under specified circumstances

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

Ch. 868 (SB 2340) Lockyer. Courts: Alameda County.

(1) Existing law provides for the Livermore-Pleasanton Judicial District in Alameda County.

This bill would change the name of that municipal court to the Livermore-Pleasanton-Dublin Judicial District, thereby imposing a state-mandated local program by requiring conforming changes to be made in signs and materials containing the name of the court.

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

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procedures for making that reimbursement.

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

Ch. 869 (SB 2355) Mello. Residential care facilities for the elderly.

Existing law permits the State Department of Social Services to levy a civil penalty in addition to the suspension or revocation of a license of a residential care facility for the elderly for violation of laws regulating those facilities

This bill would require the department to adopt regulations setting forth the appeal procedures for deficiencies.

Existing law requires the State Department of Social Services to enforce certain requirements with respect to refunds of entrance fees charged by life care contract providers Existing law repeals on December 31, 1988, those statutory requirements and requires the department to have adopted regulations as specified prior to that date.

This bill would delete the repeal of those requirements and the requirement that the department adopt the regulations.

Ch. 870 (SB 2479) Keene. Public records: concealed weapons

The existing California Public Records Act generally requires records of state and local government agencies to be available for public inspection unless exempted from this requirement.

This bill would exempt from this requirement information contained in applications for licenses to carry concealed weapons issued by a county sheriff or a city police chief which indicates when or where the applicant is vulnerable to attack or which concerns the applicant's medical or psychological history or that of members of his or her family

This bill would also incorporate additional changes to Section 6254 of the Government Code contingent upon the enactment of SB 2523.

Ch 871 (SB 2577) Ellis County expenses indigent defendants

Under existing law, prior to the furnishing of counsel or legal assistance by the court, the court is required to give notice that the court may, after a hearing, make a determination of the present ability of the defendant to pay all or a portion of the cost of counsel. If the court determines that the defendant has the present ability, the court is required to order that the defendant pay all or a part of the cost and shall inform the defendant that the order has the same force and effect as a judgment in a civil action which may be enforced against the property of the defendant in the same manner as any other money judgment.

This bill would provide that the court may, in all cases in which a defendant is entitled to counsel but is unable to employ counsel, to order in its discretion, that the defendant appear before a county officer designated by the court, to determine whether the defendant owns or has an interest in any real property or other assets subject to attachment, which are not otherwise exempt by law, in order to compensate the county in part or for all of the legal expenses incurred in the indigent's defense. The court would have the authority to impose a lien on the defendant's real property to the extent permitted by law The county would have the authority to enforce this lien by way of attachment, except as specified.

Ch 872 (SB 2791) Royce Genetically handicapped persons.

Existing law requires the 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 specified hereditary metabolic disorders.

Ch. 873 (SB 2744) Garamendi. Medi-Cal.

Existing law provides for the Medi-Cal program, pursuant to which medical benefits, including inpatient hospital services, are provided to public assistance recipients and certain other low-income persons Existing law for purposes of the Medi-Cal program provides a selective provider contract system for hospital services.

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Existing law requires the California Medical Assistance Commission to make a specified annual report to the Legislature concerning the selective provider contracts.

This bill would require the annual report to include, as specified, a discussion of the effects of selective contracting on access to, and quality of, services.

Ch. 874 (AB 3105) Zeltner. Long-Term Care Ombudsman.

Existing law regarding the responsibilities of the Office of the State Long-Term Care Ombudsman includes residential care facilities for the elderly within that office's scope of investigatory and complaint resolution responsibilities.

The bill would delete adult day health care facilities from the definition of long-term care facilities.

This bill would also make technical nonsubstantive changes.

Ch 875 (AB 4598) Hansen. 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 delete adult day health care facilities from the definition of long-term care facilities

The bill would also make technical nonsubstantive changes.

Ch 876 (AB 190) Bradley. Underground storage tanks

Existing law generally regulates underground storage tanks containing hazardous substances

This bill would exempt from these regulations a tank located in a structure providing for secondary containment, if the tank's exterior surface can be monitored by direct viewing and the tank meets other specified requirements

Ch. 877 (AB 465) N Waters. Vehicles. weight limits violations.

(1) Existing law, operative until December 31, 1987, defines "tire chains." Until December 31, 1986, any tire chains used on highways were required to comply with that definition.

This bill would reenact that requirement and would extend the definition until January 1, 1990, thereby imposing a state-mandated local program by creating a new crime

(2) Under existing law, the Department of the California Highway Patrol is required to study the effectiveness of tire chains, as specified, and report thereon by December 31, 1986.

This bill would extend the time for this report to December 31, 1989

(3) Under existing law, specified farm vehicles are exempt from vehicle registration

This bill would also exempt specified water tank trucks used for transportation of water for irrigation of crops or trees.

(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 878 (AB 665) Johnson. Transportation: Orange County.

(1) Existing law requires each transportation planning agency to form an advisory committee on productivity improvements.

This bill would make that requirement discretionary

(2) The County Transportation Commission Act creates and prescribes the membership of the Orange County Transportation Commission, and prohibits the 6 ex officio members of the commission from appointing to the commission any person who served in specified offices within 10 years of the appointment.

This bill would delete and revise certain residency requirements for membership on the commission, and would decrease that prohibition period to 4 years.

(3) Existing law requires each member of a county transportation commission to be

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compensated at a rate not exceeding $75 a day, but not more than $300 a month.

This bill would provide that each member may receive $100 a day, but not more than $400 a month.

(4) Existing law requires the chairperson and vice chairperson of local transportation authorities to be elected annually at the first meeting in January.

This bill would authorize those authorities to designate any meeting for the annual election.

Ch. 879 (AB 856) Quackenbush. Multipurpose Senior Services Program.

Existing law provides that provisions governing the Multipurpose Senior Services Program shall remain in effect until a new long-term care delivery system is established pursuant to the Torres-Felando Long-Term Care Reform Act or until June 30, 1989, whichever comes first, and as of that date are repealed.

This bill would extend the above date to June 30, 1990

Ch. 880 (AB 1234) Moore. Public utilities electrical corporations.

(1) Under existing law, electrical corporations are public utilities subject to the jurisdiction of the Public Utilities Commission pursuant to the Public Utilities Act. That act defines "electrical corporation" as, among other things, excluding a corporation or person generating electricity by cogeneration technology or from other than a conventional power source for the use of or sale to not more than 2 other corporations or persons solely for use on real property immediately adjacent to the real property on which the electricity is generated, or for sale to an electrical corporation or public agency.

This bill would make this exclusion inapplicable when there is an intervening public street constituting that boundary between the 2 properties and (a) the properties are not under common ownership or control or that common ownership or control was gained solely for purposes of sale of the electricity, (b) the useful thermal output of the generating facility is not used on the adjacent property for petroleum production or refining, or (c) the electricity furnished to the adjacent property is not used by a subsidiary or affiliate of the corporation or person generating the electricity. The bill would also exclude such a corporation or person transmitting, as well as selling, electricity to an electrical corporation or public agency

(2) The act defines "electrical corporation" as excluding a corporation or person generating electricity by landfill gas technology (a) for the use of its tenants, (b) for the use of or sale to not more than 2 other corporations or persons solely for use on real property immediately adjacent to the real property on which the electricity is generated, or (c) for sale to an electrical corporation or public agency.

This bill would revise these exclusions to (a) permit the use of the electricity by not more than 2 of its tenants located on the real property on which the electricity is generated, (b) delete the exception permitting the use or sale of the electricity to not more than 2 other corporations or persons solely for use on immediately adjacent real property, and (c) exclude such a corporation or person transmitting, as well as selling, electricity to an electrical corporation or public agency.

(3) The bill would also exempt from the application of these provisions any corporation or person generating electricity by cogeneration technology or from other than a conventional power source which produced electricity prior to January 1, 1989, and furnished that electricity to immediately adjacent real property for use thereon prior to that date.

Ch. 881 (AB 1240) Sher. Arbitration: real estate.

Under existing law, persons are generally authorized to agree to settle disputes that have arisen or that may arise in the future by arbitration agreements. Except for agreements to arbitrate medical malpractice disputes, existing law does not impose requirements as to the form of arbitration agreements.

This bill would provide that whenever a contract to convey real property, or contemplated to convey real property in the future, contains an arbitration provision, it shall have the provision titled "ARBITRATION OF DISPUTES" and contain a specified notice. It would also provide that whenever a contract or agreement between principals

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and agents in real property sales transactions contains an arbitration provision, it shall have the provision titled "ARBITRATION OF DISPUTES" and contain a specified notice.

The bill would also provide that a party to an action who files a notice of a pending action does not thereby waive any right of arbitration.

The bill would become operative on July 1, 1989, and would apply only to contracts or agreements entered into on or after that date

Ch. 882 (AB 2826) Grisham. Drinking water.

Under existing law, when any of various events occur in violation of laws and regulations relating to drinking water, the person operating the public water system is required to notify the State Department of Health Services and water users

This bill would require, when a well, which is used as a source of drinking water for a public water system, is discovered to include, or is closed due to the presence of, a contaminant in excess of a maximum contaminant level or action level, as defined, established by the department, that the person operating the public water system notify the governing body of the city, county, or city and county in which users of the drinking water reside within 30 days of the discovery or closure.

Ch. 883 (AB 2895) Hannigan Health planning.

Existing law requires the Office of Statewide Health Planning and Development to make annual reports to the Legislature and Governor. Under existing law, the required content of the report varies according to whether the reporting year is even or odd numbered

This bill would require that report in 1990, and at the option of the office in 1992, to include a prescribed evaluation of the effects of regulation, deregulation, and competition on the availability, access, cost, and quality of specified cardiac services. The bill would require the office to consult with one of the technical advisory committees in preparing the evaluation and would require the director of the office to temporarily appoint 2 additional members for that purpose The bill would require any recommendations resulting from the evaluation to be included in the State Health Plan and submitted to the Governor and to the Legislature

This bill would prohibit additional regulation or actions to restrict the surgeries and services subject to this evaluation without additional express statutory authority.

Ch 884 (AB 2931) Frazee Advisory elections.

Existing law authorizes local government entities to hold advisory elections in consolidation with any regular or special election for the purpose of allowing voters to voice their opinion on substantive issues or to indicate to the local legislative body approval or disapproval of the ballot proposal, and if certain conditions are met, to consolidate with elections held in territory outside the jurisdiction of those government entities.

This bill would delete the requirement that advisory elections within the local government entity's jurisdiction be consolidated with any regular or special election and would authorize an advisory election on any date on which the jurisdiction is currently permitted to hold a regular or special election In addition, it would expand the conditions to be met for consolidation with elections in territory outside the local government entity's jurisdiction to include the approval of that territory's county board of supervisors

Ch. 885 (AB 2942) Katz Surface impoundments.

(1) 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 regional board determines that the mining wastes 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. An application for exemption is required to include a completed hydrogeological assessment report, as prescribed

This bill would permit an applicant who submitted a deficient report, as specified, but

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did not receive written notice of the deficiencies by January 1, 1988, to be granted up to a maximum of one year from the date of written notification of the deficiencies for the sole purpose of providing the information necessary to correct the deficiencies The bill would specify related matters.

(2) 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 regional board a hydrogeological assessment report, when notified by the regional board The act also prohibits any person from discharging liquid hazardous wastes, or hazardous wastes containing free liquids, into a surface impoundment after June 30, 1988, except as specified, if the surface impoundment is located within a specific distance from a potential source of drinking water The act also prohibits any discharge into a surface impoundment, on and after January 1, 1989, which is not equipped and monitored in a specified manner The act also imposes other requirements concerning fees, inspections, and closure of the impoundment.

The bill would authorize the regional board to exempt from the act a surface impoundment used in connection with the discharge of mining waste from a mine which ceased operations before January 1, 1988, and a surface impoundment used as part of a mineral mining operation

The bill would specify the criteria and procedures for granting these exemptions The bill would require the regional board, before granting the exemption concerning mining waste discharge, to determine that the environmental benefit of the discharge to the surface impoundment outweighs any threat to water quality. The bill would authorize the regional board to issue the exemption for a surface impoundment used for a mineral mining operation if, among other things, the hazardous constituents in the surface impoundment originated from the underlying groundwater and the impoundment is used for recharging groundwater levels, as specified The bill would require a fee of $3,000 to accompany the exemption application for a surface impoundment used for mineral mining and would require the regional board to deposit the fee in the Surface Impoundment Assessment Account in the General Fund The bill would also require these exemptions to be revoked if the regional board makes a specified finding.

The bill would repeal the provisions regarding the granting of these exemptions on January 1, 1993.

Ch. 886 (AB 2960) Chandler Grand juries.

(1) Existing law provides for one-year grand jury terms, except that up to 4 members may hold over for a 2nd year, as specified

This bill would authorize up to 10 members to hold over for a 2nd year, as specified

(2) Existing law authorizes the presiding judge of the superior court to employ special counsel, at the request of the grand jury, whose duty is to investigate and present the evidence of the investigation to the grand jury, as specified.

This bill would enact special provisions for the employment of special counsel for the grand jury in Sacramento County, specifying the terms of the contract therefor and the confidentiality of various proceedings regarding that contract, thereby imposing a state-mandated local program by expanding an existing program

The bill would state that these provisions constitute necessary special legislation

(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. 887 (AB 3215) Jones Nursing

Pursuant to existing law, the Office of Statewide Health Planning and Development is required to administer a state program to provide nursing education scholarships to applicants in order to reduce the shortage in supply of registered nurses

This bill would require the statewide office to develop a comprehensive plan to improve the recruitment of men and women, including, but not limited to, men and women of racial and ethnic minorities, to enter educational programs for training as

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registered nurses

This bill would authorize the Office of Statewide Health Planning and Development to make grants to, and enter into contracts with, public and nonprofit private entities to improve programs that have the purpose of recruiting individuals to enter educational programs for training as registered nurses

This bill would prohibit the issuance of a grant or the entering into a contract unless an application therefor is submitted to the Office of Statewide Health Planning and Development

These provisions would be repealed January 1, 1992

This bill would appropriate $50,000 from the California Health Data and Planning Fund to the office for the 1988–89 fiscal year for these activities This bill would declare the intent of the Legislature that the sums as may be necessary for each of the 1989–90 and 1990–91 fiscal years be appropriated in the annual Budget Act

Ch 888 (AB 3217) Margolin Hospital emergency medical treatment and patient transfer

Various provisions of existing law regulate hospitals and treatment of patients.

Existing law prescribes the conditions for transfer of a person needing emergency services and care from one hospital to another for a nonmedical reason. One condition is that the transfer shall conform with regulations established by the State Department of Health Services.

This bill would permit those regulations to prescribe minimum protocols for patient transfers

Existing law requires each hospital's policies and protocols with respect to specified services to be submitted for approval to the department within 90 days of the department's adoption of regulations for those services and requires the department to adopt those regulations on any emergency basis by July 1, 1989

This bill would delete the requirement for adoption of the regulations and require hospital's policies and protocols to be submitted for approval by December 31, 1988

Existing law permits the department to impose a civil penalty upon a hospital found to have committed or violated laws or regulations relating to specified services provided by the hospitals

This bill would specify factors which the department shall take into account in determining the amount of the fine

Existing law provides that, to the extent hospitals and physicians enter into contractual relationships with counties which impose more stringent requirements on patient transfers, the contractual agreements shall control.

This bill would replace counties with governmental agencies in that provision of law.

Existing law requires the local emergency medical services agency to establish guidelines and standards for patient transfer agreements between hospitals including, among other factors initial patient care treatments.

This bill would, change this factor to, instead, refer to necessary initial patient care treatment

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

Ch 889 (AB 3276) 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 Bond 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 Bond 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

The bill would authorize the department to prepare the information on each grant

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application required to be submitted to the Legislature in the form of one annual report to the Legislature, as specified.

The bill would also authorize a grant under the California Safe Drinking Water Bond Law of 1984 to a specified public entity for specified purposes.

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

Ch. 890 (AB 3312) Wright Family law dissolution of marriage. bifurcation

Existing law provides that in civil actions, under specified conditions, the court may order a separate trial of any cause of action or of any separate issue or of any number of causes of action or issues

This bill would specify that in any action for dissolution of marriage under the Family Law Act, the court, upon noticed motion, may sever and grant an early and separate trial on the issue of the dissolution of the status of the marriage, apart from other issues. This bill would authorize the court to impose conditions on the grant of the severance, as specified

This bill would also require a judgment granting a dissolution of the status of the marriage to expressly reserve jurisdiction for later determination of all other pending issues.

Ch. 891 (AB 3381) Quackenbush. Contracts of the Health and Welfare Agency and its departments.

Under existing law, special procedures are applicable to certain service contracts of the Health and Welfare Agency and its component departments.

This bill would require the Auditor General to conduct a study and submit a prescribed report thereon to the Legislature by July 1, 1989, on the contract-reform, appeals, and audit procedures of these provisions of existing law, with respect to their application to nonprofit organizations

Ch. 892 (AB 3460) La Follette Forfeitures: controlled substances

Existing law permits property seized in connection with controlled substances offenses to be subjected to forfeiture proceedings filed and maintained by the Attorney General or the district attorney for the jurisdiction involved

This bill would also permit the city attorney for the jurisdiction involved to file and maintain the seizure proceedings in Los Angeles County, if the value of the seized property is $25,000 or less, and the Attorney General, or the district attorney, or both have declined to institute forfeiture proceedings, and have given consent to the city attorney

Ch. 893 (AB 3528) Floyd. Classified school district employees: examinations

Existing law requires the oral examination board for classes of positions deemed by the personnel commission of school districts that have adopted the merit system for classified employees or by the authority responsible for the administration of classified employee examinations to require an oral examination to include a minimum of 2 members.

This bill would provide an exception to the requirement that the oral examination board include a minimum of 2 members and would permit a single member examination board where the oral examination in an entrance level classification to be administered to the entire field of candidates is a structured objective examination, as defined.

Ch. 894 (AB 3739) Jones. Laboratories. water testing and hazardous waste testing.

(1) Existing law requires analysis of any material required by the Porter-Cologne Water Quality Control Act to be performed by a laboratory certified by the State Water Resources Control Board to be competent, properly staffed, and equipped to conduct that specific type of analysis Existing law requires the board to adopt regulations, as specified, governing the certification and to establish a schedule of fees, as specified, to be deposited in the General Fund. Existing law terminates the authority to levy fees on January 1, 1989, and requires the board to report to the Legislature by April 1, 1988, on the fee schedule and specified related matters. Existing law permits the certification

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program to be administered under contract with other governmental agencies or private entities, and prescribes related duties of the board and requirements for the certification program.

In addition, existing law requires, operative one year after adoption of regulations by the State Department of Health Services, that any analysis of hazardous waste required by existing law be performed by certified laboratories. Existing law provides for that certification by the department, and for related matters Existing law requires those laboratories to pay specified certification fees which are required to be adjusted each year by the percentage changes printed in the Budget Act These fees are deposited in the Hazardous Waste Control Account in the General Fund, which funds are continuously appropriated for expenditure by the department for the purposes of administering hazardous waste control provisions

This bill would enact the Environmental Laboratory Improvement Act of 1988, to repeal and amend the existing provisions for the purpose of consolidating, reorganizing, and revising these functions, under the administration of the department. With specified exceptions, the bill would authorize the department to accredit laboratories operated by public or private entities which perform analyses of potable water, waste water, hazardous wastes and contaminated soils or sediments, through the issuance of certificates of accreditation. The department would be required to adopt regulations, including those providing minimum standards in enumerated areas

The bill would impose a mandatory application and accreditation procedures upon any public or private entity operating laboratories covered by its provisions, and would impose accreditation fees upon these laboratories In addition to including these fees within the existing law Budget Act adjustments summarized above, the bill would require the department to increase the fees, as necessary, in order to meet full program costs The bill would authorize the department to conduct a specified inspection program, and to impose enumerated civil penalties upon laboratories operating in violation of its provisions. It would also create specified crimes for its violation, thereby imposing a state-mandated local program. It would set forth various grounds for suspension revocation of a certificate of accreditation issued under its provisions, and would provide for administrative review of any action taken, in accordance with specified existing provisions.

The bill would make a number of related changes, including provisions to allow laboratories operating under existing law to continue under that existing authorization as prescribed by the bill

(2) Under the existing funding of the laboratory program pursuant to the Porter-Cologne Act, the State Water Resources Board is required to reimburse the General Fund, on or before January 1, 1988, in the amount of $200,000 from laboratory certification fees collected by the State Water Resources Control Board.

This bill would shift that reimbursement responsibility to the State Department of Health Services, from moneys provided pursuant to the bill, and would extend the time for reimbursement to January 1, 1992.

(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.

(4) This bill would incorporate additional changes in Section 113 of the Health and Safety Code, proposed by AB 4114, to be operative only if AB 4114 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch. 895 (AB 3867) Hauser. Health: mineral water.

Existing law requires the State Department of Health Services to adopt regulations concerning bottled water, including quality standards for bottled water, including mineral water, that are not less stringent than specified federal regulations, except that mineral waters are required to exceed 500 milligrams per liter of total dissolved solids

Existing law also provides that mineral water producers which bottle 5,000 gallons, or

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less, per week shall have until January 1, 1989, to comply with the quality standards for bottled water.

This bill would extend that date to February 1, 1990.

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

Ch. 896 (AB 3888) Hill. Theft.

Under existing law, it constitutes the crime of theft when any person, among other things, knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor, or real or personal property.

This bill would provide that any person who knowingly gives false information or provides false verification as to the person's true identity or as to the person's ownership interest in property or the person's authority to sell property in order to receive money or other valuable consideration from a pawnbroker or secondhand dealer and who receives the same is guilty of the crime of theft The bill would also provide for restitution to the pawnbroker or secondhand dealer, as specified. To the extent that this bill would create a new crime, 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

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

Ch. 897 (AB 3932) Floyd. Aid to families with dependent children.

Existing law provides, through the Greater Avenues for Independence Act of 1985 (GAIN), for an employment and training services program for aid to families with dependent children recipients, which is administered by each county welfare department, in a manner consistent with regulations developed by the State Department of Social Services and pursuant to a plan which reflects the full employment goal of the plan, an assessment of the county's current and projected unsubsidized employment needs, and other factors

Under existing law, when an individual registers for participation in the GAIN program, including voluntary participation, the individual is required to enter into a basic written contract with the county welfare department describing the program, the services available to the individual, and the rights and responsibilities of the individual

Existing law requires that certain sanctions be imposed when an individual refuses to participate without good cause, and after conciliation efforts, in a program component to which he or she is assigned. In the case of an individual who is voluntarily participating in the program, the individual is precluded from participating in the program for a period of 6 months.

This bill would specify that an individual who volunteers to participate in the GAIN program, but fails to appear for a scheduled appointment prior to entering into the basic contract under the GAIN program, shall be deemed not to be in the GAIN program, and would specify that conciliation efforts and sanctions applicable to the GAIN program shall not apply in that situation.

Ch 898 (AB 3959) N Waters. Minors· abuse

Existing law requires, in cases of child abuse, the county welfare department or social services department to evaluate in writing what action or actions would be in the best interest of the child victim on or before the completion of the investigation and to submit them to the district attorney, as specified.

This bill would make certain clarifying and consolidating changes in that regard.

Ch. 899 (AB 3240) Leslie. AFDC: paternity establishment: county reimbursement.

Existing law requires each county to maintain a single organizational unit located in the office of the district attorney which has the responsibility for promptly and effectively enforcing child and spousal support obligations and determining paternity in the case of a child born out of wedlock.

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This bill would require the State Department of Social Services to provide payments to each county at a rate of $90 per child for establishment of paternity for each paternity established. The program would become inoperative on June 30, 1991, and would be repealed January 1, 1992

Existing law continuously appropriates from the General Fund to the State Department of Social Services a sum equal to 50% of the state's share of AFDC program child support collection increases, for allocation to each county which increased its collections, based on each county's percentage of the total increased collections in those counties

This bill would make that continuing appropriation and fund allocation methodology inoperative until June 30, 1991, and would require the reallocation of money appropriated under that continuing appropriation for the purposes of the bill, thereby resulting in an appropriation

Ch 900 (AB 2025) Bates Civil law· support.

Existing law provides that the father and the mother of a child have the obligation to support and educate the child in the manner suitable to the child's circumstances taking into consideration the respective earnings or earning capacities of the parents.

This bill would make various changes in the law relating to that parental obligation, including, authorizing a court to require a parent who is in default in a child support order allegedly because of his or her unemployment to submit to a specified agency or other entity designated by the court a list of at least 5 different places he or she has applied for employment The parent would be required to submit the list each 2 weeks or at a frequency specified by the court

Existing law, the Credit Reporting Agencies Act, provides, with specified exception, that no consumer credit reporting agency shall make any consumer credit report containing any information relative to suits from the date of filing and satisfied judgments which from the date of entry antedate the report by more than 7 years, and unsatisfied judgments which, from the date of entry, antedate the report by more than 10 years.

This bill would instead prohibit a report from containing information relative to suits and judgments which, from the date of entry, antedate the report by more than 7 years or until the governing statute of limitations has expired, whichever is the longer period It would delete the prohibition against a report containing information relative to unsatisfied judgments which, from the date of entry, antedate the report by more than 10 years.

Existing law also requires the State Department of Social Services to implement procedures, as specified, to make available, upon request, to any consumer reporting agency, information regarding an amount of past due child support which is owed by an absent parent residing in this state.

This bill would repeal these provisions on July 1, 1990.

In addition the bill would require the State Department of Social Services, by July 1, 1990, to design and develop a statewide automated system, as specified, for the reporting of court-ordered support obligations and delinquent payments to credit reporting agencies.

The bill would also authorize district attorneys to implement credit reporting systems prior to July 1, 1990. It would require California district attorneys, on a monthly basis, to provide updated information to the department, 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 901 (AB 2359) D. Brown Taxation. compromises.

The existing Personal Income Tax Law and Bank and Corporation Tax Law permit the Franchise Tax Board to enter into closing agreements with taxpayers or their representatives in respect of any tax levied under these laws for any taxable period. Upon approval of the State Board of Control, the agreements become final and conclusive. As

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a result, no case may be reopened as to matters agreed upon, and no agreement may be modified by, an officer, employee, or agent of the state, and in any suit, action, or proceeding, the agreement or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance with the agreement, may not be annulled, set aside, modified, or disregarded.

This bill would provide that the executive officer or chief counsel, if authorized by the executive officer, of the Franchise Tax Board may recommend to the Franchise Tax Board, a settlement of any civil tax matter disputes It would provide that any recommendation for settlement shall be approved or disapproved by the Franchise Tax Board. It would provide that any recommendation for settlement involving a combined reduction in tax, interest, additions to tax, or penalties in excess of $5,000 shall be approved only at a public meeting and shall require a disclosure of the legal and factual basis supporting a finding that the settlement is in the best interests of the state. It would require a statement containing specified information relating to the settlement to be filed in the office of the board's executive officer if the total amount subject to settlement exceeds $500.

This bill would provide, except as specified, that a settlement made pursuant to this bill is confidential tax information for purposes of provisions of existing law restricting disclosure of tax information

This bill would also impose a state-mandated local program by making certain conduct by any person, bank, or corporation in connection with any settlement, any offer of settlement, or any closing agreement a crime, punishable 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.

This bill would apply to tax liabilities relating to returns required to be filed on or after March 15, 1989, or on or after April 15, 1989, as appropriate

Ch. 902 (AB 2874) Elder. STRS and PERS reports.

Existing statutes require the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) to make various reports

This bill would require that the unaudited data compiled for the preparation of the required annual reports relating to securities held, stock exchange commissions and fees paid, and investment transactions, and related matters be submitted by November 1 of each year to the Assembly and the Senate.

Ch 903 (SB 1737) Kopp. Costs in civil actions

Existing law provides that a complainant prevailing in a civil action to appeal or review an administrative determination may collect reasonable attorney's fees not to exceed $1,500, where it is shown that the determination was the result of arbitrary or capricious action by a public entity or officer in his or her official capacity.

This bill would increase the limit on attorney's fees to $7,500, computed at $100 per hour

Ch. 904 (SB 2023) Campbell. Sales and use tax: exemption: museum pieces.

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 law specifically exempts specified purchases of property used exclusively for display purposes within the San Diego Aero-Space Museum.

This bill would extend this exemption to specified purchases of property used exclusively for display purposes within the California Museum of Science and Industry.

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with the state's taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

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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. 905 (SB 2508) McCorquodale Sales and use tax exemptions: retailer donations.

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

This bill would exempt from the use tax the storage, use, or other consumption in this state of specified charitable donations by any retailer.

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 specify that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this bill

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch 906 (AB 3716) Frizzelle State employees

(1) Existing law requires the Department of Personnel Administration to perform various functions and duties relating to state employees, as defined

This bill would revise and expand the definition of "state employees" to include additional employees of various state departments

(2) Existing law prohibits the accrual of sick leave, vacation credits, or service credit by a state employee while he or she is receiving nonindustrial disability leave benefits

This bill would, as an exception thereto, authorize that accrual, when provided by Department of Personnel Administration regulation, by managerial employees receiving nonindustrial disability insurance (NDI) benefits, to the extent that annual leave or sick leave credits are used to supplement the NDI benefits

(3) The Public Employees' Medical and Hospital Care Act provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System

Existing law also provides that state employees first hired on or after January 1, 1985, shall not be vested for the full employer contribution payable for annuitants unless the employee has, at the time of service retirement, 10 years of credited state service.

This bill would further provide that certain state employees who become state members after January 1, 1989, shall not receive any portion of the employer's contribution payable for annuitants unless these employees are credited with 10 years of state service, as defined, and would provide a postretirement health benefit computation schedule for these employees, as specified

(4) Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state employer and specified state employee organizations and would specify that the provisions of any memorandum of understanding that 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.

This bill would also prohibit any provision of a memorandum of understanding approved by this bill and A B. 2599, which is scheduled to take effect on or after July 1, 1988,

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and which requires the expenditure of funds, from taking effect unless funds therefor are specifically appropriated This bill would also provide that if those funds are not appropriated, all or any part of any such memorandum of understanding may be declared null and void by any affected employee organization.

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

Ch 907 (AB 1067) Duplissea. Commercial vehicles

(1) Existing law requires an additional service fee to be paid for the registration of a vehicle purchased new outside this state

This bill would make that requirement inapplicable to specified fleet vehicles

(2) Existing law provides for the partial year payment of weight fees for the registration of commercial vehicles

This bill would provide that those provisions do not apply to commercial vehicles based in foreign jurisdictions which do not grant reciprocity or proportionate registration to residents of this state

(3) Existing law requires towed vehicles to comply with specified safety chain requirements.

This bill would make those requirements inapplicable to a dolly, as specified

(4) Existing law requires every vehicle subject to the jurisdiction, control, and regulation of the Public Utilities Commission or the Interstate Commerce Commission, and to specified provisions of the Vehicle Code, to display identifying symbols provided for in the Public Utilities Code.

This bill would require every motor carrier which is not regulated by the Interstate Commerce Commission, the Public Utilities Commission, or the United States Department of Transportation to obtain and to display on its vehicles, a carrier identification number obtained from the Department of the California Highway Patrol. Since a violation of this requirement would be an infraction, the bill would impose 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 908 (AB 1142) N Waters Economic poisons

(1) Under existing law, upon making a finding that a crop, commodity, or site has been treated with an economic poison not registered for use on the crop, commodity, or site and, upon making a further finding that the treatment has resulted in, or could reasonably result in, the creation of a hazard to human health or an unfair business advantage, the crop or commodity may be declared by the Director of Food and Agriculture to be a public nuisance and may be seized and held to prevent harvest and sale The director is required to hold the crop or commodity for 30 days, and, if no action has been filed to contest the seizure, the director may order that the crop or commodity be destroyed

This bill would revise and recast this authority of the director so that the unlawful treatment of a plant, crop, commodity, or site would create a rebuttable presumption that the treatment presents a hazard to human health or the environment and that the economic poison was used to gain an unfair business advantage The bill would establish a procedure whereby the director would provide notice prior to seizure, with a specified exception, and the owner or person in possession or control of the plant, crop, commodity, or site could contest the seizure

The bill would authorize the director to seek an injunction against the violation or threatened violation of a seizure order The bill would also prohibit any person from harvesting, packing, shipping, selling, transporting, destroying, or disposing of any plant, crop, or commodity that has been seized pursuant to these provisions. Violation of this prohibition would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime

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

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. 909 (AB 2093) Ferguson Crimes

Existing law provides that any person who within 500 meters of any elementary school, junior high school, high school, or public playground, or any part thereof, knowingly sells, or offers to sell, in any coin- or slug-operated vending machine or mechanically or electronically controlled vending machine which is located on a public sidewalk, any harmful matter, as defined, displaying to the public view photographs or any pictorial representations of the commission of certain sexual acts or sexual organs, is guilty of a misdemeanor.

This bill would revise this prohibition to provide that any person who knowingly displays, sells, or offers to sell in any coin- or slug-operated vending machine or mechanically or electronically controlled vending machine which is located in a public place, other than a public place from which minors are excluded, any harmful matter displaying to the public view certain specified sexual acts or sexual organs is guilty of a misdemeanor

This bill would impose a state-mandated local program by expanding the scope of existing crimes

This bill would include further changes in Section 313 1 of the Penal Code as proposed by AB 3568 to become operative only if this bill and AB 3568 are both chaptered and this bill is chaptered last

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

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

Ch 910 (AB 2852) Clute. Mobilehome park conversions

(1) Existing law, which will be repealed on January 1, 1989, requires cities or counties receiving an application for conversion of a mobilehome park to another use to notify the applicant of certain notice requirements with respect thereto and precludes a hearing on the application until the applicant has verified compliance.

This bill would impose a state-mandated local program by extending these requirements until January 1, 1994, and would authorize counties or cities to impose fees to defray these costs on persons converting mobilehome parks to other uses.

(2) This bill would incorporate additional changes in Section 65863 7 of the Government Code, proposed by AB 3085, to be operative only if AB 3085 and this bill are both chaptered and become effective January 1, 1989, 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 911 (AB 3086) Floyd Firearms discharge

Under existing law, it is a felony to maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited housecar, or inhabited camper Existing law, in a separate provision, makes it a felony to willfully and maliciously discharge a firearm at an unoccupied aircraft Existing law also makes it a misdemeanor or felony to discharge a firearm at an unoccupied motor vehicle, except as provided

This bill would make it a felony for any person to maliciously and willfully discharge a firearm at an occupied aircraft. It would make it a misdemeanor or felony for any

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person to discharge a firearm at an uninhabited building or dwelling house, except as provided. It would thus create a state-mandated local program by expanding the scope of existing crimes.

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

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

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

Ch. 912 (AB 3143) Cortese. Development fees: contracts for payment.

(1) Under existing law, which will be repealed January 1, 1993, fees or charges imposed by local agencies on residential developments for public improvements or facilities are not due and payable, with certain exceptions, until the date of final inspection or issuance of a certificate of occupancy, whichever occurs first The Legislative Analyst is required to report on implementation of these provisions by January 1, 1992

This bill would authorize a local agency issuing a building permit for any portion of a residential development subject to such a fee or charge to require the applicant to enter into a contract for payment of the fee, charge, or portion thereof owed The bill would require recording of these contracts, as specified, thereby imposing a state-mandated local program as to the county recorder. The bill would make the contract binding on successors in interest to the building permit applicant from the date of recordation The bill would authorize the contract to require the applicant to notify the local agency to which the fee or charge is owed of the opening of any escrow for the sale of the property and to include in the escrow instructions a provision for disbursal of the fees or charges to the local agency.

The bill would delete the requirement for the Legislative Analyst's report.

(2) This bill would incorporate additional changes in Section 53077 5 of the Government Code proposed by AB 3980 to become operative only if AB 3980 and this bill are both chaptered and become effective January 1, 1989, 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 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, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch 913 (AB 3221) Katz. Vehicles: medical certificates.

Under existing law, the driver of a class 1 or class 2 vehicle is required to have a medical certificate in his or her immediate possession when operating that class of vehicle. Similarly, drivers may operate a schoolbus, school pupil activity bus, youth bus, or farm labor vehicle only when they have, among other requirements, a special driver's certificate For the class 1 or class 2 license or the special driver's certificate to be valid, the driver must have a medical certificate in his or her immediate possession when operating any of the above-named vehicles.

This bill would require that, in those instances, a copy of the driver's medical certificate be kept on file with the Department of Motor Vehicles. These provisions would remain in effect only until January 1, 1993, if SB 2594 is enacted and amends and repeals Section 12804 of the Vehicle Code.

Ch. 914 (AB 3332) Costa. Transportation: rail passenger services.

(1) Existing law requires the Department of Transportation to prepare a rail passenger development plan annually for submission to the California Transportation Commission for its advice and consent and then to the Legislature, the Governor, and the Public Utilities Commission. The plan is required to include the identification and cost of capital facilities necessary to enhance competitiveness of rail passenger services and a

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recommended program for services over a 5-year period.

This bill would additionally require the plan to include, for each intercity route, a list of at least the 3 highest priority capital improvement projects with cost estimates and a funding plan, and a list of service enhancements on existing and additional routes with funding and priority recommendations.

(2) Under existing law, the department may contract to provide commuter and intercity passenger rail services, and may contract for the provision of feeder services to and from rail passenger terminals or intercity bus transportation:

This bill would:

(a) Authorize the department to utilize its marketing activities to seek to increase the awareness of rail and bus feeder services by college students, and to work with Amtrak to implement student multiride discount ticketing for college students.

(b) Authorize the department, from funds made available to it for rail and bus operations, to maintain facilities and make minor capital improvements which are related to those rail and bus operations

(3) Under existing law, all money in the Passenger Equipment Acquisition Fund is continuously appropriated to the department for, among other things, passenger commute rail capital improvements, as defined.

This bill would, instead, authorize the use of those funds by the department for passenger rail capital improvements, as defined, and would thereby make an appropriation.

(4) Under the Mills-Alquist-Deddeh Act, counties and cities which have entered into an agreement with the department for the extension of passenger rail services, or the upgrading of commuter rail services, may file claims with the transportation planning agency for an allocation from the local transportation fund for all or a portion of the county or city's required contribution toward the cost of those services

This bill would extend this authority to file claims to a county transportation commission or an operator, and would allow claims to be filed for the claimant's required contribution for rail passenger service operations and capital improvements. The bill would delete the requirement that claimants have entered into an agreement with the department. The bill would make other conforming changes

The bill would require a public entity, as a condition to receiving an allocation of funding for an intermodel transfer station, to authorize, upon request of the department, state-funded bus services to use the station without charge to the department or its contractors

(5) Existing law specifies the requirements for allocation of motor vehicle fuel and license tax revenues under Article XIX of the California Constitution to local entities for expenditure on exclusive public mass transit guideway projects, including rail lines on which the department contracts for rail passenger services.

This bill would authorize a local entity to request the department to apply to the California Transportation Commission for funding of a project if the project is designed to improve an exclusive public mass transit guideway which the state, rather than the local entity, operates or contracts to have operated

(6) The bill would revise provisions of existing law to conform them to changes made by Chapter 24 of the Statutes of 1988, and to delete obsolete cross references contained in the Public Utilities Code regarding the allocation of transportation funds

Ch. 915 (AB 3442) Chacon Elections

Existing law prohibits a county clerk from refusing to deputize a person to register voters because of race, creed, color, national origin, or ancestry

This bill would include the grounds of sex, marital status, disability, religious or political affiliation, and age within this prohibition

Existing law provides procedures, until January 1, 1989, pursuant to which a special absentee voter, as defined, may apply for and vote a special absentee ballot

This bill would impose a state-mandated local program by deleting the January 1, 1989, termination date, thereby extending these procedures indefinitely

Existing law contains provisions to facilitate the federal mandate of the Overseas Citizens Voting Rights Act of 1975 (P L 94-203)

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This bill would change the reference of the federal act to the Uniformed and Overseas Citizens Absentee Voting Act (P.L. 99-410). For the purposes of these provisions, it would provide that an overseas voter includes uniformed and overseas voter, require the county clerk, as soon as possible after the 60th day before the federal election, to mail or deliver a ballot to persons registered as overseas voters, and make other technical revisions

Existing law requires that prior to circulating any statewide initiative or referendum petition for signatures, a draft of the petition be submitted to the Attorney General for a title and summary thereof

This bill would require submission of the proposed measure to the Attorney General.

Existing law requires the county clerk, within 15 days of receiving notification from the Secretary of State, to determine the number of qualified voters who have signed an initiative petition.

This bill would exclude Saturdays, Sundays, and holidays from this 15-day period

Existing law requires that all ballot arguments concerning state and local measures be accompanied by a specified form statement signed by the author of the argument

This bill would make a technical change in the form statement.

Existing law provides that the proponents of a measure may, as a result of negotiations, withdraw the measure before filing the petition with the county clerk or registrar.

This bill would change this reference to an appropriate elections official

Existing law provides that the withdrawal of a measure shall be effective upon receipt by the Secretary of State of a written notice of withdrawal signed by all proponents

This bill would provide that withdrawal of state measures shall be effective upon receipt by the Secretary of State, and that withdrawal of local measures shall be effective upon receipt by the appropriate elections official, of the specified written notice

Existing law requires that local measures submitted to the voters be designated by a letter, commencing with the letter "A" and continuing in alphabetical order, one letter for each measure appearing on the ballot

This bill would provide that local measures may be designated with any letter of the alphabet following the letter "A" and continuing in alphabetical order in order to avoid voter confusion.

Existing law requires elections officials to keep unopened and unaltered unused polling place ballots of federal elections for 22 months, and of state and local elections for 6 months, following declaration of the results of the election.

This bill would delete the reference to unused polling place ballots and would instead refer to ballot receipts.

Existing law requires elections officials to preserve the package or packages containing the affidavits of the person assisting the voter of federal elections for 22 months, and of state and local elections for 6 months

This bill would delete these requirements.

This bill would provide that if a declaration of candidacy for an incumbent member of a school district or community college district governing board or county board of education is not filed by a specified time and date before the election, any person other than the incumbent, shall have an additional 5 days, as specified, to file a declaration of candidacy.

This bill would make other technical changes.

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

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Ch. 916 (AB 3489) Moore. Carriers: safety of operation and registration

(1) Under existing law, the regulation of the business operations of passenger stage corporations, highway permit carriers, household goods carriers, and charter-party carriers of passengers is accomplished by the Public Utilities Commission, and every such carrier is required to have a certificate of public convenience and necessity or permit issued by the commission authorizing its operations Under existing law, the Department of the California Highway Patrol regulates vehicular and operational safety of these carriers.

This bill would direct the commission to suspend the certificate or permit of any such carrier upon receipt of a written notification from the department that the carrier has consistently failed to maintain its vehicles in safe condition, as specified The bill would require the department to review its determination, upon the carrier's request, and the commission to hold a hearing on whether the suspension should be continued, with the carrier to show cause why the suspension should not be continued The bill would permit the commission, after the hearing, to terminate the suspension, continue the suspension, or revoke the certificate or permit

The bill would require each carrier to annually, except as specified, furnish the commission a list of every vehicle used in transportation for compensation. The bill would direct the commission to furnish a copy to the department and the carrier's insurer, and, if the insurer reports to the commission that any listed vehicle is uninsured, the bill would permit the commission to suspend the carrier's certificate or permit or impose a fine, or both, for a first occurrence or, for a second or subsequent occurrence, to suspend or revoke the certificate or permit, impose a fine, or both

The bill would direct the commission to investigate every business listed in every classified telephone directory as furnishing limousine-for-hire or charter bus service for compliance with the applicable certification and permit requirements, inform any suspected violators that they are in violation and, after 60 days, institute civil or criminal proceedings, or both, against any not then in compliance.

(2) Under existing law, interstate and foreign highway carriers of property and passengers are required to register with the commission, as specified

This bill would direct the commission to assist the department in the removal from service of the vehicle of any such carrier which has failed or refused to so register, and permit the commission to furnish commission employees to assist the department in this regard at weigh stations and checkpoints and to furnish commission records and information pertaining to these carriers

(3) The bill would appropriate $16,000 to the commission from the Public Utilities Commission Transportation Reimbursement Account in the General Fund and $29,000 from the Transportation Rate Fund for purposes of the bill, including the establishment of specified clerical positions in this connection

Ch 917 (AB 3505) Bradley Nuisance sexual activity

Existing law, known as the Red Light Abatement Law, provides that every place used for illegal gambling, lewdness, assignation, or prostitution, or where those acts occur, is a nuisance which shall be enjoined, abated, and prevented

This bill would similarly provide that every building or place used as a bathhouse, as defined, which as a primary activity encourages or permits conduct, including sexual conduct, which can transmit acquired immune deficiency syndrome (AIDS) is a nuisance which shall be enjoined, abated, and prevented. Since violation of an injunction or court order under this bill would be punishable as a misdemeanor, 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

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Ch. 918 (AB 3578) Moore. Pharmacy

(1) Existing law provides that a licensed pharmacy or out-of-state drug distributor may sell hypodermic syringes and needles without a permit.

This bill would extend that provision to licensed drug wholesalers.

(2) Existing law provides that a licensee of the Board of Pharmacy may be disciplined for gross incompetence.

This bill would make incompetence grounds for discipline.

(3) Existing law also makes any act involving dishonesty, moral turpitude, or corruption grounds for such discipline.

This bill would add fraud and deceit as grounds for discipline.

(4) Existing law prohibits certain persons involved with a licensee of the Board of Pharmacy which has been disciplined, or who have been disciplined themselves, from holding certain ownership or management positions with any licensee of the Board of Pharmacy.

This bill would extend this prohibition to owners, managers, and administrators of a disciplined licensee and would make conforming changes.

(5) Existing law provides that a drug wholesaler or manufacturer who knowingly, or with conscious disregard for the facts, engages in clearly excessive furnishing of controlled substances for other than legitimate medical purposes may be disciplined, and specifies the factors to be considered in making that determination.

This bill would recast those provisions.

(6) Existing law prohibits the delivery of specified controlled substances to a pharmacy unless a receipt for the merchandise is signed by a pharmacist or authorized receiving personnel.

This bill would state that the provision shall not require a common carrier to label a package in a manner contrary to any federal law or regulation.

Ch. 919 (AB 3758) Stirling. Corporations

(1) Existing law, the General Corporation Law, prescribes rules for the organization and dissolution of corporations formed thereunder.

This bill would make various changes in the General Corporation Law, including (1) specifying various matters relating to the form of a certificate of correction; (2) providing that after shares of a class or series have been issued, the provisions of the resolution set forth in a certificate of determination may only be amended as specified; (3) specifying requirements for approval of the principal terms of a merger reorganization or sale-of-assets reorganization; (4) revising a condition of the authorization of existing law for a corporation to purchase insurance on behalf of its agent from a company owned in whole or in part by the corporation; (5) specifying the indemnification available to a director or officer for breach of duty to the corporation and its shareholders while acting in the capacity of a director or officer to the extent additional rights to indemnification are authorized in the articles of incorporation; and (6) making changes in the procedures for altering and revoking classes or series of shares.

(2) Existing law provides that a holder of shares of a class whose terms and provisions specifically set forth the amount to be paid in respect to them in the event of a reorganization or short-form merger is entitled to payment in accordance with those terms and provisions.

This bill would provide in addition that shares of that class are entitled to payment in accordance with the terms and provisions of an approved reorganization if the reorganization was approved by the same percentage of outstanding shares of the class or series as is required to approve an amendment of the corporation's articles to allow a distribution of a lesser amount.

(3) Under existing law, a corporation in the process of winding up that has both preferred and common shares outstanding, may have a plan of distribution of shares, obligations, or securities of another corporation or assets other than money adopted which is not in accordance with the liquidation rights of the preferred shares specified in the articles of incorporation if the plan is approved, as specified. However, existing law permits shareholders having a liquidation preference who dissent from the plan of distribution to be paid the amount of their liquidation preference in cash, as specified.

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This bill would provide that the above provisions do not apply to merger reorganizations and sale-of-assets reorganizations which are required to be approved by the same percentage of outstanding shares of the class or series as is required to approve an amendment of the corporation's articles to provide for a distribution of the lesser amount

(4) Under existing law, specified provisions of the new public benefit corporation law, new mutual benefit corporation law, and the new religious corporation law do not apply to subject corporations with respect to determining the limits on the number of directors unless and until an amendment of the articles is filed, as specified

This bill would provide that the provisions of the new public benefit corporation law, new mutual benefit corporation law, and new religious corporation law applies to these corporations with respect to determining the limits on the number of directors.

(5) Existing law provides that the provisions of law applicable to professional corporations do not apply to any corporations in existence on January 1, 1986, nor to corporations thereafter established, which are organized under the General Corporation Law, as specified

This bill would delete the above and instead would specify that the conduct of a business by a corporation pursuant to a license or registration issued under state law, except as specified, shall not be considered to be the conduct of a business as a professional corporation if the business is conducted by, and the license or registration is issued to, a corporation that is not a professional corporation, as specified.

Ch. 920 (AB 3843) Costa. Surface impoundments: exemption.

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. The act also prohibits any person from discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment after June 30, 1988, except as specified, if the surface impoundment is located within a specific distance from a potential source of drinking water. The act also prohibits any discharge into a surface impoundment, on and after January 1, 1989, which is not equipped and monitored in a specified manner The act also imposes other requirements concerning fees, inspections, and closure of the impoundment.

This bill would allow a regional board to grant an exemption from all of the requirements of the act for a surface impoundment which contains only agricultural surface or subsurface drainage waters and which meets specified criteria. The exemption would be effective for four years, or until January 1, 1993, whichever is earlier The bill would specify procedures for applying for the exemption, including submission of a $3,000 filing fee, for deposit in the Surface Impoundment Assessment Account in the General Fund, and would require a regional board to revoke the exemption upon making a specified finding.

The bill would require the State Water Resources Control Board to provide guidance to the regional boards to ensure the uniform administration of this provision and to submit a report to the Legislature by January 1, 1992, concerning the status of compliance with this provision.

The bill would repeal this provision on January 1, 1993.

Ch. 921 (AB 936) McClintock. Youth Authority.

Under existing law, the Department of the Youth Authority is authorized to construct and establish a 600-bed facility at the Northern California Youth Center in San Joaquin County.

This bill would appropriate $5,000,000 from the 1986 Prison Construction Fund for site development for a 600-bed facility at the Northern California Youth Center Further, this bill would appropriate $50,000,000 from the 1988 Prison Construction Fund for the completion of construction work and the acquisition of equipment for the 600-bed facility at the center.

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

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Ch. 922 (AB 2513) Areias. Weights and measures

(1) Under existing law, it is unlawful for any person to compute, at the time of sale of a commodity, a value which is not a true extension of a price per unit which is then advertised, posted, or quoted.

This bill would additionally prohibit any person from charging, at the time of sale of a commodity, a value which is more than the price which is then advertised, posted, or quoted, thus imposing a state-mandated local program by creating a new crime

(2) Existing law authorizes, until January 1, 1990, county boards of supervisors to charge an annual device registration fee to recover the costs of inspecting or testing weighing and measuring devices.

This bill would extend this authorization to January 1, 1993

(3) Existing law exempts retailers who weigh, measure, or count salvage or returnable materials, as defined, for purchase or redemption by them, from the laws relating to weighmasters

This bill would include in this exemption recycling centers established for the redemption of empty beverage containers pursuant to the California Beverage Container Recycling and Litter Reduction Act.

(4) Under existing law, the Director of Food and Agriculture is authorized to adopt rules and regulations to carry out provisions regarding weighmasters.

This bill would authorize the director to adopt rules and regulations regarding the accuracy of automated systems for retail commodity price charging (scanners).

(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 923 (AB 2791) Chacon Political Reform Act of 1974· conflict of interest codes

Under the Political Reform Act of 1974, every agency, as defined, is required to adopt and promulgate a conflict of interest code If an agency fails to submit a proposed conflict of interest code or amendments within specified time periods, the code reviewing body may issue an order directed to the agency or take other appropriate action including adopting a conflict of interest code for the agency

This bill would enable the Fair Political Practices Commission to take the same actions as the code reviewing body if an agency fails to submit a conflict of interest code or amendments and the code reviewing body does not exercise its authority in this regard

This bill would provide that the commission shall consult with the agency before ordering the adoption of a conflict of interest code.

Ch. 924 (AB 2807) Duplissea Vehicles· tow trucks

Existing law defines "tow car" and imposes various requirements with respect to tow cars.

This bill would change that term to "tow truck" in various provisions and would include a "roll-back carrier" within that definition, thereby subjecting a roll-back carrier to the requirements imposed on tow trucks. Failure to comply with those requirements constitutes an infraction, thus, the bill would impose a state-mandated local program by creating a new crime The bill also would exempt specified repossession agencies from tow truck equipment provisions and permit those agencies to substitute their Department of Consumer Affairs license number in lieu of a name, business address, and telephone number on the sign required under existing law to be displayed on their tow trucks The bill would specify that the numbers, as well as the letters, on the required sign, shall be not less than 2½ inches in height and in contrast to the color of the sign's background.

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

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

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Ch. 925 (AB 2992) Katz. Aerosol paint.

Existing law provides that it is a misdemeanor for: (1) any person, firm, or corporation, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any aerosol container of paint larger than 6 ounces (net weight of contents) capable of defacing property, without first obtaining bona fide evidence of majority and identity, as specified; (2) any person under the age of 18 years to purchase an aerosol container of paint larger than 6 ounces (net weight of contents) capable of defacing property; (3) any person, unless authorized, as specified, to carry on his or her person and in plain view to the public, an aerosol container of paint larger than 6 ounces (net weight of contents) while in any posted public facility, park, playground, swimming pool, beach, or recreational area, other than a highway, street, alley, or way; (4) any person under the age or 18 years to possess an aerosol container of paint larger than 6 ounces (net weight of contents) for the purpose of defacing property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in any automobile, vehicle, or other conveyance.

This bill would change the above-mentioned misdemeanor provisions to apply to any aerosol container of paint, rather than to an aerosol container of paint which is larger than 6 ounces (net weight of contents), except as specified. This bill would expand the scope of an existing crime, thus imposing a state-mandated local program.

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

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

Ch 926 (AB 3024) Cortese Local agency fees: water service

(1) Existing law relating to the payment of fees in connection with the approval of a development project specifies how the local agency receiving the fee shall deposit it and expend it

This bill would revise a provision of that law to delete certain definitions and make other changes

(2) Existing law requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion levying a new fee or service charge, or modifying or amending an existing fee or service duty enacted by a local agency shall be commenced within 120 days of the effective date of the ordinance, resolution, or motion or January 1, 1983, whichever date is later.

This bill would delete the January 1, 1983 date

(3) Under existing law, public utilities are prohibited from commencing service in a county water district which is subject to the lien of a general obligation bonded indebtedness except under specified conditions

This bill would also prohibit that commencement of service for, on, or to any land in a county water district which was the subject of a lease-purchase, revenue, or other type of debt incurred for capital improvements by or on behalf of the district.

Ch 927 (AB 3039) Bradley Educational evaluations

(1) Existing law requires the State Department of Education to prepare or have prepared various types of reports on specified education programs and to submit these reports to the Legislature In evaluations of state-funded programs, existing law expresses the intent of the Legislature that the department use scientific sampling procedures

This bill would delete that provision and, instead, express the intent of the Legislature that the department be authorized to use sampling procedures as it determines to be appropriate based on professional standards

(2) Existing law requires the State Department of Education to submit a detailed annual plan of evaluation activities to the State Board of Education not later than March 15 of each year. The board is required to review the plan, as specified

This bill would repeal those provisions and make conforming changes to existing law

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(3) Existing law requires the State Department of Education to perform evaluations of educational programs in accordance with prescribed requirements

This bill would delete those requirements. The bill would delete provisions relating to programs that have ceased to be operative The bill would require the State Department of Education to perform evaluations of those educational programs as determined to be necessary by the Superintendent of Public Instruction, as specified, or as required by the Legislature. Program evaluations determined to be necessary by the superintendent would be required to be carried out as specified.

(4) Existing law requires the State Department of Education to submit to the Legislature, not later than January 5 of each year, a specified multiple-funded program evaluation, as prescribed

This bill would repeal those provisions.

(5) Existing law requires the Superintendent of Public Instruction to submit a proposal to the State Board of Education and the Legislature, annually, not later than February 15, for the initiation or continuance of special studies for the succeeding fiscal year, as specified.

This bill would delete certain requirements relating to special studies and, instead, would require the State Department of Education to conduct special studies as determined to be necessary by the Superintendent of Public Instruction, as specified, or as required by the Legislature The special studies would be required to address topics determined by the Legislature or the Superintendent of Public Instruction to be of current policy significance. The bill also would require that the proposal include evaluation activities.

Ch. 928 (AB 3076) Stirling. Foreign corporations

Existing law generally requires a foreign corporation to obtain a certificate of qualification to transact business in this state. Existing law authorizes the Attorney General to investigate complaints against foreign corporations

This bill would require the Attorney General to study methods of enforcement of the law as it relates to consumer complaints against foreign corporations, to analyze and recommend better methods for resolving those complaints, and to report to the Legislature no later than July 1, 1989. The bill would limit the cost of the study to $2,000.

Ch. 929 (AB 3322) Duplissea. Psychology.

Existing law provides that the examination fee for a psychologist shall be not more than $100.

This bill would provide that the maximum examination fee for a psychologist shall be not more than $150.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Psychology Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 930 (AB 4025) Hauser. Commercial fishing: self-insurance.

Existing law authorizes local public entities and certain tax-exempt health or human service organizations to insure by self-insurance, and to pool self-insured claims and losses without regulation under the Insurance Code.

This bill would similarly authorize persons engaged in the business of licensed commercial fishing to pool funds to pay claims and losses for damages to vessels or machinery.

The bill would exempt a pool from the Insurance Code provisions and would preclude a pool under the bill from being a member of the California Insurance Guarantee Association, as specified.

The bill would state legislative findings and declarations

Ch. 931 (AB 4032) Hansen. Vehicles: driver certificates.

Existing law requires any person who operates a tour bus to possess a tour bus driver's certificate

This bill would permit any person possessing a class 1 or class 2 driver's license and

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a schoolbus or school pupil activity bus driver's certificate to also operate a tour bus without possessing a tour bus driver's certificate.

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

Ch. 932 (AB 4037) Hayden. Gas: landfill gas: toxicity.

(1) Under existing law, the Public Utilities Commission regulates the furnishing of gas and conditions of service by gas corporations, including the establishment of rates for gas.

This bill would require the commission, on or before January 1, 1990, to adopt a rule or order specifying the maximum amount of vinyl chloride that may be found in landfill gas, as specified. Until the rule or order is adopted, no gas producer would be able to knowingly sell, supply, or transport landfill gas to a gas corporation, and no gas corporation would be able to knowingly sell landfill gas, which contains any vinyl chloride in excess of a concentration exceeding the operative no significant risk level set forth in specified regulations. The bill would prohibit any gas corporation from knowingly and intentionally exposing any person to gas that contains a chemical known to cause cancer or reproductive toxicity without first warning the person, as specified

The bill would require every person furnishing landfill gas offsite to a gas corporation to sample and test the gas at the point of distribution, twice each month, for a chemical known to cause cancer or reproductive toxicity pursuant to, specified test guidelines. The bill would require the air pollution control district or air quality management district within which the landfill is situated to review the tests, require the correction of any deficiencies, and require analysis of the gas by a certified laboratory, as specified, and to transmit the results to the State Department of Health Services for its determination of compliance or noncompliance with these requirements. The bill would require the department to report the results of the analysis to the gas corporation to which the landfill gas is sold, and any other person or public agency requesting the report. The bill would direct the department to impose a fee on the gas producer to cover its costs in this regard. The bill would require the gas corporation to obtain these test results and to purchase no gas which the test shows contains any vinyl chloride, as specified. By imposing these requirements on districts, the bill would impose a state-mandated local program.

The bill would specify injunctive remedies and civil penalties for any violation.

The bill would require the commission, on and after January 1, 1989, to consider violations and liabilities incurred when reviewing rate requests, and to disallow costs and liabilities in determining rates if the gas corporation knowingly and intentionally committed the 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. 933 (AB 4064) Felando. Sardines: quotas

(1) Existing law prohibits the taking of sardines except incidentally to other fishing operations, as specified, or pursuant to permits issued under a quota established by the Department of Fish and Game

This bill would, until January 1, 1991, require 20% of the quota to be reserved for catches landed north of Point Buchon in San Luis Obispo County and 80% to be reserved for catches landed south of that location.

The bill would also make a change in the provisions relative to sardines taken incidentally to other fishing operations, by referring to mackerel and sardines taken in, rather than landed by, the mackerel fishery, by extending the effective date of these provisions from January 1, 1990, to January 1, 1991, and by authorizing an additional 250 tons to be taken, possessed, and landed for dead bait purposes or, if the quota for the sardine fishery is established at 2,500 tons or more, an additional 500 tons to be taken, possessed, and landed for dead bait purposes

(2) Existing provisions of the Fish and Game Code continuously appropriate the

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moneys in the Fish and Game Preservation Fund for the administration of laws relating to fish and game.

Because this bill would make the moneys available in the fund for a new purpose, it would make an appropriation.

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

Ch. 934 (AB 4110) Bradley. Seismic safety: skilled nursing and intermediate care facilities

Existing law, contained in the Hospital Seismic Safety Act of 1982, provides for state regulation of the design and construction of hospital buildings, as defined Under existing law, plans for any hospital buildings are required to be submitted to the Office of Statewide Health Planning and Development for approval.

Existing law also authorizes the office to exempt from the plan review process projects undertaken by prescribed skilled nursing and intermediate care facilities which the office determines do not materially alter the mechanical, electrical, architectural, or structural integrity of the facility It requires the office to adopt regulations for the implementation of these exemptions

This bill would, instead, require the office to set forth criteria to expedite projects or to implement any of these exemptions It would also require the office, by July 1, 1989, to set forth and implement criteria to exempt from the plan review process or expedite projects for alterations to prescribed buildings

Ch 935 (AB 4200) La Follette Crimes

(1) Under existing law, the victim, or his or her parent or guardian if the victim is a minor, or next of kin has the right to appear, personally or by counsel, at the sentencing proceeding and to reasonably express his or her views concerning the crime, the person responsible, and the need for restitution. Existing law also provides that the court, in imposing sentence, shall consider the statements of victims, parents or guardians, and next of kin and shall state on the record its conclusion concerning whether the defendant would pose a threat to public safety if granted probation.

This bill would permit a person, as specified above, to file with the court under seal, a written, audiotaped, or videotaped statement, prepared at his or her own expense, of his or her views which the court would also consider upon imposing sentence in lieu of any personal appearance by that person It would also require a written transcript of an audio or video statement to be made available as a public record by the person filing the statement, as specified.

This bill would create new duties on court personnel, thus imposing a state-mandated local program

(2) Under existing law, law enforcement agencies and school districts receiving funds under the Suppression of Drug Abuse in Schools Program are required to concentrate enhanced apprehension, prevention, and education efforts and resources on drug abuse and drug trafficking in and around school campuses. The enhanced apprehension, prevention, and education efforts shall include, but not be limited to, the establishment of a Local Suppression of Drug Abuse in Schools Advisory Committee established and appointed by the board of supervisors of the county or city and county

This bill would require the city council, rather than the board of supervisors, to establish and appoint the above-described advisory committee if the agency receiving the funds is a city agency and the program does not involve a county agency, or if a county agency is involved and the county board of supervisors consents, a city council shall establish and appoint the advisory committee. To the extent that the bill would require a higher level of city service, it would constitute a state-mandated local program.

(3) Under existing law, there is in state government a State Suppression of Drug Abuse in School Advisory Committee which is responsible for establishing guidelines for the selection of law enforcement agencies and school districts entitled to receive funding under the Suppression of Drug Abuse in Schools Program Existing law provides for the appointive membership of the advisory committee and authorizes each appointed member to designate a nonvoting representative to attend meetings on behalf of the appointive member.

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This bill would grant the designated representative of an appointive committee member the right to vote on and to be counted toward a quorum of the committee.

The California Constitution requires 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. 936 (AB 4217) Bronzan Public Utilities Commission allocation of electric revenues and expenses. study

Under existing law, the Public Utilities Commission regulates the services of electrical corporations and the rates for those services

This bill would direct the commission to investigate, as specified, existing methods of allocation of revenues and expenses to customer classes in the establishment of electric rates, taking into consideration specified matters, and to report thereon to the Legislature not later than December 31, 1989.

Ch 937 (AB 4269) Moore Common carriers liability for delay

Under existing law, a common carrier is liable for delay only when it is caused by the common carrier's want of ordinary care and diligence Existing law also presumes that a consignor is liable for the freightage unless the contract specifies that the consignee shall pay it, and that the consignee is liable if he or she accepts the freight with notice of the intention of the consignor that the consignee should pay it

This bill would specify the liability for storage or equipment rental charges assessed against a motor carrier by a railroad or steamship company which are the result of a delay caused by a consignor or a consignee, as specified

The bill would, in addition, specify that the consignee is liable to the motor carrier for the charges if the freight is shipped prepaid and the delay was caused by either the consignor or the consignee. This provision would be repealed on January 1, 1993

This bill would also provide that the rights, duties, and obligations between a railroad or steamship company and a motor carrier are unaffected by these provisions.

Ch. 938 (AB 4339) Seastrand PERS state safety members.

The Public Employees' Retirement Law defines "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state safety members than for state miscellaneous members

This bill would add an additional definition which would include certain classifications of forensic facility employees employed by the State Department of Mental Health and the related supervisors, as specified, within the state safety membership category for future service only, thereby increasing the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

Ch 939 (AB 4345) La Follette. Driving offenses.

(1) Under existing law, a person convicted 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 while addicted is required to be sentenced to specified punishment. The penalties are enhanced if the person has had convictions of separate offenses of that prohibition or in certain circumstances, convictions of reckless driving involving alcohol, as specified, within a specified 7-year period.

This bill would impose the enhancement in other circumstances when the offender had a separate conviction of reckless driving involving alcohol, thereby imposing a state-mandated local program by increasing the penalties for crimes. The bill would make other technical, conforming changes.

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

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

(3) The bill would become operative on July 1, 1989

Ch 940 (AB 4392) W Brown. Air pollution. toxic air contaminants.

(1) Under existing law, the State Air Resources Board is required to adopt airborne toxic control measures to reduce emissions of toxic air contaminants below the threshold exposure level, if any, at which no significant adverse health effects are anticipated, and, for contaminants for which the state board has not specified a threshold exposure level, it is required to design measures to reduce emissions to the lowest level achievable through application of best available control technology or a more effective control method, unless the state board or an air pollution control district or air quality management district board determines that an alternative level of emission reduction is adequate or necessary to prevent an endangerment of public health. A Scientific Review Panel on Toxic Air Contaminants is appointed to advise the state board in its evaluation of the health effects toxicity of substances.

This bill would require the state board to hold a public hearing by June 30, 1989, to review the potential nature, extent, and severity of public exposure to known and suspected toxic air contaminants emitted by vehicular sources, and to hold a hearing by June 30, 1990, to consider a plan to reduce public exposure to vehicular toxic air contaminants.

(2) Under existing law, the state board, based on its determination of toxic air contaminants, is required to determine whether revisions are needed in vehicular emission standards and motor vehicle fuel additives standards to prevent harm to the public health from vehicular emissions

This bill would revise those provisions to require the state board to consider the adoption of revisions in the emission standards for vehicular sources and regulations specifying the content of motor vehicle fuel, in order to achieve the maximum possible reduction in public exposure to toxic air contaminants, based on the utilization of the best available control technologies or more effective control methods, as specified, except for regulations affecting new motor vehicles which shall be based upon the most advanced technology feasible for the model year

(3) The bill would make legislative findings and declarations

Ch. 941 (AB 2191) Chacon. Elections.

Existing law requires the county clerk to instruct inspectors of precinct boards on their duties in the conduct of an election including, among other matters, a summary of the rights of voters.

This bill would impose a state-mandated local program by requiring the clerk to also provide a digest of election laws.

Existing law requires the county clerk to deliver to each person appointed a member of the precinct board a digest of election laws with any further instruction the clerk may desire to make.

This bill would delete this requirement

This bill would authorize a county clerk who is required by law to examine signatures on an election petition to employ temporary assistants as required to complete the necessary procedure. It would require the costs for the temporary assistants to be paid by the jurisdiction in which the election on the proposition is intended to be held.

Existing law requires that the official statement of the results of an election show specified items of information, including the number of votes cast in each Assembly district, congressional district, and supervisorial district located in whole or in part in a county

This bill would impose a state-mandated local program by requiring that the statement of the result also show the number of votes cast in each Board of Equalization district located in whole or in part in a county

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Existing law requires the proponents of the recall of a local or state elective officer to file a notice of intention to circulate a recall petition on the county clerk or the Secretary of State, respectively, among other things. It permits the officer sought to be recalled, within 7 days after the filing of the notice of intention, to file with the county clerk or the Secretary of State, an answer in not more than 200 words and requires the officer, within that same period, to serve a copy of the answer on the proponents.

This bill would require the answer to include specified information.

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

This bill would provide that, 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. 942 (AB 3068) Bader. Peace officers

Existing law provides that parole officers of the Department of Corrections, the Department of the Youth Authority, and the Youthful Offender Parole Board are peace officers whose authority extends to any place in the state while engaged in the performance of their duties relating to parole, as specified. Those peace officers employed by the Department of Corrections and the Department of the Youth Authority may carry firearms only if authorized and under those terms and conditions specified by the directors of their employing agencies. Existing law expressly prohibits a parole officer employed by the Youthful Offender Parole Board from carrying a firearm.

This bill would authorize parole officers of the Youthful Offender Parole Board to carry firearms only if authorized and under terms and conditions specified by the board's chairperson.

Ch. 943 (AB 4699) Clute. Military personnel: POW/MIA Recognition Day.

This bill would designate September 16, 1988, and the 3rd Friday of every September thereafter as POW/MIA Recognition Day throughout California.

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

Ch. 944 (AB 1197) W. Brown. Local government financing: trial court funding.

(1) Under existing property tax 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.

Under existing property tax law, the auditor in each county with qualifying cities, as defined, is required to make property tax revenue allocations to those cities in accordance with a specified Tax Equity Allocation formula and to make corresponding reductions in the county's property tax revenue allocation. Qualifying cities 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 June 5, 1987, 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. Existing law provides 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 the TEA formula. Existing law also prohibits a qualifying city from receiving a property tax revenue allocation pursuant to the TEA formula 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 generally revise that procedure and replace it with a formula based generally on a 7-year phase-in rather than a 10-year phase-in. The bill would provide special adjustments for Ventura, Mono, Riverside, and San Mateo Counties.

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(2) Under existing law, bail for specified offenses which is forfeited is divided between the county and the cities within the county.

This bill would provide that for a 4-year period any revenue resulting from an increase in bail schedules in specified counties would be deposited in the county general fund rather than being divided with the cities within the counties, up to specified amounts per year, depending upon the county.

(3) Under existing law, revenues from vehicle license fees in excess of the costs of collection are apportioned to the cities and counties according to certain specified formulas, including apportionment based upon their relative populations. Existing law also provides that population changes in cities and counties affecting their revenue apportionment may be based on a federal or state census validated by the Department of Finance when certified to the Controller at the request of the Department of Finance under circumstances in which the certified census is greater than the current certified population.

This bill would revise certain of those formulas to provide additional funds from those fees for Ventura County and to eligible cities, as defined. This bill would also restore prior provisions of law providing for certification of population changes based on a federal special census or subsequent census at the request of the city, city and county, or county for which the census was made

(4) Under the Trial Court Funding Act of 1985, state funding is provided for trial courts on a county option basis The act becomes operative upon the effective date of a statute appropriating funds for purposes of that act.

This bill would appropriate $206,473,000 for purposes of trial court funding

(5) The bill would make legislative findings on the necessity for a special statute

(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, by imposing duties on county auditors, would impose a state-mandated local program The bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

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

Ch 945 (SB 612) Presley Courts

(1) Existing law provides for deputy controllers, as specified

This bill would authorize the appointment of two additional deputy controllers, as specified, and would declare the intent of the Legislature in this regard

(2) Existing law does not provide that municipal court and superior court employees are public employees for purposes of the meet and confer provisions of the Meyers-Milias-Brown Act.

This bill would provide that these court employees are public employees for purposes of these provisions It would provide that these employees shall be considered employees of the county for all matters within the scope of representation.

This bill would provide that the county's established labor relations office shall represent the county in negotiations with any employee organization recognized to represent the municipal court and superior court employees

This bill would impose a state-mandated local program by requiring a county to meet and confer with certain court employees not currently covered by the Meyers-Milias-Brown Act.

(3) Existing law reduces the number of superior court judges for the City and County of San Francisco from 29 to 28, upon the occurrence of a vacancy in one of those offices.

This bill would impose a state-mandated local program by maintaining the number of superior court judges in the City and County of San Francisco at 29.

(4) Existing law specifies the compensation of superior court reporters in Sonoma County

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This bill would increase the compensation of superior court reporters in Sonoma County, thereby imposing a state-mandated local program by requiring a higher level of services under an existing program

(5) Existing law authorizes (a) Alameda, Contra Costa, 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 establish a Courthouse Temporary Construction Fund, and authorizes Los Angeles County to establish the Robbins Courthouse 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 (b) authorizes counties to establish a County Criminal Justice Facility Temporary Construction Fund, to be funded by penalty assessments collected on nonparking offenses, 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 certain of those counties to fund both those funds by means of a parking surcharge, as specified Existing law authorizes 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 levy an additional amount of $2 for each of those funds

The bill would add Fresno, Kern, and Placer Counties to the list of counties authorized to increase the penalty assessment for those funds, and to impose a parking surcharge It would also delete provisions for an additional penalty assessment for Orange and Solano Counties for a Transition Planning Trust Fund, and would make related changes

(6) Existing law establishes the Trial Court Funding Act of 1985, which provides for state funding of trial courts, on a county option basis, in return for transmittal of specified fees, fines, and forfeitures by the county to the state, as specified

This bill would repeal the Trial Court Funding Act of 1985 and enact the Brown-Presley Trial Court Funding Act, which would provide for "net block grant" state funding for trial courts, on a county option basis, as specified, with no requirement for the transmittal of fees, fines, and forfeitures by the court to the state

(7) Under existing law, the salary of a justice court judge is set by, and paid by, the county

This bill would specify that, operative July 1, 1989, a full-time justice court judge in an option county shall receive the same salary as a municipal court judge and a part-time justice court judge in an option county shall receive a prorated salary, as specified

(8) Existing law authorizes a board of supervisors to provide, by resolution, for the transfer up to 50% of specified moneys otherwise to be deposited in the special road fund of the county, to be transferred instead to the county general fund

This bill would authorize the Board of Supervisors of Merced or Yolo County to provide, by resolution, for the transfer of up to 100% of the moneys otherwise to be deposited in the county road fund, to the county general fund for the purpose of funding court operations, as specified

(9) Under the existing emergency medical services system and the Prehospital Emergency Medical Care Personnel Act, counties may establish emergency medical services agencies to provide emergency medical treatment to those in need thereof.

Existing law permits an assessment of $1 to be imposed by each county, and to be collected by the trial courts, on specified fines, penalties, and forfeitures imposed by the courts, upon the adoption of a resolution by the county board of supervisors, for the purpose of the provision of emergency medical services

This bill would instead authorize a $2 assessment to be imposed and collected upon every $10 or fraction thereof for specified fines, penalties, and forfeitures for those purposes, and would specify the disbursement thereof

(10) Existing law provides for various new superior and municipal court judgeships upon the condition that the county opts into the Trial Court Funding Act of 1985

This bill would revise that condition to refer, instead, to the Brown-Presley Trial Court

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Funding Act

(11) The bill would provide that its provisions are severable, and the invalidity of any provision shall not affect the other provisions of the bill.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates 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 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

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

Ch. 946 (AB 656) Floyd. Employment of aliens

Existing law makes it a crime, with prescribed sanctions, for an employer to knowingly employ an alien who is not entitled to lawful residence in the United States if the employment would have an adverse effect on lawful resident workers This law provides that it does not bar a civil action against an employer violating the above-described provision.

This bill would repeal these provisions.

Ch. 947 (AB 2376) Statham. Health care: peace officers.

Existing law requires every employer, including state and local agencies, using carcinogens to provide medical examinations of affected employees as defined, to use the carcinogen pursuant to specified standards, and to perform other duties related to the use and exposure to carcinogens

This bill would require the state and local agencies employing certain peace officers to notify the peace officer when the peace officer is exposed to a known carcinogen under specified circumstances To the extent that this requirement would be applicable to local agencies, the bill would impose a state-mandated local program. The bill would require that the basic peace officer training course and other appropriate courses of the Commission on Peace Officers Standards and Training include instruction on, but not limited to, the identification and handling of possible carcinogenic materials and potential health hazards associated with those materials

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

This bill would provide that, 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. 948 (AB 3139) Leslie. Foster care services

Existing law establishes foster family agencies, which are defined to include any individual or organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care. Private foster family agencies are organized and operated on a nonprofit basis.

Existing law also provides for group homes, which are defined as a nondetention privately operated residential home of any capacity that provides 24-hour nonmedical services in a group setting to children in need of care and supervision, as specified

This bill would specify that the educational requirements for social work personnel in either a foster family agency or a group home shall be a master's degree from an accredited or state approved graduate school in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psycholo-

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gy, social psychology, or equivalent education and experience, as determined by the State Department of Social Services It would also require other master's level coursework to be completed, except in the case of social work personnel employed by a foster family agency. This requirement would not, however, apply to persons certified prior to the effective date of the bill.

This bill would also require that the State Department of Social Services complete the process for considering applications for the exemption from the minimum education requirements for social work personnel in foster family agencies within 30 days of the receipt of application.

This bill would declare that its provisions shall take effect immediately as an urgency statute.

Ch. 949 (AB 3214) Jones. 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 8 facilities without more than 2 project sites to be distinct parts of a health facility

This bill would, instead, permit the pilot project to operate in not more than 12 facilities, with any of the project sites to be distinct parts of health facilities or physical freestanding health facilities.

This bill would require applications to establish any of the 4 additional project sites authorized by this bill to be considered from among applications submitted to the office in response to its initial request for proposal process.

In addition to the 12 project sites governed by the bill, the bill would authorize the office to approve one additional freestanding demonstration project in a site that is in a rural area, as specified.

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

Ch. 950 (AB 4398) Mountjoy. Annexation notice.

Existing law prescribes the notice requirements for any change of organization, including an annexation.

This bill would additionally require, in the case of a proposed annexation to a city of affected territory consisting of 75 acres or less, that the city shall mail to each landowner within the affected territory notice of the conducting authority hearing on the proposed annexation, as specified.

This bill by requiring notice requirements for annexation procedures 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 951 (AB 4423) Ferguson. Building standards.

Existing law requires the Director of Health Services to adopt rules and regulations establishing minimum standards for organized camps and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.

This bill would require organized camps to comply with the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of Health Services

Ch 952 (AB 4599) Wyman. School districts· 4-day school week.

Existing law authorizes the Death Valley Unified School District to conduct an experimental program for the operation of the schools in the district on a 4-day school week during the 1983–84 school year, and each year thereafter, through the 1987–88 school

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year, so long as the district complies with certain requirements of existing law relating to experimental programs. Existing law requires each district that operates a 4-day school week pursuant to specified provisions to report annually to the Legislature and the State Department of Education

This bill would authorize the Death Valley Unified School District, the Needles Unified School District, and the Pacific Elementary School District, pursuant to certain legislative findings and declarations, to operate one or more schools on a 4-day school week during the 1988–89 school year, and each year thereafter, through the 1992–93 school year, subject to compliance with the instructional time requirements and certain other requirements of existing law relating to experimental programs The bill would require that the annual report be made on or before November 15 of each year through 1993.

This bill would require the Superintendent of Public Instruction to reduce the increased base revenue limit of a school district, as specified, if the school district operates a 4-day week pursuant to this bill and the program for the school year provides less than the 180 days of instruction or the minimum instructional minutes required under existing law.

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

Ch. 953 (AB 4659) Stirling Foreign corporations: certification of securities.

Existing law requires broker-dealers, in whose name or for whom securities are held, to certify to a foreign corporation upon request, the number of shares held for beneficial owners with addresses in this state and outside of this state. All shares that are certified are then considered outstanding for purposes of determining the applicability of specified provisions of California law

This bill would extend the above requirement to all nominee holders, as defined, and would permit the lists of beneficial owners of a foreign corporation's securities provided to the corporation pursuant to regulations promulgated by the Security Exchange Commission to constitute an acceptable certification for the above provisions

Ch. 954 (AB 4678) Chacon. Initiatives.

Existing law provides a procedure for the enactment of initiatives at the county, municipal, and district level It provides that if a petition is signed by not less than 20% of the voters, as specified, for county initiatives, and not less than 15% of the voters, as specified, for city initiatives, the board of supervisors or the legislative body, respectively, shall either introduce and adopt the ordinance within 10 days after it is presented, immediately order a special election on the ordinance, or order a report on the effect of the proposed measure. Any report ordered is required to be presented to the board of supervisors or the legislative body no later than 45 days after the clerk certifies the sufficiency of the initiative petition.

This bill would provide that when the report is presented to the board of supervisors or the legislative body of the city, it shall either adopt the ordinance within 10 days after presentation of the report, or order a special election on the ordinance The bill would require that any report ordered be presented to the board of supervisors or the legislative body not later than 30 days, instead of 45 days, after the clerk certifies the sufficiency of the initiative petition.

Ch. 955 (AB 4680) Statham. Film permits.

Existing law contains various legislative findings and declarations concerning motion picture production in California, including that a need exists for concerted efforts by state and local governments to provide a supportive environment for the motion picture industry.

This bill would state an additional legislative declaration that a key element in this effort is uniformity in local regulation as close to a one-stop permit approach as possible.

Existing law provides for a California Film Commission within the Department of Commerce, consisting of 25 members, appointed as specified, including 4 ex officio members.

This bill would increase the membership of the commission to 26 by adding the State

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Fire Marshal as an ex officio member

Existing law provides for a Southern California Public-Private Film Commission charged with creating a regional permit pilot project and with acting as a liaison between the motion picture industry and local government.

This bill would repeal this, and a related provision of law

This bill would require the California Film Commission, with input from the motion picture industry and local and state government, to develop and adopt a model process for granting film permits, to incorporate specified elements.

This bill would impose a state-mandated local program by requiring each city and county to adopt, or inform the commission in writing why it cannot or need not adopt, the model process for granting film permits developed by the commission, and by requiring each local government to provide the commission with a copy of its adopted filming ordinance or amendments.

Existing law requires the California Film Commission to develop and implement a Cooperative Motion Picture Marketing Plan to increase the commission's marketing efforts and to offer state resources to local film commissions and local government liaisons to the film industry for marketing purposes It conditions eligibility for the use of these resources demonstration by a local government of substantial compliance with specified criteria.

This bill would, instead, condition eligibility for these resources upon a demonstration of substantial compliance by a local government with the model process for granting film permits required by 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

Ch 956 (AB 4690) Cortese. Mothers' milk.

Existing law provides for the Medi-Cal program, pursuant to which health care benefits are provided to eligible public assistance recipients and other low-income persons.

This bill would include human mothers' milk supplied by a mothers' milk bank, as defined, within the scope of covered Medi-Cal health services provided under the Medi-Cal program

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

Ch. 957 (SB 32) Ayala Water resources: drought assistance

Under existing law, the Department of Water Resources has various powers and duties relating to ensuring adequate supplies of water within the state.

This bill would direct the department to identify the areas of the state in which a 3rd year of drought could impose severe health, economic, and environmental hardship and to develop options for addressing those water supply shortages and for protection of fish and wildlife. The bill would require the department to report its findings to the Legislature by January 21, 1989

The bill would direct the department to assist, as prescribed, local representatives in the areas identified in implementing the emergency water supply options which are currently authorized

The bill would become inoperative upon specified determinations or findings by the department.

The bill would make legislative findings and declarations.

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

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Ch. 958 (SB 124) Mello. Lettuce.

(1) Under existing law, the California Iceberg Lettuce Commission is authorized, among other things, to maintain or expand the demand for iceberg lettuce by means of promotional and educational programs. The commission is composed of 17 members, of whom 2 are members-at-large.

This bill would increase the membership to 19 persons with 4 members-at-large, 2 of whom could be grower-handlers from Arizona.

The bill would revise the term of office for handler members of the commission, revise the quorum requirements, authorize the commission to administer state or federal iceberg lettuce programs, revise the venue requirements for legal actions involving the commission, and revise inspection provisions regarding the commission.

The bill would also make it a misdemeanor for any person to secrete, destroy, or alter records required to be kept pursuant to the law regarding the commission, thus 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 959 (SB 211) Bergeson Improvement Bond Act of 1915.

(1) The Improvement Bond Act of 1915 (act) presently contains alternative payment default procedures providing for judicial foreclosure or for the sale and redemption of lands securing installment payments and assessments in the same manner as real property is sold for the nonpayment of general city taxes

This bill would recast the provisions regarding the sale and redemption procedure.

(2) The existing act prescribes procedures for judicial sales

This bill would revise those procedures and prescribe additional procedures with regard to the sale of a lot or parcel covered by an assessment or reassessment under the act. The bill would authorize a city to petition a court to authorize the sale of property for delinquent assessments or reassessments at less than the minimum price or without a minimum price under specified conditions

(3) The Landscaping and Lighting Act of 1972 requires annual assessments to be levied at the first regular meeting in June, and provides that the hearing may be continued, but not beyond the following July 1, without prior consent.

This bill would require levies to be made at a regular meeting before August 10 and provide that no continuance shall be made subsequent to August 10, without prior consent.

Ch. 960 (SB 367) Robbins. Health insurance

Existing law requires group health care service plan contracts, policies of disability insurance, and nonprofit hospital service plans to offer a continuation benefit having a duration of at least 90 days which includes continuation benefit coverage for widows, widowers, divorced spouses, and their dependents, as specified

This bill would, in addition, require that this continuation coverage be offered for legally separated spouses, and spouses of covered employees becoming entitled to the benefits under designated provisions of the Social Security Act, and their dependents, including dependent children who cease to be dependent under the plan, and provide that this continuation coverage shall be offered consecutively to any federal requirement for continuation benefits

Ch. 961 (SB 654) Bergeson. County service areas.

Existing law generally provides that whenever any territory in a county service area is included within a city by reason of incorporation, annexation, or otherwise, that territory shall be automatically excluded from the county service area upon the effective date of its inclusion in the city.

This bill would expressly provide that the automatic exclusion provisions shall not apply to a county service area in Orange County and would specify that the county may

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provide the facilities and services and adopt ordinances under specified laws.

Ch 962 (SB 826) Mello Specialized transportation services

(1) Under the Social Service Transportation Improvement Act, transportation planning agencies and county transportation commissions are required to adopt and submit reports to the Director of Transportation on all existing social service transportation services in their respective geographic areas, and were required, not later than December 31, 1981, to adopt and submit to the Secretary of the Business, Transportation and Housing Agency an action plan describing in detail the steps required to accomplish the consolidation of social service transportation services.

This bill would impose a state-mandated local program by requiring the transportation planning agencies and county transportation commissions to update the social services transportation inventory every 4 years, and to either update the action plan every 2 years or report on the progress of an action plan which has been implemented.

The bill would impose a state-mandated local program by requiring the action plan to include measures for the effective coordination of specialized transportation service from one provider service to another.

(2) Existing law, in the Local Transportation Authority and Improvement Act, authorizes any county board of supervisors to create or designate a local transportation authority in the county, which may, by a ⅔ vote thereof and upon subsequent voter approval, impose a retail transactions and use tax of up to 1%, with a specified exception, and issue and sell limited obligation bonds, which are payable from the revenues of that tax, for specified transportation purposes, including public transit systems.

This bill would specify that "public transit systems" includes paratransit services

(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. 963 (SB 909) McCorquodale. Public Employees' Retirement System

The existing Public Employees' Retirement Law (PERL) defines various terms

This bill would make a technical corrective change in a definition of "local policeman," which reflects existing administrative construction.

The PERL designates certain events as constituting an automatic revocation of any previous revocable designation of beneficiary.

This bill would add to those events a member's termination of employment and withdrawal of contributions and would specify that subsequent reemployment in PERS-covered employment does not reinstate the previous beneficiary designation

The PERL provides, with respect to Second Tier members, an annual adjustment of monthly allowances of 3% compounded annually

This bill would make clarifying amendments, which reflect existing administrative interpretations.

The PERL prescribes formulas for calculating disability allowances for Second Tier members.

This bill would make technical clarification amendments, which reflect existing administrative interpretations.

The PERL also authorizes a retired member, under specified conditions, to elect to make postretirement beneficiary designation revisions and related actuarial revisions of his or her retirement allowance

This bill would make technical clarifying amendments, which reflect existing administrative interpretations

This bill would incorporate additional changes in Section 21205 of the Government Code, proposed by SB 1190, to be operative only if SB 1190 and this bill are both

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chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch. 964 (SB 923) Rogers. Local government: surplus land

Existing law requires any state or local agency, prior to disposing of surplus land, to make a written offer to sell or lease the property to various public agencies depending on the type of property to be disposed of

This bill would except exempt surplus land, as defined, from that requirement

Ch 965 (SB 928) Rogers Energy resources thermal powerplants

(1) The existing State Energy Resources Conservation and Development Act defines a thermal powerplant for purposes of that act

This bill would specify that a wind, hydroelectric, or solar photovoltaic electric generating facility is not a thermal powerplant for purposes of the act

(2) The act eliminates the requirement for a notice of intention, and requires the State Energy Resources Conservation and Development Commission to issue its final decision within 12 months on an application for certification of specified types of thermal powerplants, or modification thereof.

This bill would include within these provisions an application for certification of a solar thermal powerplant, as defined

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

Ch. 966 (SB 1079) Vuich Mortgages.

Under existing law, a beneficiary, meaning a mortgagee or beneficiary of a deed of trust, is required, on demand, to deliver to an entitled person, meaning the trustor or mortgagor, a copy of the note and a statement showing, among other things, the amount unpaid, if the demand is made by an entitled person at any time before or within 2 months after recording a notice of default if a power of sale is to be exercised

This bill would provide that if an entitled person demands a payoff demand statement, as defined, the beneficiary would be required to prepare and deliver the statement to the person demanding it within 21 days of the receipt of the demand, except as specified The bill would permit the beneficiary to charge a fee of up to $60 for furnishing the required statement. The willful failure to do so would make the beneficiary liable for all damages and for $300.

The bill would provide that a beneficiary statement or payoff demand statement may be relied upon, as specified

The bill would eliminate a provision that limited the application of provisions of existing law to mortgages and deeds of trust executed on or after January 1, 1964

The bill also would require the beneficiary statement to show whether the obligation may be transferred, would define related terms, and would make clarifying changes

Ch 967 (SB 1379) Marks Affidavits of registration confidentiality

Existing law provides that any person having on file with the county clerk or registrar of voters an affidavit of registration may have certain information appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential by order of a superior court upon a showing of life threatening circumstances, as specified

This bill would make this provision applicable to a new affidavit of registration or reregistration It would make other technical changes

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

Ch. 968 (SB 1407) L. Greene Local impact fees and taxes

Existing law authorizes any party on whom a fee, tax, assessment, dedication, reservation, or other exaction has been directly imposed, as a condition of approval of a development or development project, to protest the establishment or imposition of that fee, tax, assessment, dedication, reservation, or other exaction, as specified

This bill would revise that authority to apply, instead, to any party on whom a fee, tax, assessment, dedication, reservation, or other exaction has been imposed, the payment or performance of which is required to obtain governmental approval of a development

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or development project. As revised by this bill, these protest procedures would not apply to taxes or assessments (1) authorized by a principal act containing protest procedures or (2) that are pledged to secure bonds or other public indebtedness.

This bill would incorporate additional changes in Section 65958 of the Government Code proposed by AB 3980, to be operative only if AB 3980 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 969 (SB 1614) Marks. Civil law spousal support· wage assignment

Existing law authorizes, and in certain cases in which designated arrearages are alleged, requires, a court to order an assignment of the salary or wages of a person ordered to pay spousal support in an amount sufficient to pay the amount ordered by the court for spousal support

This bill would revise the provisions relating to assignment of wages for spousal support in a manner analogous to the law relating to assignment of wages for child support, including (1) requiring that rather than to a county officer designated by the court an assignment must be paid to the district attorney so long as the district attorney is required under existing law to enforce that support, (2) on and after January 1, 1989, requiring an assignment upon application by the party to whom spousal support has been ordered to be paid or by the district attorney stating that the obligor is in arrears in payment in a sum equal to the amount of support payable for one month, rather than by petition, alleging that the obligor is in arrears in payment in a sum equal to the amount of one month of the payment within the 24-month period immediately preceding filing of the petition, (3) requiring spousal support orders modified after January 1, 1989, which do not otherwise contain a provision for wage assignment to so provide, to be effective only upon the filing of the application specified in (2), (4) revising the grounds for quashing such an assignment, and (5) making related changes, including changes in nomenclature.

The bill also would provide that a provision of existing law prohibiting the enforcement of a judgment in a proceeding for separate maintenance or dissolution of marriage by a party who is in contempt of such an order is not applicable to the enforcement of spousal, as well as child, support orders

Existing law also authorizes a county to charge a reasonable fee not to exceed $2 50 for the services of a district attorney in locating a party who defaults on his or her spousal support payments Funds derived from the imposition of this fee offset costs of programs which were mandated by the Legislature in 1980

This bill would repeal those provisions and, thus, may result in claims against the State Mandates Claims Fund

Ch 970 (SB 1805) Morgan. Income taxes bank and corporation taxes.

The existing Personnel Income Tax Law provides that if the Franchise Tax Board makes an erroneous payment to a taxpayer, that amount may be assessed and collected pursuant to specified provisions pertaining to mathematical errors

This bill would provide under that law that if the Franchise Tax Board makes or allows a refund or credit which it determines to be erroneous, that amount may be assessed and collected pursuant to specified provisions relating to mathematical errors, except that the rights of protest and appeal shall apply with respect to amounts assessable as deficiencies without regard to the running of any period of limitations It would provide that the notice and demand for repayment must be made within specified time periods

This bill would also make various clarifying supplemental changes and technical corrections to the Personal Income Tax Law and the Bank and Corporation Tax Law relating to deductions, penalties, and claims for refund

Ch 971 (SB 2463) Kopp Water resources hearings records

Under existing law, the State Water Resources Control Board exercises specified adjudicatory and regulatory functions concerning water rights and water pollution control

This bill would make legislative findings and declarations concerning public involvement in a specified hearing process established by the board for adoption of water

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quality standards for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

The bill would require the board to place one copy of the transcripts of the hearings in specified locations for inspection and use by the general public, would require the board during the course of the hearings to provide for public access to an electronic data retrieval system capable of displaying the text of the hearing transcript at specified locations, and would prescribe related requirements.

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

Ch 972 (AB 4336) Costa Child care and development. [7]

Existing law requires child care resource and referral programs, for purposes of the Child Care and Development Services Act, to offer prescribed services and information.

This bill would establish a 3-year pilot program, under which qualifying child care resource and referral programs would be selected, in 3 project areas in the state, to accomplish specific purposes relating to child care, support of parents and child care providers, and coordination of community child care services This bill would appropriate $37,500 to the State Department of Education, through its child development division, for the program's operation for the period of January 1, 1989, to June 30, 1989, to be expended on a local matching fund basis, as specified This bill would declare the intent of the Legislature that funds necessary in future years for these purposes be appropriated in the Budget Act of subsequent fiscal years

This bill would require the State Department of Education to evaluate the program, as specified, and to report the results of that evaluation to the Legislature on or before May 30, 1992.

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

Ch. 973 (AB 1725) Vasconcellos California Community Colleges

This bill would make various changes, as summarized below, in provisions governing the California Community Colleges, in the following general subject areas

GOVERNANCE

(1) Under existing law, the Board of Governors of the California Community Colleges (hereafter board of governors) is created, with specified membership, to administer and govern the statewide system of community colleges.

This bill would expressly designate the system as the California Community Colleges, and would make various legislative findings and declarations concerning the system It would repeal and recast provisions of law relating to the board of governors and the governing boards of community college districts The bill would revise the membership of the board of governors, to provide that of the 13 members appointed by the Governor under existing law, 2 shall be current or former elected members of local community college district governing boards. It would change the number of voting tenured faculty members on the board of governors from one to 2. It would provide that the 2 current or former elected members of the governing board of a community college appointed to the board under the provisions of this bill shall occupy the 1st and 3rd seats made available, as specified.

It would also provide that the additional voting tenured faculty member appointed to the board under the provisions of this bill shall occupy the 2nd seat made available, as specified Commencing with appointments made on or after January 1, 1990, the bill would lengthen the terms of board members from 4 to 6 years, except that the faculty member of the board would have a 2-year term, and the student member a one-year term

The bill would expressly establish certain responsibilities of the board of governors in various areas, including the monitoring of community college districts, fiscal management review, and development and submission to the Governor of a position paper regarding affirmative action The bill would require the Governor to appoint up to 6 deputy and vice chancellors of the California Community Colleges, as specified

(2) The bill would require the board to conduct a thorough review of all statutes affecting the administration and operation of the California Community Colleges, with recommendations for amendment and repeal, and submit the review to the Legislature

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no later than January 31, 1989.

(3) Under existing law, there are no express requirements that the board of governors develop guidelines or plans with respect to the academic senate, and the role of students in governance, or that the board clarify and define particular matters with respect to executive officers, in the community colleges

This bill would require the board of governors to develop policies and guidelines concerning the academic senate, and standards regarding the role of students in governance

(4) Under existing law, the board of governors, in adopting, amending, and repealing its regulations, is subject to existing procedures, administered by the Office of Administrative Law.

This bill would exclude the board from these existing procedures, and instead authorize the board of governors to establish its own regulatory procedure, subject to specified existing standards The board would be required to consult with community college districts, as specified, as a part of this process

MISSION AND FUNCTIONS

(5) Existing law provides that the course of study for the California Community Colleges includes, as primary objectives, instruction designed to prepare students for admission to the upper division of 4-year educational institutions, and in vocational and technical fields leading to employment, general or liberal arts courses, and community services

This bill would revise the missions and goals of the community colleges The bill would also direct the board of governors, the Regents of the University of California (at their option), and the Trustees of the California State University to jointly develop, maintain, and disseminate, as specified, a common core curriculum in general education courses and lower division major preparation curricula for purposes of transfer. This bill would impose a state-mandated local program by requiring that the community colleges award an associate degree to each student who successfully meets certain requirements, including the transfer core curriculum as described.

(6) Under existing law, vocational education is one of the statutory purposes of the community college system.

This bill would direct the board of governors to provide certain information to the community college districts relative to vocational education programs and to work with community college districts, the State Board of Education, and the Trustees of the California State University to coordinate community college vocational education with vocational education programs, as specified

The bill would direct the board of governors and the State Board of Education to determine the extent to which students are underrepresented in vocational education programs in the community colleges and in public schools, respectively, on the basis of gender or ethnic origin and to jointly file a report with the education policy committees of the Legislature on their findings.

The bill would make the provisions summarized in the preceding 2 paragraphs operative only to the extent funds are appropriated for their specific purposes. The bill would require the California Postsecondary Education Commission to conduct a study for the use of the associate of applied sciences degree in community colleges in other states and to report its findings to the Legislature, as specified

(7) Existing law provides for certain matriculation services in the California Community Colleges, including procedures for the academic assessment and counseling of students upon enrollment

This bill would authorize each community college district to develop and maintain, as specified, career resource and placement centers, programs to instruct staff and faculty in the performance of matriculation services, orientation programs, and publicity programs This bill would also require the board of governors to adopt regulations which substantially incorporates a policy that limits the total number of units of course credit that may be assigned to any student in remedial coursework to 30 semester units, or 45 quarter units, except pursuant to a specified waiver procedure

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(8) Under existing law, the community college system offers instruction in English as a second language

This bill would direct the California Postsecondary Education Commission and the State Department of Education to jointly agree on a coordinated research framework to be utilized by each agency in a review of those programs in the California Community Colleges, the University of California, the California State University, and adult education programs, and of future educational needs in this area. The bill would state the purpose of the study as assessing the ongoing role of the California Community Colleges in this area, in relation to the respective roles of the University of California and the California State University The bill would require that the results of the review, together with any recommendations for programs of cooperation, be reported to the Legislature no later than January 1, 1990, as specified

FACULTY, ADMINISTRATORS, AND STAFF·

(9) Existing law requires the governing board of each community college district to establish an affirmative action employment program Existing law requires that the governing board of each community college district submit to the board of governors, on or before January 1, 1980, an affirmation of compliance with existing law in this respect.

This bill would require the governing board of each district to submit the affirmation periodically, to meet certain requirements in conjunction with goals and timetables, and to publish and distribute, as specified, a record of the success rate of hiring employees through its affirmative action program, and thus, impose a state-mandated local program

(10) Existing law requires the office of the Chancellor of the California Community Colleges to develop guidelines to assist community college districts in developing and implementing affirmative action employment programs

This bill would require the office of the chancellor to establish a technical assistance team to review the affirmative action plan of each district that fails to comply with its plan and to take appropriate measures to effect compliance The bill would require the board of governors to establish, by July 1, 1989, within the chancellor's office, or through other means, as necessary, a major service function to assist community college districts in specified matters relating to affirmative action The bill would create the Faculty and Staff Diversity Fund, for allocation by the board of governors, upon appropriation by the Legislature, to districts for various affirmative action purposes The bill would prescribe allocation standards applicable to the fund, and state the overall goal of the fund as addressing the goal that the system's workforce reflect proportionately the adult population of the state by the year 2005

(11) The bill would create the Community College Faculty and Staff Development Fund, available upon appropriation by the Legislature, for district faculty and staff development, as specified

(12) The bill would impose a state-mandated local program by requiring the governing board of each community college district to determine whether it would be beneficial to enter into specified agreements to provide part-time temporary teachers for the district The bill would require that these teachers not displace persons currently teaching full or part time

(13) This bill would require the Student Aid Commission to conduct, and, on or before January 1, 1990, to report to the Legislature and the California Postsecondary Education Commission the results of, a study of community college programs whose purpose is to increase the number of students entering into the teaching profession at the community college level. The bill would require the California Postsecondary Education Commission, on or before March 15, 1990, to review and comment on this report to the Legislature, as specified

(14) Existing law includes provisions relating to the requirements for, and issuance, revocation, or suspension of, teaching credentials, and credentials for librarians, counselors, student personnel workers, supervisors, administrators, and chief administrative officers, for community college personnel

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This bill would repeal those provisions.

This bill would provide that any person employed under a credential as of June 30, 1990, is entitled to serve under the terms of the credential until it terminates, and that during that period the person is not required to meet the minimum qualifications until June 30, 1990

The bill would require the board of governors to adopt regulations, with prior consultation, as specified, to establish prescribed minimum qualifications for these categories, and would institute a procedure for waiver of the qualifications. In addition, the bill would require that the board of governors adopt, subject to enumerated requirements, regulations authorizing governing boards to establish a process for employment of persons who do not meet the minimum qualifications The bill would require that, among other things, the regulations require that the process, as well as the standards and criteria under which the governing board reaches its determinations, be developed and jointly agreed upon by the representatives of the governing board and the academic senate, and approved by the governing board. The bill would require that the existing process remain in place until the joint agreement is reached and approved The provisions summarized in this paragraph would impose a state-mandated local program.

The bill would require that, with specified consultation, the board of governors establish a process to review minimum qualifications every 3 years.

This bill would require that the plan for new faculty qualifications being developed by the Chancellor of the California Community Colleges include a specified transition provision, consideration of projected California demographics, and consideration of affirmative action policies and programs

The bill would require that community college districts, in establishing hiring criteria for faculty and administrators, identify criteria which address specified matters It would also require that hiring criteria, policies, and procedures for new faculty members be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board, and that until the joint agreement is reached and approved, that the existing process remain in effect. The changes summarized in this paragraph would impose a state-mandated local program

(15) Under existing law, the Community College Fund for Instructional Improvement is established to support alternative educational programs and services, as specified

This bill would include programs for the improvement of the intellectual development of faculty and staff, as specified, within the scope of programs covered by the fund

(16) Existing law authorizes each community college district to employ temporary employees in positions requiring certification qualifications.

This bill would require the board of governors to develop a 2-year pilot program regarding the employment of part-time temporary faculty by option-rollover contracts, as specified, in selected areas of specialization. This bill would require the board of governors to select 3 community college districts for participation in the program, thereby imposing a state-mandated local program upon those districts. If the board of governors deems this pilot program to be beneficial, this bill would require the board of governors, in consultation with the faculty, to establish policy and develop standards for employing part-time temporary faculty under option-rollover contracts

(17) Existing law requires that a person, employed in an administrative or supervisory position requiring certification qualifications, upon completing a contract period, including any time served as a classroom instructor, in the same district, be classified as and become a regular employee as a classroom teacher.

This bill would repeal that provision, and impose a state-mandated local program by providing, instead, that a person employed in an administrative position that is not part of the classified service, who has not previously acquired tenured status as a faculty member in the same district, has the right, pursuant to a process developed and agreed upon jointly by representatives of the governing board and the academic senate, to become a 1st year probationary faculty member once his or her administrative assignment expires or is terminated, subject to specified conditions. The bill would require that the existing process remain in place until the joint agreement is reached and approved.

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(18) Existing law requires that the governing board of a community college district employ persons in positions requiring certification qualifications by contract during their first academic year of employment, as defined

This bill would require employment by contract during the 1st, 2nd, or 3rd year of employment, as specified, of those employees, and would make other related changes This change would impose a state-mandated local program

(19) Existing law provides that, if a contract employee is working under his or her 2nd consecutive contract, the governing board shall either hire the employee as a regular employee for all subsequent academic years, or shall not employ the contract employee as a regular employee

This bill would, instead, require that the governing board make an election when the employee is employed under his or her 2nd consecutive contract to not enter into a contract for 2 academic years, enter into a contract for 2 academic years, or employ the contract employee as a regular employee for all subsequent academic years If a contract employee is working under his or her 3rd consecutive contract pursuant to this provision, the bill would require that the governing board elect to employ the probationary employee as a tenured employee for all subsequent academic years, or not employ the probationary employee as a tenured employee. The changes summarized in this paragraph would become operative on July 1, 1990, and would impose a state-mandated local program

The bill would make related changes to existing provisions governing mandatory written notice to a contract employee, thereby imposing a state-mandated local program

(20) Existing law grants a right to a hearing to any contract employee who objects to an employment decision of the board, as specified.

This bill would, instead, grant those rights to 2nd- or 3rd- year contract employees. The bill would establish an appeal process regarding tenure decisions, including procedures for grievance and arbitration. This provision would impose a state-mandated local program

(21) Existing law requires that contract employees of a community college district be evaluated at least once every academic year, and that regular employees be evaluated at least once in every 2 academic years.

This bill would change the required evaluation of regular employees to once every 3 years, and would require that temporary employees be evaluated within the 1st year of employment, and thereafter, at least once every 6 semesters or 9 quarters. This bill, in addition, would require that the evaluation include a peer review process, as specified, and that the peer review process address affirmative action concerns, as specified, and would revise the procedures and standards of evaluation. The changes described in this paragraph would impose a state-mandated local program.

In those districts in which evaluation procedures are collectively bargained, this bill would require that the faculty's representative consult with the academic senate before engaging in collective bargaining on those procedures

(22) The bill would establish the minimum degree for tenure as a bachelor's degree or the equivalent from an accredited institution, or an equivalent foreign degree. This requirement would not apply to vocational faculty until January 1, 1994. The bill would also provide for the granting of waivers from the degree requirement, under enumerated conditions, and pursuant to a process developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board The bill would require that the existing process remain in place until the joint agreement is reached and approved The changes summarized in this paragraph would impose a state-mandated local program.

(23) The bill also would impose a state-mandated local program by requiring each district to establish faculty service areas, as defined, that mandate faculty qualification for one or more of these areas, as specified.

(24) Existing law requires that the Chancellor of the California Community Colleges convene 2 short-term task forces to make recommendations regarding changes in community college financing, as specified, and in faculty and administrator, qualification,

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peer review, hiring, and retention, as specified.

This bill would require that the board of governors review the Education Employment Relations Act, as specified, and report to the Legislature as specified, not later than January 1, 1993. In conducting the review, the board would be required to convene a review committee, with specified representatives

ACCESS TO PROGRAMS, AND THE SUCCESS OF PARTICIPANTS

(25) Existing law authorizes the Chancellor of the California Community Colleges to adopt a list of authorized student assessment instruments

This bill would require the chancellor, pursuant to consultation with appropriate community college personnel, to adopt that list.

This bill would also direct the chancellor, as specified, to report to the Legislature on the effectiveness of community college programs in the 1988–89 and 1989–90 fiscal years, on student retention, transfer, completion of vocational education programs, and skill level improvement, and on the impact of the matriculation process on community college student populations.

(26) The bill would require the chancellor to conduct a specified study regarding the feasibility of establishing, on a pilot basis, "interdisciplinary colleges" with a special concern for the integration of vocational and academic study

RELATED PROVISIONS

(27) The bill would revise the procedures and criteria for allocation of funds to community college districts by the board of governors. In accordance with specified criteria, standards, and requirements, the bill would require the board of governors to adopt regulations implementing a system of program-based funding, commencing in the 1991–92 fiscal year In this connection, the bill would extend the operation of existing community college apportionment provisions from July 1, 1989, the date those provisions would become inoperative under existing law, to July 1, 1991 The bill also would require the board of governors and organizational representatives of the California Community Colleges to develop and implement a comprehensive community college educational and fiscal accountability system, as specified

(28) This bill would appropriate $7,250,000 to the Board of Governors of the California Community Colleges and would allocate that appropriation for enumerated purposes of the bill, in specified amounts and under specified conditions Based upon specified legislative findings and declarations, the bill would authorize the implementation of certain enumerated provisions only upon the provision of adequate funding, as defined

(29) The bill would make numerous legislative findings, declarations, and statements of intent concerning these changes to existing law

(30) The California Constitution requires 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 974 (AB 1903) Vasconcellos. Support of state government augmentation of Budget Act of 1988 [8]

Under existing law, a budget bill is enacted each year to provide for support of state government

This bill would amend and supplement the Budget Act of 1988 by appropriating $206,423,000 in augmentation of various items thereof, as specified, and would make related changes in existing items

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

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Ch 975 (AB 3229) Leslie. Local government.

(1) Existing law requires a court which convicts a defendant of a felony to order the defendant to pay a restitution fine, which is collected as specified. Existing law also provides for the collection of restitution fines from minors adjudged to have violated the law, including a separate and additional restitution fine if the conduct involved one or more felony offenses, as specified

This bill would authorize the board of supervisors of any county to impose a fee to cover the actual administrative cost of collecting restitution fines, not to exceed 10% of the amount ordered to be paid, to be added to the restitution fine and included in the order of the court, with the proceeds to be deposited in the general fund of the county.

(2) Existing law provides for restitution to a victim or to the Restitution Fund, imposed as a condition of probation, to be collected by the county probation department Until January 1, 1989, specified time requirements are imposed on the probation department in forwarding restitution payments to a victim and the board of supervisors is authorized to add a fee to cover the actual administrative cost of collection on behalf of the victim, not to exceed 10% of the total amount ordered to be paid, with the proceeds to be deposited in the general fund of the county. Operative January 1, 1989, the specified time requirements for forwarding restitution payments to victims are deleted from the law, and the authorized fee is reduced to 2%.

This bill would repeal the provisions which are to become operative January 1, 1989, and continue the current provisions indefinitely, thereby imposing a state-mandated local program extending the time requirements applicable to forwarding restitution payments to victims.

(3) Existing law contains a provision, operative until January 1, 1989, authorizing counties to receive or contain a maximum of 125 children, rather than the generally applicable maximum of 100 children, in any of their juvenile homes, ranches, camps, or forestry camps, upon approval of a request therefor by the Department of the Youth Authority

This bill would delete the repealer, extending this provision indefinitely

(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. 976 (SB 2563) Maddy Medi-Cal reimbursements. [9]

Under existing law, the Medi-Cal program provides qualified categories of low-income individuals with basic health care benefits, and is administered by the State Department of Health Services.

Existing law authorizes the State Director of Health Services to adjust policies and regulations for the administration of the Medi-Cal program, including limiting the rates of payment for health care services.

This bill would require the department to develop a prescribed outpatient disproportionate provider factor for each hospital to be incorporated into specified rate adjustments

The bill would require the Director of Health Services to adopt emergency regulations implementing the bill.

The bill would make the implementation of the rate increases authorized in the bill, subject to specified limitations, effective October 1, 1988

The bill would appropriate $8,000,000 from the General Fund to the State Department of Health Services to fund the rate increases authorized by the bill.

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

Ch 977 (AB 4437) Margolin. AIDS. [10]

Existing law provides for a subsidy program funded with federal funds to make the drug azidothymidine (AZT) available to persons infected with human immunodeficiency virus (HIV).

This bill would require the State Department of Health Services to continue through

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June 1989, the AZT subsidy program, as prescribed, and impose a state-mandated local program

The bill would appropriate $2,800,000 to the department for the purposes of the bill.

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

Ch 978 (AB 4475) W Brown AIDS. demonstration project [1]

Existing law permits the Director of Health Services to authorize counties to designate alternative sites for testing for exposure to the AIDS virus Testing at these sites is confidential, and disclosure of the outcome to persons other than the test subject is prohibited

This bill would require the Director of Health Services to designate counties to establish followup programs, in not more than 6 counties, for persons who have tested positive for the human immunodeficiency virus (HIV). The program would apply to every county with a reportable case of AIDS, either through county or regional programs. These programs would be targeted at those communities with the largest number of diagnosed AIDS cases

The bill would permit counties to provide or arrange for the provision of services under the program, and to charge clients a fee commensurate with the ability to pay

The bill would specify various services which are required to be provided by each followup program

The bill would require counties to consider utilizing existing services and programs with which they currently contract, or which are currently in operation, prior to establishing new programs pursuant to the bill.

The bill would require the department to ensure that certain data be collected by counties participating in programs under its provisions, and would authorize the department to establish, subject to available federal or state funding, as specified, outpatient treatment programs for persons referred for medical treatment by screening programs operated pursuant to the bill The bill would require the department to provide to the Legislature an assessment of treatment and funding requirements under this provision no later than March 15, 1990.

Since the bill would require a county to have a followup program if designated by the Director of Health Services, 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

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

Ch 979 (AB 3670) Roos. California Adolescent Family Life Act of 1988

Existing law contains an Adolescent Family Life Demonstration Program

This bill would enact the "California Adolescent Family Life Act of 1988," and would permit the State Department of Health Services to conduct an Adolescent Family Life Program to assure that pregnant adolescents receive comprehensive continuous prenatal care in order to deliver healthy babies, to establish networks within regions to provide to pregnant and parenting teens and their children necessary services including medical care, psychological and nutritional counseling, maternity counseling, adoption counseling, academic and vocational programs, and day care; to provide a continuous case manager to each family unit, and to maintain a data base to measure outcomes of adolescent pregnancies.

The bill would require the State Department of Health Services to submit to the Legislature an evaluation report, as specified

The bill would provide that funding for its purposes shall be provided through funds appropriated to the State Department of Health Services through the annual Budget Act.

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Ch. 980 (SB 2579) Bergeson. Perinatal services

(1) Existing law provides for various sources of services to pregnant women, as well as postpartum services for women and infants The sources for these services include the Medi-Cal program, and specified perinatal services programs, including a comprehensive community-based perinatal services program, all of which are administered by the State Department of Health Services

This bill would require contractors under this comprehensive community-based perinatal services program to bill the Medi-Cal program for services provided to Medi-Cal recipients

This bill would require the department to adopt an option under prescribed provisions in the federal Omnibus Budget Reconciliation Act of 1987, to extend eligibility for medical assistance under Medicaid to certain pregnant women and infants, as specified. It would make an appropriation by authorizing the use of funds appropriated for maternal and child health to implement the provision, subject to specified conditions and subject to a prescribed notification of chairpersons of certain legislative committees It would also require the Controller, upon order of the Department of Finance, to transfer funds from a specified item of the Budget Act of 1988 to another item of that Budget Act for purposes of funding outreach efforts for perinatal services, thereby making an appropriation This bill would permit a prescribed limitation of the implementation of these provisions based on availability of funds

The bill would require the department to seek flexibility in implementing certain provisions of the Immigration Reform Control Act of 1986 for Medi-Cal eligible women with confirmed pregnancies

This bill would require all pregnant women applying for Medi-Cal to be determined to have an immediate need and upon determination of eligibility would require a Medi-Cal card to be issued immediately. It would require maternity care to be available to Medi-Cal eligible women in every county, as specified.

It would require counties within available resources to expedite the Medi-Cal eligibility determination process for all pregnant women

Since the counties are required to determine eligibility under the Medi-Cal program, by revising the manner in which eligibility is to be determined and eligibility requirements, this bill would impose a state-mandated local program.

The bill would direct the department to take various measures to improve maternity care provider participation in the Medi-Cal program

The bill would require the department to advise the chairs of specified legislative committees, by July 1, 1989, on the steps taken to improve provider relations, as specified.

The bill would permit the department to increase reimbursement rates in effect on January 1, 1989, for non-Caesarean-section obstetric services by up to 18%.

The bill would require the department to determine the feasibility of providing perinatal services to pregnant women with family incomes above 185% and not more than 200%, of the federal poverty level in the same manner that these services are being provided to Medi-Cal recipients.

(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. 981 (AB 4563) Margolin. Hospitals

Under existing federal law, the federal government, through the Medicaid program, provides funds to participating states for the provision of health care services to eligible

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low-income persons. Participating states are required to submit a plan for the provision of those services which meets federal requirements, for federal financial participation

The California program for the provision of basic health services, in which the federal government participates financially through the federal Medicaid program, is the Medi-Cal program The Medi-Cal program is administered by the State Department of Health Services

The federal Omnibus Budget Reconciliation Act of 1987, among other things, requires the amendment of state Medicaid plans relating to disproportionate share hospitals, to specifically define those hospitals and to increase the rates paid to those hospitals for inpatient services, as specified.

This bill would require the State Department of Health Services to amend those provisions of the state plan and the department's regulations governing the selective contracting and peer grouping hospital reimbursement systems, to incorporate specified optional methods of hospital qualification for disproportionate share hospital status authorized in federal law, and to adopt the payment adjustments that are required to be added to existing hospital payments in order to conform to federal requirements specified in federal law.

The bill would authorize the California Medical Assistance Commission to negotiate contract rate increases not to exceed an annualized amount of $50,000,000 for additional reimbursement to disproportionate share hospitals which operate basic emergency rooms and to other disproportionate share hospitals The bill would provide that it shall not be construed to mean that hospitals may not request the California Medical Assistance Commission for further consideration

Ch 982 (AB 3777) Wright Mentally disordered persons.

Pursuant to existing law there are various programs regarding services to the mentally ill, including, but not limited to, the establishment of state hospitals for the mentally ill, authorization for involuntary treatment of persons who are a danger to self or others or are gravely disabled due to mental disorders, and the provision of other community-based mental health services.

This bill would require the State Department of Mental Health to adopt as part of its overall mission the development of community-based interagency systems of mental health care for seriously mentally disordered adults and seniors using the Ventura County model as a guideline

This bill would require the department to contract with one or more counties for at least one but not more than 3 demonstration projects to develop and implement a model adult and senior community-based interagency mental health service system commencing July 1, 1989, and ending June 30, 1993.

This bill would require counties to collect reimbursement for services in order to offset the cost of services.

This bill would require the department to establish demonstration county service standards to assure that members of the target population are identified and are allowed to choose service environments, as specified.

This bill would require the Secretary of Health and Welfare to establish a State Human Services Interagency Task Force to coordinate statewide policy and planning

This bill would establish a 4-year pilot project to require that the State Department of Mental Health enter into at least 2, but not more than 6, contracts for the establishment of pilot agencies for the seriously mentally disordered, as defined.

This bill would require that the Director of Mental Health issue a request for proposals, would specify the contents of the request for proposals and of the proposals, and would specify eligibility criteria for applicant agencies and recipient members

This bill would require that the department establish, by no later than February 1, 1989, objective member eligibility criteria and a screening and auditing method

This bill would specify the rights of members, and would, if after all alternatives have been exhausted, designate the director of the pilot agencies as authorized to take a person into custody, or to cause a person to be taken into custody for involuntary mental health observation and treatment.

This bill would require that the department provide the pilot agencies with hardware,

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software programs, and training needed to produce standardized information for a centralized finance and program reporting system.

This bill would require the Director of Mental Health to establish an advisory committee on all aspects of the demonstration county and pilot service agency projects.

This bill would authorize the Secretary of the Health and Welfare Agency to transfer funds as specified for the pilot projects to waive any regulatory obstacles to the integration of public responsibilities and resources, as required to establish the integrated pilot system, and to make every effort to secure needed changes in federal policy or law, and would require an annual report to the Legislature summarizing the actions taken.

This bill would require the director to set aside 10% of the budget request for these years for contingencies to be used for specified expenses.

This bill would require the Director of Mental Health to contract with qualified persons or organizations within 180 days after the effective date of this bill for assistance with evaluation and monitoring of these programs.

This bill would require the director to report to the appropriate legislative committees by December 1, 1992.

This bill would authorize the department to promulgate emergency regulations by July 1, 1989, as necessary for the implementation of this bill

This bill would declare that local financial participation pursuant to specified provisions of current law shall be waived for funds appropriated for this purpose, and would make an appropriation by providing that funds allocated for purposes of the bill shall remain with the department until the purposes for which they were appropriated have been achieved

This bill would appropriate $1,000,000 to the State Department of Mental Health in augmentation of Items 4440-001-001 and 4440-101-001 of Section 2.00 of the Budget Act of 1988, for the purposes of this bill.

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

Ch 983 (SB 2599) Seymour. Drug and alcohol abuse programs.

Existing law provides for various state-funded programs relating to drug and alcohol abuse. Under existing law, legislative intent is expressed that the integrity and separate identity of drug and alcohol programs be maintained Two separate state bodies are created under existing law, the State Advisory Board on Alcohol-Related Programs and the State Advisory Board on Drug Programs, with separate powers and duties

This bill would make a legislative declaration that drug and alcohol programs have many areas of common concern, and would require these boards to meet jointly at least twice per calendar year. It would also require, in the case of any county which has established separate advisory boards for drug and alcohol related programs, that these advisory boards meet jointly on a regular basis and at least 2 times per year This requirement would constitute a state-mandated local program

This bill would authorize the board of supervisors in each county or its designee to adopt a long-range, 5-year drug and alcohol abuse plan, combining the drug and alcohol components and to the extent possible, to include specified advisory goals within the plan. The bill would also require that priority in allocating state funds be given to those counties which have established a substance abuse enforcement team, as specified

This bill would require every state agency that offers drug and alcohol abuse services or financial assistance to report annually to the Legislature on its efforts to achieve the goals specified in the bill It would require the State Department of Alcohol and Drug Programs to send copies of its enacted form to all program providers, to designate a statewide resource center to assist counties in their preparation of drug and alcohol abuse plans, and to maintain copies of all plans submitted, as well as an updated list of state-funded programs. The bill would require the Senate Office of Research to prepare, on or before June 30, 1989, a summary of drug and alcohol abuse laws for use by the Legislature and the department, as specified.

The bill would require the Auditor General to audit the State Department of Alcohol and Drug Programs and counties, to determine their progress toward meeting the master plan goals set forth in the bill, and to report the resultant findings to the Legislature on or before January 1, 1993.

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The bill would appropriate $1,000,000 to augment Item 4200-001-001 of Section 2.00 of the Budget Act of 1988, and would prohibit expenditure of these funds until completion and public issuance by the department of the State Master Plan to Reduce Drug and Alcohol Abuse

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

This bill would provide that no reimbursement is required by this act for a specified reason, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch 984 (SB 2172) Campbell. Fiscal affairs. [12]

(1) Existing law provides that when a loan is made from the Pooled Money Investment Account to a special fund to carry out a state general obligation bond program which is not self-liquidating, the General Fund shall pay the interest on the loan

This bill would require the special fund, except for special funds created pursuant to an initiative statute prior to August 22, 1988, or specified chapters enacted in 1988, to pay the loan interest out of the proceeds derived from bond sales

(2) Existing law authorizes the Pooled Money Investment Board to make loans 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, and loans to any state agency in order to prepay or replace existing financing

This bill would provide that interest accrued or paid to the Pooled Money Investment Account from the proceeds of tax-exempt obligations on loans made pursuant to the above law shall be deemed apportioned to specified funds or accounts in amounts directly proportionate to the respective amounts transferred from those funds or accounts to the Surplus Money Investment Fund and the length of time the amounts remained in that fund. The bill would state legislative intent that this provision shall authorize the Treasurer and Controller to monitor the expenditure of the proceeds of tax-exempt obligations in order to comply with federal tax laws

(3) Existing law requires the issuer of any local agency securities which exceed $1,000,000 at public sale to publish notice of the intention to sell the securities in a financial publication generally circulated throughout the state

This bill would permit the issuer to publish notice of the intention to sell the securities in a financial publication reasonably expected to be disseminated among prospective bidders for the securities

(4) Under existing law, the California Industrial Development Financing Advisory Commission is empowered to charge fees for performing its duties under the California Industrial Development Financing Act Existing law requires these fees to be deposited in the Industrial Development Fund and are available, when appropriated, to defray the commission's expenses under the act. Existing law authorizes the commission to establish common reserve funds to secure its bonds

This bill would authorize the commission to transfer surplus moneys in the Industrial Development Fund to its common reserve funds The bill would make an appropriation by authorizing the use of these moneys for the purposes of the common reserve funds without further appropriation

(5) Existing law makes proposed district or subdistrict bonds subject to prior investigation and approval by the State Treasurer when the district's or subdistrict's indebtedness, as prescribed, exceeds 200% of the assessed value of land and improvements within the district or subdistrict, if the bonds are secured by a tax upon both land and improvements, or exceeds 200% of the assessed value of land within the district or subdistrict, if the bonds are secured by a tax on land only

This bill would change these provisions to require investigation when the indebtedness, as prescribed, exceeds the assessed value of land and improvements within the district, if the bonds are secured by a tax on both, or the assessed value of the land if they are secured by a tax on the land only. It would specifically incorporate within these provisions an existing definition of "assessed value," as included in the Revenue and Taxation Code The bill would specifically exclude from the definition of "bonds" for

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these purposes, certain bonds issued under the Improvement Act of 1915 for which a city has made a determination, pursuant to that act, that it will not obligate itself to advance available funds from the city treasury to secure any deficiency which may occur in the bond redemption fund.

The bill would also make technical changes in these provisions regarding district and subdistrict bonds.

(6) This bill would appropriate $7,475,000 from the General Fund and $5,000,000 from the Federal Trust Fund in augmentation of specified items of the Budget Act of 1988. It would also appropriate $807,000 from the General Fund in augmentation of a specified budget item of the Budget Act of 1988 for support of the California Horse Racing Board.

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

Ch 985 (AB 59) Elder Public schools: health and welfare benefits: retirement funding

Under existing law, local public school employers who elect to provide health and welfare benefits for their certificated employees are required to permit enrollment therein of any former certificated employee who retired therefrom and his or her spouse and by any surviving spouse of a former certificated employee who retired therefrom.

This bill would clarify that the existing provisions relating to eligibility and enrollment in district health and dental care plans apply to the surviving spouses of certificated employees, as specified

The existing State Teachers' Retirement Law requires allocation of specified continuously appropriated net revenues from school lands and lieu lands, on a pro rata basis among those retirants, disabilitants, and beneficiaries whose allowances are below 75% of original purchasing power, as specified, and requires any resulting excess in any year to be used to reduce the unfunded actuarial obligation of the Teachers' Retirement Fund Also under existing law, the School Land Bank Fund is continuously appropriated for acquiring real property or interests in real property for the purposes of facilitating management of school lands for generating revenues

This bill would require that revenues related to the claim of the State of California to school lands within the Elk Hills Naval Petroleum Reserve, instead, be deposited in the School Land Bank Fund and that interest earnings therefrom be transmitted to the Teachers' Retirement Fund and be distributed pursuant to the above purchasing power increase provision, thereby making appropriations for school purposes.

Ch 986 (AB 2842) Statham. Veterans Prisoners of War Committee.

Under existing law, the California Veterans Board may create advisory committees consisting of veterans to advise the board, and members of these committees are required to serve without compensation but may be reimbursed for their actual and necessary expenses incurred in connection with their committee duties.

This bill would appropriate $35,000 to the Department of Veterans Affairs for expenditure in 1989 for the purpose of reimbursing the members of the Prisoners of War Committee of the board for their actual and necessary expenses incurred in carrying out their committee duties The bill would also require the committee to account, to the department, for funds received and expended, and the department to report thereon to the Legislature by January 1, 1991.

Ch. 987 (AB 3600) Farr. Rural counties· finances

Under existing law, various state programs require counties to provide a specified share of the cost of the program or to match state funding for the program in order to be entitled to receive the state funding

This bill would authorize the Department of Finance, after receiving a request by the board of supervisors of any county with a population of 150,000 or less at the time of the 1980 decennial census, to waive the county's legal obligation to meet a matching fund requirement for the state program for reimbursement of homicide trial costs in small counties, or otherwise to provide a share of the costs of the state program. Any matching fund requirement would be paid by the state from Item 8180 of the annual Budget Act This authority would remain in effect only until January 1, 1991.

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Under existing law, and until January 1, 1989, 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, 1989, 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, 1989, 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 1st trial, and 85% of the costs incurred for subsequent trials or hearings

Existing law allows counties with a population exceeding 300,000 to obtain reimbursement from the state for 80% to 100% of 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 prescribed property taxes

This bill would extend these repeal dates from January 1, 1989, to January 1, 1991, thereby continuing for 2 additional years the operation of these provisions and would provide that all reimbursements made to counties under the above provisions shall be based on financial need.

The bill would, additionally, delay the operative date of a provision which is currently scheduled to be operative on January 1, 1989, authorizing a county to apply to the Controller for reimbursement of the costs of a trial or a hearing of a person for the offense of homicide in excess of the amount of money derived by the county from a tax of 0.0125 of 1% of the full value of the property assessed for the purposes of taxation within the county, until January 1, 1991.

The bill would furthermore require the Legislative Analyst to undertake a specified study and to report to the Legislature no later than July 1, 1989.

Ch. 988 (AB 3851) Duplissea. Bail.

Under existing law, specified officials may approve and accept bail in an amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail, issue an order for release, and set the time and appearance of the arrested person in court. The municipal and justice court judges are required to establish a uniform, countywide bail schedule for misdemeanor and infraction offenses and to send a copy of the schedule to, among others, the Judicial Council.

This bill would require that bail shall be set for nonparking Vehicle Code offenses where a personal appearance is not required at no more than 20% above or below the Uniform Traffic Bail Schedule approved by the Judicial Council. This bill would also provide that the Judicial Council shall revise the Uniform Traffic Bail Schedule by January 1, 1989, as specified.

This bill would also make a statement of legislative intent regarding the establishment of bail for local ordinances or offenses, as specified.

Ch. 989 (SB 85) Alquist. Bank and corporation taxes: unitary businesses.

The existing Bank and Corporation Tax Law permits a qualified taxpayer who elects to determine its income under a water's-edge election to deduct either 100% or 75% of specified portions of its qualifying dividends, as defined, which are received in accordance with specified formulas.

This bill would provide a 100% deduction of the fully excluded qualifying dividends derived from construction projects, as defined, and make other supplemental and technical changes.

The existing Bank and Corporation Tax Law allows, beginning January 1, 1988, a qualified taxpayer, as defined, whose income is subject to the tax imposed under the Bank and Corporation Tax Law to determine its income derived from or attributable

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to sources within this state pursuant to a water's-edge election The existing Bank and Corporations Tax Law requires that the election be made by contract with the Franchise Tax Board for an initial term of 10 years.

This bill would make changes to the provisions which set forth the specific affiliated entities which are defined to be within the water's-edge. It would provide that the election is effective only if every taxpayer which is a member of the water's-edge group makes the election It would permit the election to be made by contract for an initial term of 5 years It would permit the Franchise Tax Board to disregard the election under specified circumstances It would permit a taxpayer to terminate the election prior to the end of the 5-year period under specified circumstances. It also would make various technical and clarifying supplemental changes relating to the water's-edge election.

Under the existing Bank and Corporation Tax Law, beginning January 1, 1988, any bank or corporation required to file a United States tax return or which could be included in a consolidated federal tax return is required to file with the Franchise Tax Board within 3 months after the bank or corporation files its federal income tax return a domestic disclosure spreadsheet if it and its related corporation's payroll, property, or sales in a foreign country exceeds $1,000,000 or if it and its related corporation's total assets exceed $250,000,000, or such higher levels as may be subsequently established by regulation

This bill would make changes to the above requirement by requiring the domestic disclosure spreadsheet to be filed 6 months after the bank or corporation files its California income tax return, by specifying that the above requirement applies to any bank or corporation subject to tax under the Bank and Corporation Tax Law, and by making the requirement applicable if it and its related corporations' payroll, property, or sales in foreign countries exceeds $10,000,000, instead of $1,000,000, or if the other existing conditions apply.

The existing Bank and Corporation Tax Law, beginning January 1, 1988, requires qualified taxpayers who elect to determine their income derived from or attributable to sources within this state for bank and corporation tax purposes pursuant to a water's-edge election to make an annual contract payment to the Franchise Tax Board as a condition of making that election It provides that the annual amount shall be equal to $^{3}/_{1000}$ of 1% of the sum of the taxpayer's property, payroll, and sales in this state, as defined, with specified adjustments It also provides for a reduction in the payment based on the amount expended since January 1, 1988, for investment in new plants or facilities in this state

This bill would provide, instead, that the annual amount shall be equal to $^{3}/_{1000}$ of 1% of the sum of the taxpayer's property and payroll assigned to this state for an income year of 12 full months ending during the calendar year 1986 and its sales assigned to this state for the current income year It instead would provide that the reduction in the payment shall be based on the amount expended since January 1, 1987, for investment in new plants or facilities in this state It would provide that a new plant or facility includes new tangible personal property, as defined It would add new rules for determining the property and payroll factors for new entities which are created as a result of a reorganization It would also make other technical clarifying changes to these provisions.

This bill would require the Auditor General to make specified reports to the Legislature

This bill would take effect immediately as a tax levy

Ch. 990 (SB 1864) Rosenthal Kosher food.

(1) Existing law requires, until July 1, 1988, that any person who sells fresh meat or poultry advertised or represented to be kosher retain specified records from the packer or producer of the meat or poultry for one year and to make these records available for inspection by the Department of Food and Agriculture Violation of these provisions is a misdemeanor The Director of Food and Agriculture is required to enforce these requirements in the Counties of Alameda, Los Angeles, Orange, San Diego, and Santa Clara and the City and County of San Francisco as a pilot program until July 1, 1988, if adequate funding is available.

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This bill would extend the July 1, 1988, termination date for these provisions to January 1, 1994, thus imposing a state-mandated local program by continuing the existence of a misdemeanor. The bill would also require the department to evaluate the effectiveness of this program, as specified, and to report this evaluation to the Legislature by January 1, 1994

(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 $70,000 to the department to carry out the program.

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

Ch 991 (SB 2356) Ellis Outdoor advertising. on-premises displays.

Under existing law, an ordinance of a city incorporated after March 12, 1982, and adopted within 3 years of the city's incorporation, which requires removal of any on-premises advertising display, is not required to provide for compensation but is required to provide in the ordinance for a period of amortization, as specified A city or county having an ordinance or regulation introduced or adopted prior to March 12, 1983, providing for amortization may require an on-premises advertising display subject to the ordinance to be removed without compensation after the expiration of the amortization period

This bill would provide that, notwithstanding those provisions, an ordinance of a city or county incorporated after January 1, 1989, and initially adopted within 3 years of incorporation, or any amendment adopted within that 3-year period, is not required to provide compensation, except that no removal without compensation may be required within 15 years from the effective date of the ordinance or amendment

Ch 992 (AB 4384) Moore. Judges' Retirement System

Existing statutes establish the Judges' Retirement System and provide various benefits for members, survivors, and designated beneficiaries.

This bill would authorize benefit recipients to designate a beneficiary to receive the pro rata allowance payable in the month of his or her death and would make the provision disposing of allowances unpaid at death applicable thereto and to unclaimed warrants issued prior to death and returned to the Judges' Retirement System

This bill would also make technical clarifying changes in the deferred retirement provision and in the provisions providing for disability retirement and for increased allowances upon retirement on or prior to age 70, which clarify existing policy and clarify existing administrative interpretation

This bill would incorporate additional changes in Section 75060 6 of the Government Code, proposed by AB 1562, to be operative only if AB 1562 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 993 (AB 1562) Johnson Judges. disability retirement

The California Constitution provides for the removal from office by the Supreme Court of a judge convicted of a felony or any other crime involving moral turpitude The existing Judge's Retirement Law (JRL) prohibits any judge who became a judge on or after March 4, 1972, and who is removed from office by the Supreme Court from taking the deferred retirement which is available to persons becoming judges prior to January 1, 1974, and requires payment to such a judge of his or her accumulated contributions

This bill would prohibit any judge who is convicted of a felony committed while holding judicial office and which either involves moral turpitude or was committed in the course and scope of performing the judge's duties and whose conviction becomes final, from receiving any benefits from the JRS but would require payment to such a person of his or her accumulated contributions

The existing JRL authorizes the Commission on Judicial Performance, in its discretion, to, from time to time, require any judge receiving a disability retirement allowance and who is under the age of 65 years to undergo a medical examination and requires those

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found not to be incapacitated to be reinstated as judicial officers but without authority to exercise judicial power except while under assignment.

This bill would, instead, authorize the commission to require a medical examination not more often than once every 2 years.

The existing JRL authorizes judges who are unable to efficiently discharge their duties by reason of mental or physical disability that is or is likely to become permanent to apply for and receive disability retirement benefits but requires any person who becomes a judge on or after January 1, 1980, to have at least 2 years of judicial service in order to be eligible for disability retirement unless the disability is a result of injury or disease arising out of and in the course of judicial service.

This bill would increase the minimum judicial service requirement for eligibility for disability retirement from 2 to 4 years and would make that requirement applicable to all judges.

This bill would provide that a judge who applies for disability retirement and, before the application is approved, either is the subject of a pending felony charge allegedly committed while holding judicial office, has been convicted of a felony committed while holding judicial office, is subject to pending disciplinary proceedings which could lead to removal, has been removed from office for judicial misconduct, or is or was previously defeated at an election, is presumed not to be disabled, is subject to the clear and convincing evidence standard of proof, and is required to support the application with written statements from at least 2 physicians or psychiatrists.

This bill would incorporate additional changes in Section 75060 6 of the Government Code, proposed by AB 4384, to be operative only if AB 4384 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch 994 (AB 539) Katz. Off-highway vehicles: appropriation.

Under existing law, the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation may make grants of funds in the Off-Highway Vehicle Fund to cities, counties, and districts for trails, trailheads, areas, and other facilities for the use of off-highway motor vehicles.

This bill would appropriate $201,000 from the fund to the division for a grant to the County of Los Angeles for master planning and environmental reports for the proposed Whitney Canyon Off-Highway Vehicle Park and would require the environmental impact report to include a dust assessment and an off-highway noise assessment, as specified.

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

Ch 995 (AB 912) Elder. Pipeline safety.

(1) Under existing law, the California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous liquid substances or highly volatile liquid substances

This bill would express the Legislature's intent that the State Fire Marshal have exclusive authority over these subjects.

(2) Existing law requires pipeline operators to notify the State Fire Marshal and local agencies having jurisdiction over the pipeline prior to conducting hydrostatic tests on pipelines, and authorizes agents authorized by the State Fire Marshal to observe hydrostatic tests on pipelines and to inspect specified records and properties of pipeline operators.

This bill would delete the reference to agents of the State Fire Marshal and local agencies having jurisdiction over the pipeline from these provisions and would, instead, require every pipeline operator to notify the local fire department having fire suppression responsibilities, as well as the State Fire Marshal, prior to conducting these hydrostatic tests

(3) Existing law requires every fire department to provide to every pipeline operator the fire department's plans and procedures for extinguishing fires involving hazardous or highly volatile liquids; requires every pipeline operator to provide to the fire department a pipeline operations contingency plan; and requires every local agency to compile and maintain a study of pipeline routes, population density, geologic conditions, and

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means of informing the public.

This bill would delete the requirements regarding the compilation and study by local agencies, recast the provisions which require every pipeline operator to provide to the fire department a contingency plan for pipeline emergencies, and require every pipeline operator to offer to meet with the fire department at least once a year to discuss and review contingency plans for pipeline emergencies

(4) Existing law requires that every rupture, explosion, or fire involving a pipeline be immediately reported to the State Fire Marshal and the local agency or fire department having jurisdiction.

This bill would, instead, require that every rupture, explosion, or fire be reported to the fire department having suppression responsibilities and the Office of Emergency Services.

(5) Existing law permits the State Fire Marshal to authorize a local agency to carry out the enforcement of the California Pipeline Safety Act of 1981 and, in that case, requires the State Fire Marshal to transfer annual fees collected from pipeline operators for purposes of enforcement of that act to the Local Agency Reimbursement Account in the California Hazardous Liquid Pipeline Safety Fund for reimbursement of these local agencies, when appropriated by the Legislature.

This bill would delete these provisions.

Ch. 996 (AB 1015) Hansen. Mental health.

Under existing law, if a request for the revocation of outpatient status or revocation of placement in a local mental health program is made regarding a mentally disordered offender, the person subject to that revocation, pending the court's decision on revocation, may be confined in a state hospital or other treatment facility when it is the opinion of the community program director that the person will be a danger to self or to another.

This bill would provide, instead, that the person described above may be confined in a facility designated by the community program director The bill would require the community program director to apply to the court for authorization to confine the person in a jail pending a hearing, and would require the court to rule upon it. The bill would require the designated facility to continue the patient's program of treatment, to provide adequate security of the person and others, and, to the greatest extent possible, to minimize interference with the person's program of treatment It would specify that a designated facility may be a state hospital, a local treatment facility, a county jail, or any other appropriate facility, so long as the facility can continue the person's program of treatment, provide adequate security, and minimize interference with the person's program of treatment. It would provide that a designated facility need not be approved for 72-hour treatment and evaluation pursuant to the Lanterman-Petris-Short Act; however, it would prohibit a county jail from being designated unless specified service and accommodations are provided and would require that the patient be separated from the general population of the jail. It also would require the court to transfer a person from a designated facility to an appropriate facility, including an appropriate state hospital in cases where the facility is not providing proper treatment or accommodations To the extent that the bill would include additional local facilities, including jails, to serve as designated facilities, it would increase the level of service required of local government under an existing program, 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 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

In addition, the bill would add Item 4440-302-036 to Section 2 00 of the Budget Act of 1988 to appropriate $9,646,000, as specified, to the State Department of Mental Health

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for improvements described under Item 4440-301-036 in the Supplemental Report of the Budget Act of 1985, including asbestos abatement, at the Metropolitan State Hospital.

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

Ch 997 (AB 1164) Speier. Healing arts: Board of Medical Quality Assurance.

Existing law prescribes the powers and duties of the Board of Medical Quality Assurance.

This bill would require the board to report to the Legislature, on or before June 30, 1989, actions which it has taken to improve the opportunity for the public to file complaints against a health provider, as specified, concerning the quality of medical practice.

Existing law prescribes the fees, including an initial license fee and biennial renewal fee, which are required to be paid by applicants for physician's and surgeon's certificates.

This bill would require the Board of Medical Quality Assurance to remit a refund, as specified, to resident physicians and surgeons who, pursuant to the law in effect prior to January 1, 1987, paid a full initial license fee and then paid a full biennial renewal fee

Because this bill would require an expenditure from the Board of Medical Quality Assurance Contingency Fund, which fund is continuously appropriated, it would constitute an appropriation.

Ch. 998 (AB 1567) N. Waters Weapons.

(1) Existing law prohibits the carrying of any weapon concealed within a vehicle or upon the person, and the carrying of a loaded firearm within a vehicle or upon the person, unless that person is exempted from these prohibitions

Existing law exempts from these prohibitions upon carrying concealed or loaded firearms specified retired federal officers or agents but requires them to carry identification indicating their retired federal status.

This bill would expand the classes of federal officers or agents exempted and would delete the above requirement with respect to identification and, upon approval, would require the sheriff to issue a permit to the retired federal officer or agent indicating that he or she may carry a concealed or loaded firearm, as the case may be, in accordance with law, thereby imposing a state-mandated local program by increasing the level of service required of sheriffs. The bill would require the permit to be good for a period not exceeding 5 years, that it must be carried by the retiree while carrying a firearm, and that it may be revoked for good cause.

(2) This bill would incorporate additional changes in Sections 12027 and 12031 of the Penal Code, proposed by AB 3446, to be operative only if AB 3446 and this bill are both chaptered and become effective January 1, 1989, 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. 999 (AB 1958) Filante. Medi-Cal rural hospitals.

This bill would make legislative findings and declarations regarding the importance of rural hospitals to the state's health care system, and the impending crisis in the rural health care delivery system throughout California due to the current financial situation of rural hospitals.

This bill would require the State Department of Health Services to consider the special needs and requirements of rural hospitals in California that are financially distressed and in danger of closure.

The bill would authorize the State Department of Health Services to provide technical assistance and other appropriate assistance and relief on Medi-Cal program policies, reimbursement issues, and Medi-Cal operational and procedural problems to financially distressed rural hospitals, when appropriate, in order to preserve the availability of health care services in rural California.

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Ch 1000 (AB 2306) Connelly Farm labor contractors.

Existing law requires farm labor contractors to be licensed by the Labor Commissioner One of the conditions of being issued a farm labor contractor's license is that the person deposit with the Labor Commissioner a surety bond in the sum of $5,000, which may be used to pay all damages to any person injured by the farm labor contractor's violation of the farm labor contractor law.

This bill would instead require the bond deposited with the Labor Commissioner to be in the amount of $10,000, would require the farm labor contractor to deposit an additional bond where the contractor has been the subject of a final judgment in a year in an amount equal to that of the bond, and would provide that the bond shall also be payable for interest on wages and for damages arising from violations of orders of the Industrial Welfare Commission, but shall not be payable for penalties on nonpayment or late payment of wages.

This bill would provide that an additional condition of being issued a farm labor contractor's license is that the person execute a declaration consenting to the designation by a court of the Labor Commissioner as an agent available to accept service of summons in any action against the licensee if the licensee has become unavailable to accept service

Existing law requires a farm labor contractor to pay a license fee of $250, and requires the Labor Commissioner to deposit $25 of each licensee's license fee into a separate account to be disbursed by the Labor Commissioner to persons damaged by any licensee when the damage exceeds the limits of the licensee's bond. This bill would permit the money in the separate account to be disbursed to persons determined by the Labor Commissioner to have been damaged by an unlicensed farm labor contractor Since these new funds may be expended without further action by the Legislature, this bill would make an appropriation.

Existing law permits the Labor Commissioner to revoke, suspend, or refuse to renew any license under specified conditions.

This bill would, in addition, require the Labor Commissioner to suspend a license for one year if any licensee has been subject to 2 or more final judgments by a court for failure to pay wages due respecting his or her farm employees within a 5-year period.

Existing law provides that any employee aggrieved by any violation of the farm labor contractor law may bring a civil action for injunctive relief or damages, or both, against the farm labor contractor.

This bill would permit the employee to bring the action against an unlicensed farm labor contractor who violates the farm labor contractor law

This bill would provide that any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended or revoked is guilty of an offense punishable by a fine of not less than $1,000 and not more than $5,000, or by imprisonment for not less than 6 months and not more than one year, or both.

This bill would provide that actions brought under the farm labor contractor law shall be set for trial at the earliest possible date, and shall take precedence over all other cases, with specified exceptions

This 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. 1001 (AB 2548) Harris. Adoption.

Existing law provides that it is unethical for an attorney to undertake the representation of both the prospective adopting parents and the natural parents of a child in any negotiations or proceedings in connection with a so-called "independent" adoption except where written consent is obtained from both parties.

This bill would set forth specified legislative findings, and would authorize a court to award fees and costs incurred in connection with an independent adoption, as specified, for just cause and based on the prospective adoptive parents ability to pay.

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Existing law authorizes a court, upon the petition of any party, to appoint an attorney to represent a birth parent in negotiations or proceedings in connection with an adoption.

This bill also would authorize the court to make such an appointment on motion of any party or on its own motion.

Ch 1002 (AB 2605) Seastrand. Fishing vessels.

Existing law does not provide for a program of state grants to commercial fishermen whose vessels are operated in areas impacted by oil and gas development.

This bill would establish a Local Marine Fisheries Impact Program and authorize the Secretary of Environmental Affairs to make grants from funds appropriated for specified purposes to any licensed commercial fisherman who owns or operates a fishing vessel off the coast in which oil and gas exploration or development facilities or equipment were in use prior to August 1, 1985. The funds would be required to be expended to extend the vessel's fishing range, as specified, in order to reach areas beyond those impacted by the oil and gas development activities.

The bill would also authorize the secretary to make grants, contract for services or research, or enter into interagency agreements and would specify the purposes for which those grant funds could be expended.

The bill's provisions would remain in effect until January 1, 1992, and on that date would be repealed.

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

Ch. 1003 (AB 2999) Speier. Asbestos: contractors.

Existing law requires any contractor who engages in asbestos-related work, as defined, to be certified by the Contractors' State License Board. Existing law also requires any employer or contractor who engages in asbestos-related work to register with the Division of Occupational Safety and Health of the Department of Industrial Relations

This bill would prohibit any person from advertising for the removal of asbestos unless certified for that work and would require any person advertising asbestos removal services to include his or her certification and registration number in that advertising.

This bill would require that as a condition of certification by the board, a contractor must also be registered with the division.

The bill also would require the board to make available to the public upon request asbestos information, as specified.

The act would become operative on July 1, 1989.

Ch. 1004 (AB 3752) Johnston. Deposit of public moneys.

The California Constitution authorizes the Legislature to provide for the deposit of public moneys in banks, savings and loan associations, and credit unions in this state and the Legislature has enacted various laws to implement this authorization.

This bill would amend various provisions of law to authorize the deposit of public moneys in federally insured industrial loan companies as defined, contingent on the adoption of ACA 63 by the people of the State of California permitting the Legislature to provide for the deposit of public moneys in insured industrial loan companies.

The above provisions of the bill would become operative only if ACA 63 of the 1987–88 Regular Session is adopted by the people

Ch 1005 (AB 3857) Harvey. Economic poisons. research authorizations: costs

Under existing law, every manufacturer of, importer of, or dealer in any economic poison, with a specified exception, is required to obtain a certificate of registration from the Department of Food and Agriculture before the product is offered for sale. Under administrative regulations, the department provides for a research authorization procedure prior to any experimental, unregistered use of an economic poison.

This bill would, until January 1, 1991, require any person who holds a research authorization to pay any actual costs incurred by the county agricultural commissioner, not to exceed $125 per test site, if the commissioner is required to investigate and confirm the destruction of produce subject to the economic poison tested.

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Ch. 1006 (AB 3893) Harris. Mortgages and deeds of trust: discharge and reconveyance.

Existing law requires the mortgagee or the assignee of the mortgagee to execute a certificate of discharge when the mortgage has been satisfied and to record this certificate, except as specified, in the office of the county recorder in which the mortgage is recorded.

This bill would, on and after July 1, 1989, require these actions to be taken within 30 days after the mortgage has been satisfied.

Under existing law, when an obligation secured by a deed of trust has been satisfied, the beneficiary or the assignee of the beneficiary is required to execute and deliver to the trustee the original note and deed of trust and a request for a full reconveyance. The trustee is then required to execute and record the full reconveyance, except as specified, in the office of the county recorder in which the deed is recorded and to deliver the original note and deed of trust to the person making the request. Existing law also permits a trustee, beneficiary, or mortgagee to charge a fee to the trustor, mortgagor, or owner of the land for services rendered in connection with the preparation, execution, or recordation of specified documents.

This bill, on and after July 1, 1989, would require the trustee to execute and record the full reconveyance within 21 days from receipt by the trustee of the original note and deed of trust and request for a full reconveyance, and other items, as specified.

The bill would provide on or after July 1, 1989, that if the trustee has not executed the full reconveyance or delivered it to another for recordation within 60 calendar days of the satisfaction of the obligation, then upon request, the beneficiary shall execute and acknowledge a document, as specified, substituting itself or another as trustee and shall issue a full reconveyance Additionally, the bill would provide that, on or after July 1, 1989, if the trustee or the beneficiary has not executed the full reconveyance within 75 calendar days of satisfaction of the obligation, then a title company may prepare and record a release, as specified, of the obligation. However, the title company would be required, at least 10 days prior to taking this action, to give notice to the beneficiary, as specified. A title company would also be authorized to prepare and record the specified release for obligations which were paid in full prior to July 1, 1989, but for which no reconveyance had been issued or recorded by October 1, 1989. This bill would also provide for the liability of a title company for civil damages and attorneys' fees in connection with the issuance of a release, as specified

Existing law specifies those circumstances in which a mortgagee or trustee shall not record or cause to be recorded a certificate of discharge or full reconveyance.

This bill would additionally provide that the mortgagee or trustee shall not record or cause to be recorded a certificate of discharge or full reconveyance when the personal delivery is not for the purpose of causing recordation and when either of these documents is to be personally delivered with receipt acknowledged by specified persons.

The bill would specify that the fee a trustee, beneficiary, or mortgagee may charge a trustor, mortgagor, or owner of the land for services involved in the preparation, execution, and recordation of the full reconveyance must be reasonable and would permit official fees also to be collected. The bill would conclusively presume that a fee not exceeding $65 charged in connection with a full reconveyance is reasonable. However, this conclusive presumption would only operate until January 1, 1992.

This bill would also make a statement of legislative intent.

Ch. 1007 (AB 4019) Filante. Veterinary medicine.

Existing law provides a comprehensive scheme for licensure and regulation of persons practicing veterinary medicine, surgery, and dentistry by the Board of Examiners in Veterinary Medicine. Within the jurisdiction of that board is the Animal Health Technician Examining Committee which provides for the regulation of animal health technicians.

This bill would, among other things, do all of the following:

(1) Provide that each individual licensed or registered by the board shall biennially apply for renewal of his or her license or registration, as specified.

(2) Require applications for renewal of a license or registration as an animal health

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technician or veterinarian and applications to register a premises where veterinary medicine, dentistry, or surgery is practiced to contain a specified statement as to conviction of a felony, professional discipline, or violation of the law relating to veterinary medicine, as specified

(3) With respect to applicants for registration as an animal health technician, for a veterinary license, or for registration of a premises, authorize the board to make an investigation to determine if cause for disciplinary action exists

Ch. 1008 (AB 4044) Katz Vehicles. registration.

(1) Existing law requires motor vehicles which are owned by California residents to be registered with the Department of Motor Vehicles, as specified.

This bill would create a rebuttable presumption that any registered owner of a motor vehicle who possesses a California driver's license is a California resident for purposes of those vehicle registration requirements

(2) Existing law requires motor vehicles which are based in California or primarily used on California highways to be registered with the department, except as otherwise specified with regard to persons who are not residents.

This bill would make a related change by restricting the applicability of those provisions to nonresidents.

(3) Existing law authorizes specified peace officers and city and county employees to remove vehicles from highways under various prescribed circumstances, including expired registration

This bill would also permit the removal of vehicles with expired registration from offstreet parking facilities, as defined.

(4) Existing law requires satisfactory evidence to be produced in court that an unregistered vehicle has been registered, had appropriate fees paid, or has been reduced to junk if a notice to appear for nonregistration was issued.

This bill would prohibit adjudication of the offense by the court until that evidence is produced.

(5) Existing law prescribes a fine of not less than $50 for unlawfully parking in spaces for the disabled

This bill would increase that fine to $100 minimum

Ch 1009 (AB 4055) Farr. Commercial fishing.

(1) Existing law requires that the application for a commercial fishing license contain, among other things, a description of the applicant's complexion, a statement as to whether or not the applicant is a citizen of the United States, and, if the applicant is not a United States citizen, the country of which the applicant is a citizen

This bill would delete the requirement that the applicant's complexion be stated and would delete the requirement that an applicant who is not a United States citizen state the country of which the applicant is a citizen

(2) Under existing law, the state is divided into districts for purposes, among others, of prescribing regulations for commercial fishing. District 15 is a described portion of ocean waters in Monterey Bay, District 16 is another described portion of that bay, and the balance of that bay is in District 17

This bill would delete District 15, thereby making that area part of District 17. The bill would also redefine the boundary of District 16. The bill would make other conforming changes

(3) Under existing law, unless superseded by other law, rock crabs are authorized to be taken in traps in any waters of the state at any time

This bill would exclude Districts 19A, 19B, and 21 and a designated portion of District 20 from that authorization and would make the taking of rock crab expressly subject to other provisions of law Because the bill would prohibit the taking in the area specified, it would impose a state-mandated local program by creating a crime in that area

The bill would also revise the maximum permissible diameter of a baitfish trap

(4) Under existing law, a permit, other than a permit to take herring, is required to take herring eggs for commercial purposes. The taking of herring eggs under a herring egg permit is subject to the regulations of the Fish and Game Commission.

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This bill would authorize the commission to limit the number of herring egg permits and the amount of herring eggs taken under those permits.

(5) Existing law prohibits the use of artificial light to lure or attract squid in District 16.

This bill would repeal that prohibition

(6) Under existing law, any net or line that is fast in any way is a set net or a set line. Different restrictions apply to the use of set nets and set lines and drift nets Set nets are required to be marked with a buoy, as described, at either end of the net.

This bill would, instead, make any net or line that is anchored to the bottom on each end a set net or a set line The bill would also require marking set lines with a buoy, as described, at either end Because the bill would change the definition of set nets and set lines, which are regulated under criminal provisions of law, the bill would impose a state-mandated local program by changing the definition of crimes.

(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 1010 (AB 4114) N. Waters. Mosquito abatement

Existing law requires the State Department of Health Services to maintain a program of vector biology and control, which includes providing assistance and consultation to local vector control agencies, conducting emergency vector control, and certifying government agency vector control conditions

Existing law also permits the establishment of pest abatement districts, mosquito abatement districts, and vector control districts, which are vested with specified powers, including the power to abate a public nuisance for purposes of pest, mosquito, or vector control.

This bill would require every government agency employee who handles, applies, or supervises, the use of any pesticide for public health purposes, including employees of pest abatement, vector control, or mosquito abatement districts, to be certified by the department as a vector control technician in at least either mosquito control, terrestrial and vertebrate vector control, or vertebrate vector control.

The bill would permit the department, by regulation, to establish exemptions from the requirements of the bill, as specified.

The bill would also exempt from the requirements of the bill employees of the Department of Food and Agriculture and county agriculture departments holding, or working under the supervision of an employee holding, a valid qualified applicator certificate in health-related pest control issued by the licensing and certification program of the Department of Food and Agriculture.

The bill would require the department to establish, by regulations, minimum standards for continuing education for any employee required to be certified by this bill.

The bill would require the department to suspend the certificate of any individual not meeting the continuing education requirement, and to develop a procedure for reinstatement of suspended certificates

The bill would require the department to charge and collect an annual nonreturnable fee of $25 to be paid by each certificant It would permit the fee to be annually increased in accordance with an existing formula for the increase of various fees charged by the department.

Existing law establishes the Mosquitoborne Disease Surveillance Account, the moneys in which, upon appropriation to the Legislature, are available to the department to support mosquitoborne disease field and laboratory surveillance activities

The bill would require all fees collected under the bill to be deposited in the Mosquitoborne Disease Surveillance Account, with the fees deposited in this account being available, upon appropriation by the Legislature, for the purposes of the bill

The bill would require the department to adopt regulations implementing the bill as emergency regulations

This bill would incorporate additional changes in Section 113 of the Health and Safety

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Code, proposed by AB 3739, to be operative only if AB 3739 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last. These changes would become operative on the operative date of AB 3739.

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

Ch. 1011 (AB 4230) M. Waters. Developmental disabilities

(1) Existing law establishes the State Council on Developmental Disabilities, composed of 17 voting members, all of whom are appointed by the Governor.

Under existing law, 9 of these members are required to be persons with a developmental disability or parents, siblings, guardians, or conservators of these persons who are not employees of specified entities.

Existing law also provides that the 8 remaining members include 4 representatives of specified entities and 4 public officials.

This bill would increase from 9 to 10 members, the number of developmentally disabled persons, as defined by federal law, or parents, siblings, guardians, or conservators thereof, to be appointed to the council

The bill would add the Director of Aging to those specified public officials who are members of the council

Under existing law, whenever the director of a department is made a member of a board, commission, committee, or of the governing body of any state agency or authority, the director may designate a deputy in his or her department or agency who has been appointed as specified to serve as the member of the board, commission, or other body in place of the director.

Existing law provides, however, that not more than one director can be represented by such a designee at a meeting of the board, commission, or other body.

(2) This bill would permit the Secretary of Health and Welfare, the Director of Developmental Services, the Director of Rehabilitation, and the Director of Aging to each be served by his or her chief deputy at any meeting of the council, but would prohibit that chief deputy from serving more than one official at any meeting.

(3) Existing law requires the council's voting members to elect its own chairperson from among the members who have a developmental disability, or who are parents, siblings, guardians, or conservators thereof.

This bill would also require the voting members to elect a vice chairperson from among these members.

(4) Under existing law, the council is the state agency responsible for developing the California Developmental Disabilities State Plan, referred to herein as the state plan, as specified.

This bill would specify that the council would be required to prepare and approve a budget, for the use of amounts paid to the state to hire any staff and to obtain the services of any professional, technical, or clerical personnel consistent with state law, as the council determines to be necessary to carry out its functions

(5) Existing law specifies that, except as otherwise provided, the council is prohibited from engaging in the administration of the day-to-day operation of service programs identified in the state plan, or in the approval of individual grants or the financial management and accounting of funds.

This bill would delete the prohibition against engaging in the approval of individual grants

(6) Existing law grants to each member of the council $50 per day for each full day of work performed directly related to council business.

This bill would increase this sum to $100 per day

(7) Existing law provides that, except for specified staff persons, all council employees shall be appointed by the executive director of the council, with the approval of the council.

This bill would eliminate the requirements for council approval of these employees.

(8) Existing law requires that the council prepare the state plan each year.

This bill would instead require the state plan be prepared not less often than once every 3 years, and be reviewed and revised, as necessary, on an annual basis.

(9) Existing law also requires that the state plan contain specified elements.

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This bill would modify the elements which must be contained in the state plan.
(10) The bill would make other technical and conforming changes

Ch. 1012 (AB 4606) Allen. California Special Supplemental Food Program for Women, Infants, and Children.

Existing law establishes the California Special Supplemental Food Program for Women, Infants, and Children for the distribution of food coupons to be redeemed by authorized retail food vendors, as specified

This bill would authorize the Director of Health Services to file a final decision regarding amounts due and owing from a vendor as a result of overpayment pursuant to this program, with the County Clerk of Sacramento County and with the county clerk of the county in which the vendor has his or her principal place of business, and authorizes the county clerk to enter judgment for the State of California, as specified, if specified conditions are met.

By requiring that the clerk enter this judgment, this bill would impose a state-mandated local program.

This bill would require that the Special Supplemental Food Program for Women, Infants, and Children pay the normal fee charged by the county for the certificate of judgment.

This bill would authorize recordation of an abstract of this judgment with the county recorder of any county and would provide that the judgment shall thus constitute a lien upon all real or personal property owned by the vendor, 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.

Ch. 1013 (SB 804) McCorquodale. Optional PERS membership: part-time employees—local option.

The existing Public Employees' Retirement Law prescribes the membership by prescribing compulsory membership, exclusions, and optional membership One exclusion is certain part-time employees.

This bill would authorize any county superintendent of schools, school district, or community college district to adopt and transmit to PERS a resolution to, and any public agency to amend or include in its contract a provision to, include in the optional membership, certain part-time employees and would authorize those included members to purchase service credit for past service by paying prescribed contributions and interest therefor.

This bill would also authorize related increases in the employer's contributions, by a percentage or an amount, for past service elected by those new members and the related administrative expenses and would exclude those increases from the calculation of public school revenue limits

This new authorization would impose state-reimbursable state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public school and public agency 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

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reimbursement for these costs.

Ch 1014 (SB 1869) Morgan. Information technology.

(1) Existing law provides that the Director of the Office of Information Technology within the Department of Finance shall be the state's advocate in the exploitation of information technology to increase the effectiveness and efficiency of government electronic data-processing services in program and support areas

This bill would require the director to establish and maintain criteria to be followed by state government in participating with private industry and federal, state, and local government in demonstrating or developing advanced information technologies

(2) Existing law establishes within the State Treasury, the Stephen P. Teale Data Center Revolving Fund and the Health and Welfare Agency Data Center Revolving Fund, which funds are continuously appropriated for the expenses of the centers and for the purposes of developing information technology systems for the state.

This bill would permit the Directors of the Stephen P. Teale Data Center and the Health and Welfare Agency Data Center to allocate moneys in those funds, not to exceed 1% of the center's current fiscal year budget, to projects which demonstrate or develop advanced information technologies as solutions to information processing problems. Authorized expenditures would come from the unencumbered surpluses of these funds. If there is no surplus in a particular fiscal year, no expenditure would be authorized. By authorizing new uses for continuously appropriated funds, the bill would constitute an appropriation.

(3) This bill would require the Legislative Analyst to include, with the analysis of the 1991–92 Budget Bill, a review of the costs and benefits to the state which result from the enactment of this bill

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

Ch. 1015 (SB 1991) Robbins Life insurance policies. long-term care.

Existing law does specifically authorize life insurers to issue a rider to a policy of life insurance with respect to long-term care.

This bill would authorize that activity if the rider has been reviewed and approved, in a manner similar to that of other long-term care insurance products, by the Insurance Commissioner.

Ch. 1016 (SB 2034) L Greene. Public contracts: services

Existing law declares, as a matter of public policy, that contracts negotiated by the state or its political subdivisions for architectural, engineering, land surveying, or construction project management services must be based on demonstrated competence and professional qualifications for the services required, rather than competitive bidding.

This bill would provide that the declaration also applies to a local agency head, as defined.

Existing law provides that in the procurement of the above contracts, state agency heads shall encourage firms engaged in those professions to submit annual statements of their qualifications and performance data and to evaluate those statements, among other things, in determining the awarding of a contract

This bill would provide that local governmental entity agency heads may follow this procedure.

Existing law also provides specified procedures to be followed when selection of firms is by a state agency head

This bill would provide that when the selection is by a local agency head, the local agency head may undertake those specified procedures.

This bill would also make related supplemental and technical changes.

Ch. 1017 (SB 2035) Mello Family law: child support: liens

(1) Existing law provides procedures for the enforcement of orders for child support. Existing law also provides a variety of procedures for the enforcement of money judgments, including procedures whereby a judgment creditor may be paid from money owing and unpaid to the judgment debtor by a public entity by filing an abstract or

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certified copy of the judgment together with an affidavit, as specified, and by serving notice on the judgment debtor, as specified.

This bill would provide that if a judgment is for child support, and money is owed as a refund under the Personal Income Tax Law or the Bank and Corporation Tax Law or as lottery winnings, the judgment creditor may file a request together with an affidavit and an abstract or certified copy of the judgment or decree for the enforcement of arrearages by a Notice of Child Support Arrearage, as specified The judgment creditor would also be required to attach a proof of service, as specified, to the request. The bill further would require the court to order the clerk of the court to issue a Notice of Child Support Arrearage without a hearing 30 days after the request was filed if no objection has been raised by the judgment debtor, and would require the clerk of the court to issue the Notice of Child Support Arrearage, as specified, thereby imposing a state-mandated local program The bill would also specify the grounds upon which the judgment debtor may object to the request or affidavit. The bill would make related changes. These provisions would be operative July 1, 1989, and until January 1, 1994. This bill would require the Judicial Council, in cooperation with the Controller and the Franchise Tax Board, to develop a form entitled "Notice of Child Support Arrearage," as specified

(2) Under existing law, the Controller is required, until December 31, 1990, to offset delinquent accounts against personal income tax refunds which have been certified by the Franchise Tax Board in specified priorities

This bill, operative July 1, 1989, would revise the priorities to provide that the nonpayment of child support accounts enforced by a district attorney shall receive 1st priority and the nonpayment of child support accounts enforced by someone other than a district attorney shall receive 2nd priority

(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 1018 (SB 2040) Robbins. Insurance certificate of authority: penalty.

Existing law provides for the suspension of certificate of authority of an insurer to conduct business of insurance in this state upon certain findings by Insurance Commissioner. The law provides for a payment of a sum of money, as specified, to the commissioner for the use of the state in lieu of suspension of certificate which shall not exceed $30,000

This bill would raise this maximum sum to $55,000

Ch. 1019 (SB 2054) Davis Security guards.

Existing law prohibits a uniformed employee of a private patrol operator from engaging in specified behavior.

This bill would include, among these prohibitions, a failure by the uniformed employee to report to his or her employer, within 24 hours, the circumstances surrounding any incident involving the discharge of any firearm in which he or she was involved in the course of his or her employment.

Existing law provides for the licensing and regulation of persons employed as security guards or patrolpersons.

This bill would require a security guard or patrolperson to file a written report with the Director of Consumer Affairs and the local police or sheriff's department describing the circumstances surrounding any incident involving the discharge of any firearm in which he or she was involved while acting within the course and scope of his or her employment within 7 days after the incident.

The bill would authorize the director to assess a specified administrative fine for a violation of the provision.

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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.

A violation of the Private Investigator Act constitutes a misdemeanor; thus, this bill would impose a state-mandated local program by adding 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. 1020 (SB 2124) Rogers. Youth Authority.

Under existing law, the Department of the Youth Authority has jurisdiction over institutions maintained for the reception of wards of the juvenile court and other persons committed to the department.

This bill would authorize the department to perform advance planning activities for an 1,800-bed Southern California Youth Center in Kern County.

The bill would appropriate $2,956,000 from the 1986 Prison Construction Fund to the Department of the Youth Authority for specified activities.

The bill would require the Department of the Youth Authority to provide the Legislature the results of environmental impact reports and design studies before seeking additional project funding.

Existing law contains an appropriation of $661,000 from the 1986 Prison Construction Fund to the Department of the Youth Authority for the renovation of the infirmary building at the Preston School of Industry

This bill would provide that the unencumbered balance of that appropriation shall revert to the unappropriated surplus of that fund

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

Ch. 1021 (SB 2175) McCorquodale. Trucks: maximum length: signs and report.

Under existing law, the Department of Transportation is required, on or before January 1, 1988, to erect signs restricting truck travel on highways found unsafe for trailers or semitrailers of a maximum length permitted under specified provisions, and to report its findings and recommendations to the Legislature.

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

Ch. 1022 (SB 2333) Kopp. Governmental liability· school districts.

Existing law does not limit a civil action against a school district, its officers, directors, employees, or agents, based upon negligence which alleges an injury, disease, death, or economic loss arising out of exposure to asbestos contained in buildings owned, leased, or otherwise used by a school district.

This bill would provide that a school district, its officers, directors, or employees, shall have no civil liability in any civil action for injury, disease, death, or economic loss arising out of exposure on or after January 1, 1989, to asbestos contained in buildings owned, leased, or otherwise used by a school district, except upon proof of negligence, as specified.

Ch. 1023 (SB 2476) Keene. Industrial loan companies.

Existing law prohibits an industrial loan company from transacting business or making any loan at any place other than that designated by its certificate of authorization without having obtained the prior written approval of the Commissioner of Corporations.

This bill would authorize an industrial loan company to solicit and make loans at a place of business other than that designated in its certificate of authorization upon written approval of the commissioner without obtaining a certificate of authorization to conduct business at a branch office, as specified.

Existing law provides that the Board of Directors of Guaranty Corporation shall be composed of 11 members, 4 of which shall be public members; and commencing in 1989,

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7 members, 2 of which shall be public members; and commencing in 1990, and thereafter, 5 members, one of which shall be a public member. Public members shall be appointed by the board and shall not be affiliated with any company or affiliate of any company

This bill would instead provide that commencing July 1, 1989, the board of directors shall be composed of 5 members, at least 2 of which shall be public members. It would require those 5 members be appointed by the commissioner, and would require the commissioner to consult with the President of Thrift Guaranty Corporation before making an appointment. It would additionally require that public members not be employed by any state agency

Ch 1024 (SB 2686) Marks Real property: criminal trespass.

Existing law specifies numerous acts which constitute criminal trespass, including the entering upon, refusing, or failing to leave certain property, not generally open to the public, after having been notified not to enter that property or after having been requested to leave, as specified.

This bill would add land, real property, or structures owned or operated by a housing authority for tenants, as defined, to that certain property not open to the general public. It would also provide that these provisions do not apply to persons engaging in protected activities, as specified, or to persons on these premises at the request of a resident or management, as specified.

This bill would also 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. 1025 (SB 2805) Marks. Small business information

Existing law does not provide for a central automated data base of information useful to small businesses in starting or operating their businesses

This bill would require the Department of Commerce to maintain a centralized information system on small business and provide that the data be compiled from other specified state and federal agencies.

The bill would require the Department of Commerce to provide a statistical abstract of the compiled data to the Legislature and to the Senate and Assembly Select Committees on Small Business Enterprise on or before June 30, 1989, and annually thereafter

Ch. 1026 (SB 2829) Bergeson Water· waste discharge permit fees

Under existing law, each report of waste discharge submitted to a California regional water quality control board is required to be accompanied by a filing fee not to exceed $50,000 according to a reasonable fee schedule established by the State Water Resources Control Board.

This bill would instead require each person for whom waste discharge requirements have been prescribed to submit an annual fee not to exceed $10,000, would require each new report of discharge to be accompanied by a fee equal in amount to the annual fee, and would require the state board, on or before January 1, 1990, to adopt, by emergency regulations, a schedule of fees, including specified provisions. The bill would require the total revenue collected each year to be set at an amount equal to the reimbursement levels set forth in the Budget Act for this activity. The bill would exempt facilities for confined animal feeding or holding operations from annual fees and would require the state board to establish filing fees for those facilities not to exceed $2,000

The bill would also exempt any person operating or proposing to construct an oil, gas, or geothermal injection well from payment of the annual fees if the well is regulated by the Division of Oil and Gas of the Department of Conservation pursuant to a specified memorandum of understanding. This exemption would remain operative until the memorandum of understanding is revoked by either party

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Ch 1027 (AB 347) Bane Political Reform Act mass mailing

The Political Reform Act of 1974 defines a "mass mailing," for purposes of the act, as 200 or more substantially similar pieces of mail.

This bill would increase the number of pieces of mail necessary to qualify as a "mass mailing" to an amount over 200.

Ch 1028 (AB 2991) Speier Infectious waste.

Existing law defines infectious waste as meaning specified materials, including equipment, instruments, utensils, and other disposable materials which are likely to transmit etiologic agents from the rooms of persons or enclosures of animals which have been isolated because of communicable disease.

This bill would revise this definition to mean equipment, instruments, utensils, or any other material likely to transmit etiologic agents, or any other material which the facility infection control staff determines is likely to transmit etiologic agents or presents a significant danger of infection because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents

Ch 1029 (AB 3083) Cortese. Taxation

Existing provisions of the Health and Safety Code provide for the administration by the State Board of Equalization of a program of fees on hazardous waste facilities and generators Under those provisions, there is a due date for the fees on newly identified or reclassified facilities or generators

This bill would provide that the due date for fees is no sooner than the date in which a facility or generator is identified or changes its status This provision would not become operative if SB 2094 is enacted and also affects the same code section

The existing California Sales and Use Tax Law provides that the State Board of Equalization may require the operator of a swap meet or flea market to obtain evidence that a seller conducting business on the premises of the operator is a holder of a valid seller's permit

This bill would expand the scope of these provisions to include an operator of a special event This bill would also define a swap meet, flea market, or special event to include any event at which 2 or more people offer to sell personal property and a fee is charged to display the property or any event at which prospective buyers are charged an admission fee

Existing provisions of the Revenue and Taxation Code require that certain refunds, credits, and cancellations in excess of $15,000 be presented to the State Board of Control for approval before the issuance of a refund warrant, cancellation of a liability, or the granting of a credit.

This bill would change those provisions to require State Board of Control approval only for amounts in excess of $50,000

Existing law provides a partial exemption from state and local sales and use taxes for food products, other than hot prepared food products, as defined, actually sold through a vending machine which sell at retail for more than specified amounts

This bill would provide that food products, as defined for that purpose, includes hot coffee, hot tea, and hot chocolate, when those hot beverages are actually sold through a vending machine for a separate price, but would further specify that food products does not include any other hot food products

Existing provisions of the Revenue and Taxation Code provide that subsequent to the revocation of a permit, as specified, a reinstatement fee of $15 shall be paid to the State Board of Equalization upon reinstatement

This bill would increase that reinstatement amount to $50

Existing law specifies a procedure for establishing the rate of interest on late payments of various taxes and on refunds of overpayments in accordance with specified provisions of the Internal Revenue Code, as modified.

This bill would revise that procedure to provide that the short-term federal rate determined in accordance with the Internal Revenue Code shall be modified to be determined semiannually, as specified.

This bill would require specified persons subject to hazard waste fees, as specified, to

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register with the State Board of Equalization

This bill would change the statute of limitations for the issuance of a notice of deficiency for an underpayment of hazardous substances tax.

This bill would also make various technical, clarifying, and nonsubstantive changes to provisions of existing law relating to business taxes and would repeal certain penalty provisions

Ch 1030 (AB 3184) Hughes Saturday School Act of 1988

Existing law authorizes the governing board of any elementary, high school, or unified school district, or any county superintendent of schools, to maintain classes on Saturday or Sunday, or both. Existing law provides that, except as otherwise provided, the attendance of any pupil in a class or program held on a Saturday or Sunday shall not result in the crediting of more than 5 days of attendance for the pupil per week

This bill would establish the Saturday School Act of 1988 For the 1988–89 fiscal year and each fiscal year thereafter, the bill would make the average daily attendance generated by elementary and secondary school pupils in voluntary Saturday school programs eligible for summer school apportionments calculated pursuant to specified provisions of existing law if the programs meet prescribed conditions

The bill would require the Superintendent of Public Instruction to develop and distribute a program advisory to school districts on this program option

The bill would require that any pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program established pursuant to these provisions for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program established pursuant to these provisions for religious reasons, be given priority over pupils who have attended the Saturday school program for enrollment in the regular summer school program if he or she chooses to enroll in the regular summer school program

The bill would make these provisions inoperative on June 30, 1991, and would repeal them on January 1, 1992

Ch 1031 (AB 3197) Wright Fishing gill and trammel nets

(1) Existing law authorizes use of set gill nets and trammel nets with mesh size of not less than 8½ inches to take California halibut in ocean waters between Ragged Point and Point Dume and limits the amount of net that may be used in those waters to 1,000 fathoms per vessel.

This bill would, on and after August 15, 1989, make the authorization to use nets with mesh size of not less than 8½ inches to take California halibut applicable in all ocean waters. The bill would also limit the amount of net that may be used to 1,000 fathoms per vessel on and after August 15, 1989, in a specified area off of Santa Barbara county, and to 1,500 fathoms per vessel outside of that area

The bill would also authorize the Director of Fish and Game to reduce the minimum mesh sizes to not less than 8 inches in the area south of a specified extension of the county boundary line between the Counties of Los Angeles and Ventura if the department makes a specified finding of decline in landings in the period of September 1, 1989, to August 31, 1990

(2) Existing law authorizes use of drift and set trammel nets in Districts 10, 17, 18, and 19 if the meshes are at least 8 inches in length, except as specified.

This bill would, instead, require those nets to have meshes at least 8½ inches in length on and after August 15, 1989.

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

This bill would impose a state-mandated local program by changing the definitions of crimes.

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

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Ch 1032 (AB 3216) Frazee Oaths and affirmations

Existing law authorizes notaries public to take depositions. Existing law also specifies that depositions shall be conducted under the supervision of an officer who is authorized to administer an oath.

This bill would add certified shorthand reporters to the list of those authorized to administer oaths and affirmations. The bill also would authorize certified shorthand reporters to perform the duties of a deposition officer and to receive fees, as specified, for services rendered during a deposition

Ch. 1033 (AB 3506) Bradley. Housing: mobilehomes.

Existing law provides for the regulation of sales or transfer of mobilehomes located in mobilehome parks.

This bill would prohibit the management of a mobilehome park from prohibiting the listing or sale of a used mobilehome within the park by the homeowner, or an agent of the homeowner other than the management, or from requiring the selling homeowner to authorize the owner or manager of the park to act as the agent in the sale of a mobilehome as a condition of approval of the buyer or prospective homeowner for residency in the park

Ch. 1034 (AB 3694) Harris. Public liability: land failure.

Existing law provides that a public entity and public employee are not liable for injury to property or certain emotional distress occurring off the public property that is caused by land failure resulting from a natural condition of unimproved public property. However, under existing law, that immunity does not benefit a public entity or public employee who had actual knowledge of probable damage and failed to give a warning.

This bill would provide that the immunity does not benefit a public entity or public employee who had actual knowledge of probable damage and failed to give a warning to the affected property owners. It would also provide that neither a public entity nor a public employee is liable for giving a warning under that provision

Ch 1035 (AB 3841) Eastin. Contractors.

Existing law exempts from the provisions of the Contractors' State License Law, among others, an owner of property, building or improving structures thereon, or appurtenances thereto, who contracts for the project with a licensed contractor or contractors

This bill would provide that this exemption shall apply to the construction of single-family residential structures only if 4 or fewer of these structures are intended or offered for sale in a calender year. The bill also would provide that the limitation would not apply if the owner of the property contracts with a general contractor.

Existing law provides for the licensing and regulation of persons engaged in the business of contracting The law is administered by the Contractors' State License Board and the board appoints an executive officer known as the registrar of contractors. The law authorizes the registrar to refer an alleged violation of specified laws by a licensee to arbitration, under specified conditions.

This bill would provide that, on and after January 1, 1990, the installation of all fire protection systems shall only be performed by a contractor holding a fire protection contractor classification, as specified.

This bill would provide that a complaint referred to arbitration shall not be made public until the registrar has initiated an investigation into an alleged violation of an arbitration award.

Existing law requires a contractor to make and keep records for not less than 3 years after completion of a construction project or operation

This bill would require, as to construction projects or operations completed on and after January 1, 1989, that those records be kept for 5 years.

The bill would make other technical, nonsubstantive changes.

Ch. 1036 (AB 4413) McClintock. Crimes.

Existing law makes theft from a merchant or library a crime. Existing law makes an

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unemancipated minor and the parent or legal guardian having control and custody of an unemancipated minor jointly and severally liable to a merchant for the retail value of merchandise stolen by the minor if not recovered in merchantable condition, or to a library for the fair market value of library books or materials stolen by the minor, plus damages, as specified, plus costs. An adult or an emancipated minor is similarly liable for theft from a merchant or a library.

This bill would revise and recast the above-described provision to make certain clarifying and conforming changes.

Existing law authorizes the district attorney to create a diversion program for persons who write bad checks. The district attorney is authorized to collect a fee if his or her office collects and processes a bad check. The amount of that fee is not to exceed $25 for each bad check.

This bill would authorize a court to impose a bad check collection fee for the collection and processing of a bad check by the district attorney of not more than $25 for each bad check and not more than $1,000 in the aggregate if a bad check case is not referred to a diversion program. The court would also be authorized, as a condition of probation, to require a defendant to participate in and successfully complete a check writing education class at his or her own expense, as specified.

Ch. 1037 (AB 4634) Farr. Rivers, streams, and lakes: dredging.

(1) Under existing law, before any person uses any vacuum or suction dredge equipment in any river, stream, or lake that person is required to obtain a permit from the Department of Fish and Game. The base fee for a permit is $10 when an onsite investigation is not required and $130 when an onsite investigation is necessary.

This bill would establish a base fee for nonresident applicants of $100 when an onsite investigation is not required and $220 when an onsite investigation is necessary. The bill would also increase the base fee for resident applicants when an onsite investigation is not needed to $25. The increased fees would be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, and thus the bill would make an appropriation.

The bill would also require any person possessing a dredging permit to present his or her dredging equipment for inspection upon request of a state or county game warden. Failure to do so would be a misdemeanor; thus, the bill would impose a state-mandated local program by creating a new crime.

The bill would also define "river, stream, or lake" for purposes of the laws relating to dredging, and would authorize the department to close areas that were otherwise opened for dredging to protect fishing resources in the event of an unanticipated water level change.

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

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

Ch. 1038 (SB 1145) Robbins Workers' compensation: California State University firefighters.

Existing law provides that in the case of active volunteer or paid firefighting members of prescribed state and local fire departments, an injury under the workers' compensation law includes cancer which develops or manifests itself during the period of that employment, as long as the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer.

This bill would add active firefighting members of the fire departments of the California State University to these provisions.

Ch. 1039 (SB 1791) Rosenthal. Carriers. charter-party carriers of passengers.

(1) Under the Passenger Charter-Party Carriers' Act, the furnishing of specified passenger transportation services by a charter-party carrier of passengers is subject to the jurisdiction and control of the Public Utilities Commission and is required to be

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furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would exempt from that act transportation service provided by the operator of an automobile rental business in owned or leased vehicles without charge, as specified, for its customers to or from its rental facilities.

The bill would also exempt transportation service provided by the operator of a hotel, motel, or other place of temporary lodging in owned or leased vehicles without charge, as specified, between an air, rail, water, or bus passenger terminal and the lodging facility, or between the lodging facility and a place of entertainment or commercial attraction, as specified.

The bill would require any operator which furnishes an exempt transportation service under these provisions in a bus to apply for and obtain from the Department of the California Highway Patrol a carrier identification number and to display that number on the bus, as specified. Since, under other provisions, a violation of this requirement 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. 1040 (SB 1839) Ayala. Water rights small domestic use

Under existing law, no right to appropriate or use water subject to appropriation may be initiated or acquired except upon compliance with prescribed requirements involving an application to the State Water Resources Control Board for a permit to appropriate water.

This bill would permit any person to obtain a right to appropriate water for a small domestic use, as defined, upon registering that use with the board in accordance with prescribed procedures and requirements, and thereafter applying the water to reasonable and beneficial use with due diligence, but would limit any facility to not more than one registration in effect at any time The bill would prescribe related powers and duties of the board, require the renewal of the registration of a small domestic use every 5 years as prescribed, require the board to submit a specified report to the Governor and the Legislature by January 1, 1993, and require the payment of specified fees for registration and renewal. The bill would require compliance with these procedures on and after January 1, 1989, to initiate any right to appropriate or use water for a small domestic use.

The procedures established in the bill would not apply to stream segments with streamflow requirements prescribed by the Director of Fish and Game, as specified.

The bill would make legislative findings and declarations.

The bill would remain in effect only until January 1, 1994.

Ch 1041 (SB 1857) Russell. Subdivision maps

(1) Existing law conclusively presumes specified parcels of subdivided land creating fewer than 5 parcels to be lawfully created pursuant to the Subdivision Map Act if there was no local ordinance regulating that type of division

This bill would, instead, make the above presumption apply where at the time of the creation of the specified parcel there was compliance with any local ordinance or there was no local ordinance in effect regulating the division of land creating fewer than 5 parcels.

(2) Under existing law, any person owning real property, or a vendee of that person pursuant to a contract of sale of the real property, may request, and a local agency is required to determine, whether the real property complies with the Subdivision Map Act and local ordinances enacted pursuant thereto If a local agency determines that the real property is not in compliance with that act or local ordinances enacted pursuant thereto, it is required under existing law to issue a certificate of compliance or a conditional certificate of compliance.

(3) Existing law further provides that a recorded final map, parcel map, or official map constitutes a certificate of compliance with respect to the parcels of real property

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described therein.

This bill would provide that an approved certificate of exception also constitutes a certificate of compliance with respect to the parcels of real property described therein

(4) The bill would repeal its provisions, as summarized in paragraphs (1) to (3), inclusive, on January 1, 1994, and on that date would restore existing law, as summarized in those paragraphs

(5) This bill also would define a certificate of exception for the purposes of the provisions created by the bill, and this change would not be subject to the repeal clause applicable to the remainder of the bill

Ch 1042 (SB 1893) Garamendi Reclamation districts: contracts

(1) Under existing law, reclamation district work is not subject to competitive bidding requirements.

This bill would require, except as prescribed, all reclamation district contracts, and contracts of districts authorized to act under the law governing reclamation districts, for any improvement or unit of work, or for materials or supplies, in excess of $25,000, to be let to the lowest responsive, responsible bidder after notice, as specified, thereby imposing a state-mandated local program The bill would specify related powers and duties of the board of trustees and would permit the board to undertake emergency work under specified circumstances without advertising for bids in accordance with prescribed procedures. The bill would permit the above limit to be increased to $50,000 for specified projects, subject to approval of landowners within the district as prescribed.

(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. 1043 (SB 1896) Rosenthal Contracts dance studio lessons.

Existing law regulates the terms and conditions of contracts for "commercial" dance studio lessons and other services, excluding contracts for educational dance instruction.

This bill would delete the limitation of applicability of those provisions to "commercial" dance studio lessons and the exception for contracts for educational dance instruction, as defined. The bill would, however, exempt from certain of the regulatory provisions specified contracts for instruction in ballet, modern, jazz, tap dance, or any combination thereof, as specified The bill also would provide that certain regulatory provisions would also not apply to nonprofit organizations receiving funds from the California Arts Council.

A violation of provisions relating to commercial dance studio lessons is a misdemeanor. This bill, by enlarging the applicability of those provisions, would enlarge the scope of an existing crime and thus constitute a state-mandated local program.

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

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

Ch 1044 (SB 1950) Presley. Correctional facilities.

(1) Existing law requires the Department of Corrections to establish a community treatment program under which mother inmates who have children under the age of 6 years shall be eligible for release to a facility in a community that is suitable to the needs of the mother and children if certain criteria are met.

This bill would specify that the program is for women inmates sentenced to state prison

This bill would require the department to deny placement in the program if it determines that an inmate would pose an unreasonable risk to the public, or if any of other specified factors exist, except as specified. The bill would also permit the department to admit a pregnant inmate to the program prior to the birth of the child.

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(2) Existing law requires the Department of Corrections to report to various legislative committees, including the Joint Legislative Committee on Prison Construction and Operation, concerning specified types of prison plans.

This bill would require the department to provide the Joint Committee on Prison Construction and Operation with periodic reports on the progress of site selection for new prison facilities

The bill would require the department to report to the committee twice a year on prospective areas and related matters. The bill would impose related duties

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

Ch. 1045 (SB 1960) Petris. Distribution of tobacco products.

Existing law makes the distribution or furnishing of tobacco products to minors a misdemeanor.

This bill would provide that every person, firm, or corporation which knowingly sells, gives, or furnishes specified tobacco products to a person under the age of 18 would be subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of $200 for the 1st offense, $500 for the 2nd offense, and $1,000 for the 3rd offense. In addition, 25% of each civil and criminal penalty collected would be paid to the office of the city attorney, county counsel, or district attorney, whoever is responsible for bringing the successful action, and 25% of each civil and criminal penalty collected would be paid to the city or county for the administration and cost of community service work, as specified. The bill further would specify that proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence of majority, as described, would be a defense to the above violation.

The bill would provide that the person liable for selling or furnishing tobacco products to minors by a tobacco vending machine is the person authorizing the installation or placement of the machine upon premises managed or controlled by the person under circumstances under which he or she has knowledge, or otherwise should have grounds for knowledge, that the machine will be utilized by minors.

The bill also would provide that every person under the age of 18 years who purchases or receives any tobacco product, as specified, upon conviction, shall be punished by a fine of $50 or 25 hours of community service work

Existing law specifies that no law shall invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city, a county, or a city and county regulating the sale or display to persons under the age of 18 years of tobacco products.

This bill, instead, would set forth declarations of legislative intent to regulate the above subject matter governing the distribution of tobacco products and would provide that no city, county, or city and county shall adopt any ordinance or regulation inconsistent with the above provisions.

This bill 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 1046 (SB 2123) Rogers PERS: death benefits payments.

The existing Public Employees' Retirement Law establishes the Public Employees' Retirement System and makes various provisions for payments upon the death of a member, survivor, or beneficiary.

This bill would revise, recast, reorganize, and clarify those provisions to enable the expeditious distribution of death benefit payments.

This bill would also require death benefit and lump-sum benefit payments to be authorized to the Controller within 45 days of receipt of all necessary information, issued warrants, and outstanding overpayments; require payment of specified interest when those payments are late; and require annual submission of a related summary to the Legislature and the Governor.

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

Ch. 1047 (SB 2189) L. Greene. Health: psychiatric health facilities.

Under existing law, psychiatric health facilities are licensed by the State Department of Health Services after application by county or other organizations and approval by the State Department of Mental Health It is the legislative intent that the State Department of Mental Health approve these facilities only if the service costs are a percentage of service costs of these services in a general hospital.

Existing law provides for certain licensure waivers and requires appropriate state agencies to cooperate with the State Department of Mental Health to assure that the department approves the licensure waivers not later than 90 days after submission by the county or other organizations.

This bill would instead require these state agencies, to the extent required by law, to cooperate with the State Department of Mental Health to assure that the State Department of Mental Health approves a facility's program, and the licensure applications not later than 90 days after submission The bill would also declare legislative intent that the State Department of Mental Health shall license the facilities in order to establish innovative and more competitive acute psychiatric care services It would authorize certain exemptions from existing licensure provisions.

Under existing law, psychiatric health facilities are periodically inspected by a representative of the State Department of Health Services accompanied by representatives of the State Department of Mental Health.

This bill would instead provide for a periodic inspection of all of these licensed facilities to be conducted by a multidisciplinary team designated by the State Department of Mental Health to assure quality of care by reviewing specified elements.

Under existing law, regulations adopted by the State Department of Health Services governing psychiatric health facilities prevail over regulations generally applicable to health facilities.

This bill would modify this provision by instead referring to regulations adopted by the State Department of Mental Health which govern psychiatric health facilities.

The bill would also require the State Department of Mental Health to adopt regulations, as specified

The bill would permit the State Department of Mental Health to adopt changes in standards or regulations affecting aspects of psychiatric health facility programs

This bill would require all licensing fees collected for these facilities to be credited to the State Department of Mental Health for costs incurred due to the review of psychiatric health facility programs conducted in connection with the licensing of these facilities.

This bill would require proposed changes in the standards or regulations affecting health facilities which serve the mentally disordered to be effected only with the review and coordination of the Health and Welfare Agency.

This bill would require that, in psychiatric health facilities where the clinical director is not a physician, a psychiatrist, or if one is temporarily not available, a physician be designated who shall direct those medical treatments and services which can only be provided by, or under the direction of, a physician

This bill would make these psychiatric health facilities licensing provisions inoperative on July 1, 1993, and would repeal them as of January 1, 1994

Existing law makes adoption of standards, rules, and regulations developed by the State Department of Mental Health to implement the Short-Doyle Act contingent upon the approval of the California Conference of Local Mental Health Directors.

This bill would exempt from this approval requirement, regulations pertaining to psychiatric health facilities, and would specify that a vote by the California Conference of Local Mental Health Directors would be only advisory to the State Department of Mental Health.

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

Ch. 1048 (SB 2197) C. Green. Educational in-service training: gang violence and drug and alcohol abuse.

Existing law establishes various programs relating to drug and alcohol abuse preven-

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tion education programs

This bill would require the State Department of Education to prepare and distribute to school districts and county offices of education, no later than February 15, 1989, guidelines for incorporating in-service training in gang violence and drug and alcohol abuse prevention for designated school personnel. The department would be required, upon request, to assist school districts and county offices in developing comprehensive gang violence and drug and alcohol abuse prevention in-service training programs. The department also would be required to assist school districts and county offices of education in qualifying for the receipt of federal and state funds to support their gang violence and drug and alcohol abuse prevention in-service training programs The bill would require the department to consult with the Office of Criminal Justice Planning regarding gang violence The bill would require the department, on or before August 15 of each year, to report to the Legislative Analyst and to the Legislature, as specified, on the status of gang violence and drug and alcohol abuse prevention in-service training programs provided by school districts and county offices of education.

The bill would express the intent of the Legislature that school districts and county offices of education give high priority to gang violence and drug and alcohol abuse prevention in-service training programs

Ch 1049 (SB 2228) Marks. Alzheimer's disease

Existing law provides 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

This bill would revise the above referenced diagnosed diseases in those provisions to include progressive, degenerative, and dementing illnesses, including, but not limited to, Alzheimer's disease.

This bill would provide that where a particular disease can be determined only with an autopsy, "diagnosed" means clinical diagnosis not dependent on pathological confirmation, but employing nationally accepted criteria.

Ch. 1050 (SB 2248) Lockyer. Privacy. cassette sales or rental services.

Existing law does not generally restrict the disclosure by persons providing video cassette sales or rental services of records prepared or maintained by those persons, although the California Constitution specifies privacy as one of the inalienable rights of all people in the state

This bill would prohibit, with prescribed exceptions, persons providing video cassette sales or rental services from disclosing the contents of records prepared or maintained by those persons without the written consent of the subject of those records

A person who willfully violates the provisions would be liable to the subject of the records for a civil penalty not to exceed $500, and a person who willfully violates the provisions 3 or more times in a 6-month period would be liable for a civil penalty not to exceed $500 per violation, which could be assessed and collected in an action by the Attorney General, a district attorney, or a city attorney or prosecutor

Ch. 1051 (SB 2308) Maddy. Probate· Medi-Cal

Under existing law, if a beneficiary or a person in possession of property of a decedent knows or has reason to believe that the decedent received health care under the Medi-Cal program, that beneficiary or person is required to give the Director of Health Services notice of the decedent's death.

This bill would, instead, require the estate attorney to make that report, or if there

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is none, would require the beneficiary, the personal representative, or the person in possession of the property of the decedent to make that report, as specified

Ch 1052 (SB 2337) Kopp. Civil actions.

Existing law provides that any plaintiff in a civil action alleging a cause of action for conspiracy must allege the formation and operation of the conspiracy, the wrongful act or acts alleged to have been committed, and the resulting damage. Existing law does not restrict the person or persons against whom a claim for civil conspiracy may be stated.

This bill would prohibit a cause of action for civil conspiracy against an attorney and his or her client from being included in a complaint or other pleading unless the plaintiff demonstrates to the trial court a reasonable probability that he or she will prevail in the action, as specified. It would also require the plaintiff to file a verified petition accompanied by the proposed pleading alleging the civil conspiracy and supporting affidavits which shall toll the running of any applicable statute of limitations until the court's final determination, as specified

Ch 1053 (SB 2348) McCorquodale Water treatment devices

Existing law regulates the advertising of water treatment devices, by specifying that certain activities relating to the sale, rental, lease, or order for water treatment devices are unlawful and by requiring a specified disclosure in any advertisement soliciting a sale, rental, lease or order for water treatment devices Existing law defines terms related to the above, including advertisement. Existing law also provides that the intentional violation of the above provisions shall entitle purchasers, renters, or lessors of water treatment devices, when there was an advertisement, as specified, to specified damages, as specified, and that any violation is a misdemeanor punishable as specified

This bill would delete the existing provisions specifying unlawful activities and would provide that other activities in connection with the sale, lease, rental, offer to sell, lease, rent, or other disposition of water treatment devices are unlawful and would revise the disclosure requirement It would delete the definition of the term "advertisement" and would define other terms

This bill also would provide that any contract or offer, which is subject to approval and which arises out of a scheduled presentation for specified purposes at a location other than a private residence, for the sale, lease, or rental of a water treatment device shall be deemed a home solicitation contract or offer, thereby subjecting the contract to rescission, as specified, would repeal the existing provision regarding specified damages and would provide that a buyer, lessee, or renter may, recover actual damages, exemplary damages, reasonable attorney's fees and costs, and appropriate equitable relief for violations. It also would provide that any waiver of the provisions shall be void and unenforceable

The bill further would prohibit liens on real property to secure a contract or offer for the sale, lease, or rental of a home water treatment device or a purchase money loan, as defined, except as specified

This bill would make a statement of the intent of the Legislature

Because any violation of the provisions regarding water treatment devices is a misdemeanor and this bill would change existing provisions and add others, it imposes a state-mandated local program by changing the definition of a crime

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

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

Ch 1054 (SB 2361) Bergeson Vehicles. traffic rules.

(1) Existing law authorizes the Department of Transportation and local authorities to establish exclusive or preferential use lanes for high-occupancy vehicles.

This bill would prohibit any vehicle crossing over double parallel solid lines to enter or exit from exclusive or preferential use lanes and would make a violation an infraction punishable by specified fines, thereby imposing a state-mandated local program by

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creating a new crime. The bill also would revise the penalty for a violation of existing law relating to exclusive or preferential traffic lanes.

The bill would also specify the disposition, among local entities, of fines and forfeitures collected for violations of the above provisions and other provisions of existing law relating to exclusive or preferential traffic lanes.

(2) This bill would incorporate additional changes in Section 42001 of the Vehicle Code, proposed by AB 1836, to be operative only if AB 1836 and this bill are both chaptered and become effective on or before January 1, 1989, 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. 1055 (SB 2364) Bergeson. Public finances

Existing law, with respect to bonds of school districts, requires the board of supervisors to prescribe the form of the bonds and of the attached interest coupons.

This bill would delete the requirement concerning the interest coupons

Existing law requires the coupons of the bonds of school districts and counties to be signed by the county treasurer or auditor

This bill would delete the requirement that the coupons be signed by either official and would delete other references to the signature of the auditor.

Existing law permits the attachment of mechanically reproduced signatures of officials on the bonds of school districts, counties and other local agencies.

This bill would permit the board of supervisors, in the case of school districts or counties, or in the case of local agencies, the governing board, to determine that all of the required signatures or countersignatures shall be made by facsimiles provided that the bonds shall not be valid or become obligatory for any purpose until manually signed by the duly appointed authenticated agent.

Existing law prescribes various conditions and requirements with respect to local agency bonds.

This bill would provide that, notwithstanding other laws, the interest on bonds, as defined, of public bodies, as defined, is payable at the times established in the resolution, indenture, agreement, or other instrument providing for the issuance of bonds, and that a governing body of a public body may authorize the issuance of bonds pursuant to a resolution, indenture, agreement or other instrument providing for the issuance of bonds.

Existing law known as the District Investigation Law of 1933 requires the supervisory body, before final action is taken in the formation of any of specified districts, to cause the preparation of a comprehensive report on the proposed district, including specified information about the proposed districts. Existing law requires a noticed hearing when the report is filed and requires, among other things, that if the report shows that the amount to be assessed or levied for the cost of the project will exceed the prescribed limits, the proceedings shall terminate or the amount shall be reduced to within the limits, as specified.

This bill would repeal the District Investigation Law of 1933.

Ch. 1056 (SB 2371) Bergeson. Plant quarantines

(1) Existing law prohibits any person, except under written permission from a plant quarantine officer or under that officer's direction, to move any lot or shipment of plants or other things to which a warning tag or notice has been affixed or to remove, alter, destroy, deface or mutilate any such tag or notice

This bill would also prohibit the diversion of a shipment of plants or things which travels under a quarantine warning-hold notice to a destination other than that specified in the notice without the permission of the Director of Food and Agriculture or the county agricultural commissioner of the destination county. Violation of this prohibition would be a misdemeanor; thus, the bill would impose a state-mandated local program

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by creating a new crime.

The bill would also authorize the director or the commissioner to charge the shipper or receiver of a quarantined shipment a service charge for the cost of inspection services at the destination.

(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. 1057 (SB 2396) Boatwright. Crimes: sewers and sewer systems: discharges.

Existing law delineates various crimes against the public health and safety

This bill would make it unlawful for any unauthorized person, as defined, to maliciously discharge, dump, release, place, drop, pour, or otherwise deposit, or cause to be so deposited, as specified, any substance capable of causing substantial damage or harm to the operation of a public sewer sanitary facility, or to deposit in commercial quantities, as defined, any substance, into a manhole, cleanout, or other sanitary sewer facility not intended for use as a point of deposit for sewage, which is connected to a public sanitary sewer system, except as specified. Because it would establish a new crime, it would establish a state-mandated local program.

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

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

Ch. 1058 (SB 2656) Rosenthal. Telephones· coin-activated: operator-assisted services.

(1) Under existing law, the conditions of service furnished by telephone corporations are regulated by the Public Utilities Commission.

This bill would direct the commission to adopt and enforce operating requirements governing coin-activated and credit card-activated telephones available for public use owned or operated by a corporation or person other than a telephone corporation, including a requirement that the telephone corporation serving the person or corporation owning or operating the telephone terminate service for any violation of these provisions or of the commission's rules or orders which the commission finds to be significant or repeated, a requirement that every telephone permit calls to any telephone corporation's operator and emergency calls, as specified, to be placed without insertion of a coin, and a requirement that every telephone contain designated instructions and other information. The bill would direct the commission to require every telephone corporation which publishes a telephone directory to include the substance of these provisions and requirements in the telephone directory

The bill would also direct the commission to adopt and enforce operating requirements for corporations and persons, other than telephone corporations, which, as part of their services, furnish operator-assisted services by other than a telephone corporation having tariffs on file with the commission, including a requirement that furnishing these operator-assisted services for telephone calls within a service area is prohibited unless authorized by the commission, as specified.

Since, under other provisions, a violation of the commission's rules or orders in this regard 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.

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Ch. 1059 (AB 512) Allen. Illegally taken fish or wildlife: civil penalty assessments.

Under existing law, a person may not take birds, mammals, reptiles, or fish, as defined, from the wild, except as permitted by statute or regulation. Existing law authorizes the recovery of civil damages from any person or local agency for the unlawful or negligent taking or destruction of any bird, mammal, fish, reptile, or amphibian.

This bill would, upon adoption of specified guidelines by the Fish and Game Commission described below, authorize the department to impose civil liability on persons who unlawfully export, import, transport, sell, possess, receive, acquire, or purchase, or who unlawfully assist, conspire, or aid in those acts relating to any bird, mammal, amphibian, reptile, or fish, or any listed endangered or threatened species taken or possessed, in violation of the Fish and Game Code or regulations adopted under that code, to make or submit false records or identification, as specified, to transport containers or packages containing fish or wildlife unless marked, as specified, or to unlawfully fail or refuse to maintain any records or paperwork required by the code

The bill would provide exemptions for forestry, agricultural, or governmental permitted development or maintenance activities. The bill would require actions to recover civil penalties under the bill to be commenced within 3 years after discovery of the commission of the offense.

The bill would authorize the commission to adopt, by regulation, guidelines to assist the Director of Fish and Game and the Department of Fish and Game in determining the amounts of civil penalties to be imposed under the bill and would authorize the commission and the department to adopt regulations necessary to carry out the imposition of civil penalties under the bill

The bill would expressly authorize the department to retain or appoint legal counsel to prepare and prosecute civil actions under the bill.

The bill would make an appropriation by requiring that the revenue from the civil penalties be deposited in the Fish and Game Preservation Fund, which is a continuously appropriated fund.

The bill would enact other related and conforming provisions.

Ch. 1060 (AB 2458) Wyman. Lifetime sportsman and sportfishing licenses.

(1) Under existing law, the Department of Fish and Game issues hunting licenses to take birds and mammals and sportfishing and sport ocean fishing licenses to take fish, amphibia, or reptiles for purposes other than profit, upon payment of specified fees, which are valid for the license year or specified times.

This bill would require the department to issue lifetime sportsman's licenses and lifetime sportfishing licenses for specified fees.

The bill would require the fees to be deposited in the Fish and Game Preservation Fund and in the Lifetime License Trust Account, created by the bill in the Fish and Game Preservation Fund, and would provide for the transfer of the moneys in the account to the Fish and Game Preservation Fund in a specified manner. The bill would make legislative findings and declarations that the account is a trust fund.

The bill would also appropriate $32,500 from the fund to the department for use in the 1988–89 fiscal years, as specified

(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 that code

Because this bill would provide new revenues to that fund, it would make an appropriation

Ch. 1061 (AB 3188) Tanner. Hazardous waste. transportation.

(1) Existing law requires that persons transporting hazardous waste be registered with the State Department of Health Services and possess a manifest containing information concerning the waste. The department is required to adopt regulations, consistent with federal law, concerning the transportation of hazardous waste across international boundaries. Existing law also imposes various criminal penalties for the unlawful transportation of hazardous waste, including the transportation of hazardous waste to an unauthorized point.

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This bill would prohibit any person from transporting hazardous waste in this state if the final destination is a facility in a state, other than this state, or in a territory of the United States unless the facility is permitted or authorized pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA), as specified, or authorized to accept the waste pursuant to the applicable laws or regulations of that state. The bill would also prohibit any person from transporting any hazardous waste in this state which is subject to specified requirements under RCRA, if the final destination is a foreign country, unless specified conditions are met. The bill would also prohibit the transportation of hazardous waste if the final destination is a site listed pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

This bill would impose criminal penalties of up to $25,000 and one year imprisonment in the county jail upon persons who are convicted of violating these provisions, as specified, 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. 1062 (AB 3224) N Waters. Liability: agricultural property

Under existing law, the owner of an estate in real property is generally liable for an injury to a person on the property caused by his or her negligence. However, existing law provides that an owner of any interest in real property owes no duty of care to keep the premises safe for use by others for recreational purposes.

This bill would provide that no cause of action shall arise against the owner, tenant, or lessee of land or premises for injuries to any person invited on the land to glean agricultural products for charitable purposes The immunity would not apply if the owner, tenant, or lessee received consideration

Ch 1063 (AB 3616) Hansen. Agricultural pests.

(1) Existing law authorizes the Director of Food and Agriculture to establish, maintain, and enforce quarantine regulations to protect the agricultural industry of this state from pests Existing law also authorizes the director or the county agricultural commissioner to hold any plant or other host or possible carrier which is, or may be, capable of disseminating or carrying a pest.

This bill would authorize the director or a commissioner to enter into compliance agreements with any person which provide for the movement of hosts or other possible carriers of any pest from one area of the state to the other Violation of specific terms in the agreement would give rise to civil penalties in an amount of up to $10,000, and would also be a misdemeanor, thus imposing a state-mandated local program by creating a new crime. Any funds received pursuant to these provisions by the Department of Food and Agriculture would be deposited in the Department of Food and Agriculture Fund for use, upon appropriation by the Legislature, to cover enforcement costs

(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. 1064 (AB 4378) Hughes. Private postsecondary education: vocational education.

Existing law defines various terms for the purposes of the Private Postsecondary Education Act of 1977

This bill would also define the terms "agency" and "agency authorization" for this purpose

Existing law establishes the Private Postsecondary Education Administration Fund, a fund continuously appropriated for the administration of the Private Postsecondary

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Education Act of 1977. This fund is funded in part from the fees paid by private postsecondary educational institutions according to a specified fee schedule.

This bill would require that a private postsecondary educational institution, except as otherwise specified, pay fees into the fund for an original application for authorization to operate as an agency, as defined, for the annual renewal of the authorization, and for an agency's change of ownership, and would thereby constitute an appropriation.

This bill would require any agency to hold a valid authorization issued by the Superintendent of Public Instruction. The application for the authorization would be required to include specified information. The superintendent would be required to inspect the agency and verify the application within 15 days of receiving the completed application. The superintendent would be required, within 30 days of the inspection, either to issue the authorization for a one-year period or to deny authorization. This bill would prohibit an agency and any of its employees from engaging in sales, collection, credit, or other practices of any type that are false, deceptive, misleading, or unfair.

This bill would permit an agency engaged in recruiting activities on January 1, 1989, to continue its recruiting activities but would require that agency to submit an application, as specified, and the superintendent would then issue authorization for a one-year period or deny authorization. Thereafter, these agencies would be required to possess a current authorization.

This bill would exempt any employee of an authorized agency engaged in student recruitment activities of an authorized agency from certain permit requirements.

This bill would require any authorized or approved institution to cease any and all recruitment activities involving the agency if the superintendent takes an action to revoke or deny an agency authorization. The failure of an institution to cease the recruitment activities upon notice of the superintendent's action would constitute cause to deny or revoke the authorization or approval.

Ch. 1065 (SB 106) Dills. State lottery prizes.

The existing California State Lottery Act provides that no state lottery prize may be paid from tickets or shares that are not received or not recorded by the lottery by applicable deadlines. The act requires the California State Lottery Commission to promulgate rules and regulations to establish a system of verifying the validity of prizes and to effect payment of prizes. An initiative statute, the act provides that none of its provisions may be changed except to further its purpose by a vote of ⅔ of the membership of both houses of the Legislature and signed by the Governor.

This bill would authorize the state lottery to pay a prize of less than $1,000,000 even though the actual winning ticket is not received by the state lottery if the state lottery validates the claim for the prize based upon substantial proof.

Ch. 1066 (SB 510) Seymour. AFDC-Foster Care

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.

Under existing law, children meeting specified eligibility requirements who are placed in foster care are provided aid under the AFDC-FC program.

This bill would require AFDC-FC aid payments with respect to a child whose parent is also a child who has been placed in the same eligible group home, and would specify that the rate paid to the provider on behalf of the parent shall include an amount for the care and supervision of that child. It would require the department to adopt by regulation rates for the cost of this care and supervision for each category of eligible licensed community care facility and would provide, subject to the availability of funds, for the annual adjustment of those rates for cost of living commencing in the 1989–90 fiscal year

Existing law also requires the agency with responsibility for the child's placement in foster care to develop a written assessment of the reasons necessitating the child's placement in foster care and the treatment needs of the child while in foster care, to

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be updated no less frequently than every 6 months.

This bill would specify that where the child is a parent who has a child living with him or her in the same eligible facility, the assessment shall also address the needs of his or her child.

Under existing law, AFDC-FC payments with respect to a child living with a nonrelated legal guardian are contingent upon the cooperation of the legal guardian, including the development of a written assessment of the child's needs.

This bill would also require that assessment to include the needs of his or her child, when the child in foster care is a parent and has a child living with him or her.

The bill would also require the State Department of Social Services to adopt emergency regulations to implement this bill.

Existing law contains provisions setting forth a continuous appropriation for state reimbursement to counties for a specified share of the county aid payment obligation under the AFDC program

This bill, by revising the amount paid under the AFDC-FC program, would revise the continuous appropriation, thereby resulting in an appropriation.

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

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

Ch. 1067 (SB 554) McCorquodale. Imported food.

Under existing law, the Director of Food and Agriculture may adopt regulations regarding quality and maturity standards for fruits, nuts, and vegetables.

This bill would, until January 1, 1990, authorize a county board of supervisors, upon making a finding that extraordinary circumstances have resulted in the need for inspection of imported fruits, nuts, or vegetables for enforcement of these standards, to establish a schedule of fees, which may not exceed the fees established for inspection by other specified inspection programs, to be charged the importer, in order to recover the costs of the county agricultural commissioner in conducting the inspections. The bill would authorize the commissioner to place a hold order on any lot of fruits, nuts, or vegetables on which the fee was not paid.

Ch. 1068 (SB 573) Garamendi. Bank and corporation taxes.

The existing Bank and Corporation Tax Law provides for various exclusions from gross income.

This bill would provide under that law that gross income of a domestic building and loan association does not include any amount of money or property received from the Federal Savings and Loan Insurance Corporation pursuant to specified provisions of the National Housing Act. This exclusion from gross income would not apply to amounts received after December 31, 1988, in income years ending after that date, unless the payments are made by the Federal Savings and Loan Insurance Corporation pursuant to an acquisition or merger which occurred on or before December 31, 1988.

The existing Bank and Corporation Tax Law provides for a tax-free exchange of stock or securities with respect to a corporate "reorganization," as defined.

This bill would revise provisions pertaining to a bankruptcy or similar reorganization by providing that, in the case of a financial institution to which specified provisions of the Internal Revenue Code relating to reserves for losses on loans apply, the term "Title 11 or similar case" means only a case in which the board, as defined, makes a certification, as described. It would also provide that a bankruptcy or similar reorganization

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meeting certain requirements will not be disqualified as a reorganization if no stock or securities of the corporation to which the assets are transferred are received or distributed, if specified conditions are met These new provisions would not apply to acquisitions after December 31, 1988, nor to income years after December 31, 1988

This bill would state the intent of the Legislature that this bill constitutes a declaration of existing law and that it is the intent of the Legislature that the state personal income tax and franchise tax treatment of any reorganization of a savings and loan and any assistance from the Federal Savings and Loan Insurance Corporation shall be identical to federal treatment of them.

This bill would require the Franchise Tax Board to submit a report, as specified, to the Legislature

This bill would take effect immediately as a tax levy.

Ch. 1069 (SB 1506) Marks. Governmental reorganization. local agency formation commission.

Under existing law, either the local agency formation commission or the legislative body of any independent special district within a county may adopt a resolution initiating proceedings for the formation of a special district. If a resolution proposes representation of special districts upon the commission, the resolution must also request the adoption of regulations affecting the functions and services of special districts within the county. The resolution adopted must be immediately forwarded to the commission for its approval or disapproval at the next regular meeting.

This bill would require the commission to give notice of the meeting at which it intends to vote on the issue and would require the commission to make available, upon written request, a written statement of its reasons for disapproval if the commission votes to disapprove the special district representation on the commission By requiring the local agency formation commission to give the notice and to provide a written statement of its reasons for disapproval of the resolution, 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 1070 (SB 1718) Lockyer Civil actions

Under existing law, in any action for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, the plaintiff's attorney is required to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a party to the action and file a certificate which declares why the consultation was not obtained or which declares that on the basis of the consultation the attorney believes there is reasonable and meritorious cause for filing the action These provisions are operative only until January 1, 1989

This bill would extend the repealer date to January 1, 1992

The bill would provide that upon the favorable conclusion of the litigation with respect to any party for whom a certificate of merit was filed or for whom a certificate should have been filed, the trial court may verify compliance with the requirements by requiring the attorney to reveal the name, address, and telephone number or the persons consulted to the trial judge in an in-camera proceeding at which the moving party shall not be present The bill would provide that if the judge finds that there has been a failure to comply, the court may order a party or the party's attorney to pay expenses, including attorney's fees, incurred by another party as a result of the failure to comply

Ch 1071 (SB 1817) B Greene Employment job training

(1) Existing law establishes a job training program and a career opportunities development program for welfare recipients and other disadvantaged persons administered

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by the State Personnel Board

This bill would revise these provisions to provide that the board shall ensure that a sum of no less than $1,000,000 be available to certain entities which develop jobs providing or leading to permanent employment for registrants of the Greater Avenues for Independence Act of 1985 (GAIN).

The bill would permit the State Department of Social Services to pay the board an amount necessary to ensure that employers receive up to 100% of the wages to be paid to individuals employed pursuant to the Career Opportunities Development Program and registered pursuant to the Greater Avenues for Independence Act of 1985 (GAIN).

(2) Under existing law, a private industry council is established in each service delivery area of the state, with these areas being designated for purposes of implementing state and federal employment programs

Existing law requires each private industry council to submit to the State Job Training Coordinating Council a plan for providing employment services in the service and delivery area with the plan being required to include specified items.

This bill would require that the plan include a procedure for ensuring that no funds are expended on participant training or supportive services for participants who are eligible for vocational rehabilitation, as specified

(3) The bill would also make technical changes by renumbering

Ch 1072 (SB 1826) Mello Department of Aging: allocation of funds

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 Existing law for purposes of this formula provides for an annual adjustment for changes in population characteristics per planning and service area in accordance with prescribed variables. Existing law also provides that one-time-only funds, as defined, be used only for certain purposes and, except as specified, prohibits the use of state funds for administrative purposes

This bill would, instead, require the department to annually update changes, when data is available, in population characteristics per planning and service area, as specified. It would require one-time-only funds to be distributed in accordance with the intrastate funding formula This bill would also prescribe that area agencies on aging shall use no funds for administrative purposes unless the funds are provided as specified

This bill would in addition authorize the department to make prescribed advances of available state funds to an area agency on aging under certain circumstances

Ch 1073 (SB 1852) Rosenthal. Gas corporations procurement, storage, and curtailment of gas: study

Under existing law, the Public Utilities Commission regulates the rates for and conditions of service of gas by gas corporations

This bill would require the commission to report to the Legislature by March 31, 1989, on gas corporation procurement, storage, and curtailment policies and practices, including an analysis, as specified, and its recommendations for any needed legislation in this regard

Ch 1074 (SB 1854) Robbins Public utilities baseline electric and gas rates

Existing law requires the Public Utilities Commission to designate a baseline quantity of gas and electricity which is necessary to supply a significant portion of the reasonable energy needs of the average residential customer and to designate increased baseline gas and electricity allowances for customers dependent on life-support equipment, for paraplegic and quadriplegic persons, and for multiple sclerosis patients For paraplegic and quadriplegic persons, these provisions direct the commission to make the increased allowance available in consideration of the increased heating needs of these persons

This bill would require the commission, in determining and specifying the increased allowance for paraplegic and quadriplegic persons, to take into consideration the increased cooling needs, as well as the increased heating needs, of these persons.

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Ch. 1075 (SB 1860) Presley. Minors.

(1) Existing law provides that a peace officer may take a minor into temporary custody when the officer has reasonable cause to believe that the minor is in immediate danger of continued physical or sexual abuse or that the physical environment poses an immediate threat to the minor's health or safety

This bill would delete "continued" from the above description of "continued physical or sexual abuse." In addition, the bill would authorize a peace officer to take a minor into temporary custody in cases in which the minor is left unattended and that fact poses an immediate threat to the child's health or safety The officer, however, would first be required to attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer would be required to notify a social worker in the county welfare department to assume custody of the child These new provisions would increase the responsibilities of local agencies, thereby imposing a state-mandated local program.

(2) Existing law provides that upon the filing of a petition to have a minor declared a dependent child of the juvenile court, the clerk of the juvenile court is required to issue a notice to be served before the hearing upon specified persons

This bill would provide that if the minor is a ward of a guardian appointed pursuant to the Probate Code, the clerk of the juvenile court shall notify the probate department of the superior court which appointed the guardian of the proceedings in the juvenile court, thus establishing a state-mandated local program by imposing new duties on court personnel. This bill also would provide that the probation department, or counsel for the minor, if any, may petition the probate department of the superior court to have the guardian removed pursuant to specified provisions of existing law.

(3) Existing law provides that in any case in which a minor has been found to be a dependent child of the juvenile court and the petitioner alleges new facts or circumstances which indicate that there is reasonable cause to believe that the minor could be adjudged a dependent child of the juvenile court on a ground other than the ground upon which the previous or original petition was sustained, the petitioner is required to file a subsequent petition.

This bill would require the petitioner to file a subsequent petition in any case in which a minor has been found to be a dependent child of the juvenile court and the petitioner alleges new facts or circumstances other than those under which the original petition was sustained, sufficient to state that the minor is a person who may be adjudged a dependent child of the juvenile court, except as specified.

(4) Existing law provides that the juvenile court is required to conduct a permanency planning hearing to make a determination regarding the future status of the minor if the minor cannot be returned home, as specified If the court determines that the minor cannot be returned to the physical custody of his or her parent or guardian and that there is not a substantial probability that the minor will be returned within 6 months, the court is required to make specified determinations and orders.

This bill would also require the court to make orders for visitation with the parents or guardians unless the court finds that it would be detrimental to the physical or emotional well-being of the minor, as specified It would also provide that an order authorizing the filing of a petition to terminate parental rights or the initiation of guardianship proceedings is not an appealable order but may be the subject of review by an extraordinary writ

(5) Existing law provides that if a minor is not returned to the custody of his or her parent or guardian at a review hearing held 12 months after the initial dispositional hearing of a dependent child of the juvenile court, the court shall either continue the case for up to 6 months, as specified, or order a hearing to permanently terminate parental rights to be held within 120 days.

This bill would add the option for the court to order that the minor remain in long-term foster care if specified criteria are satisfied in the above-described circumstances

(6) Existing law provides that if a minor is not returned to a parent or guardian at a review hearing held 18 months after the date the child was originally taken from the physical custody of his or her parent or guardian, the court shall develop a permanent

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plan for the placement of the child.

This bill would provide that the court shall develop a permanent plan for the placement of the child in the above-described circumstances if the court determines that reasonable services have been offered or provided to the parent or guardian.

(7) Existing law provides that whenever a court orders a hearing to permanently terminate parental rights to be held, the court shall direct specified agencies to do an assessment regarding the placement of the minor which includes specified factors. Existing law also provides that at the hearing the court shall take one of several actions, including without permanently terminating parental rights, order that a minor be placed in the legal guardianship of a person, or persons, other than the minor's parents, and requires a report with specified contents to be considered by the court in the proceeding for the appointment of a guardian.

This bill would revise the above-described action by the court to provide that the court shall without permanently terminating parental rights, appoint a legal guardian for the minor and issue letters of guardianship. This bill also would revise the contents of the assessment the court is required to order specified agencies to perform when a hearing to permanently terminate parental rights has been ordered, as specified. This bill further would delete the requirement of a separate report with specified contents to be considered by the court in the proceeding for the appointment of a guardian and would, instead, require the court in a proceeding for the appointment of a guardian to consider the assessment the court is required to order specified agencies to perform when a hearing to permanently terminate parental rights has been ordered.

(8) Existing law provides that at a hearing ordered to permanently terminate parental rights the court is required to proceed pursuant to one of several specified procedures. One procedure specifies that if the court finds that termination of parental rights would not be detrimental to the minor and that the minor has a probability for adoption but is difficult to place for adoption, as defined, and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the minor for a period not to exceed 60 days.

This bill would include a minor of 7 years of age or more within the definition of a minor difficult to place for adoption. This bill also would require the public agency responsible for seeking adoptive parents to contact other private and public adoption agencies regarding the availability of the child for adoption during the 60-day period to the extent possible, thereby imposing a state-mandated local program.

(9) Existing law provides that certain provisions specify the exclusive procedures, after January 1, 1990, for permanently terminating parental rights with regard to, or establishing legal guardianship of, minors who are adjudged dependent children of the juvenile court, as specified.

This bill would expand the list of those provisions which specify the exclusive procedures.

This bill also would add the alternative of identifying adoption as the permanent placement goal without permanently terminating parental rights, as specified, to the options available to the court at a specified hearing in connection with such a procedure.

(10) Existing law provides that at a hearing regarding termination of parental rights of a dependent child, the court shall proceed pursuant to one of several specified procedures.

This bill would expand the list of procedures to provide, upon the making of specified findings, for identifying adoption as the permanent placement goal without terminating parental rights and ordering that efforts be made to locate an appropriate adoptive family, as specified.

(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, 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

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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. 1076 (SB 1885) Craven. Property taxation: change in ownership

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 excludes from a change in ownership, and hence from reassessment, any transfer made, on or after January 1, 1985, and prior to January 1, 1994, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity formed by the tenants of the park for the purpose of purchasing the park.

This bill imposes a condition upon that exclusion for parks transferred on or after January 1, 1989, that requires that individual tenants who were renting at least 51% of the spaces in the park prior to the transfer participate in the transaction through the ownership of an aggregate of at least 51% of the voting stock of, or other ownership or membership interests in, the entity acquiring the park

This bill would also provide that, if the transfer of a mobilehome park has been excluded from a change in ownership under either existing law or existing law as modified by this bill, and if the park has not been converted to condominium, stock cooperative ownership, or limited equity cooperative ownership, any transfer on or after January 1, 1989, of shares of the voting stock of, or other ownership or membership interests in, the entity acquiring the park shall be a change in ownership of a pro rata portion of the real property, as defined, of the park unless the transfer is for the purpose of converting the park to condominium, stock cooperative ownership, or limited equity cooperative ownership or is otherwise excluded from a change in ownership under other specified provisions of law.

Existing property tax law prescribes the conditions under which and the methods by which interests in real property may be separately assessed

This bill would authorize the separate assessment of any pro rata portion or portions of the real property of a mobilehome park which have changed ownership pursuant to the provisions of this bill and would prescribe the conditions under which and the method by which that separate assessment is to be made Since this bill would require the assessor to provide for this separate assessment upon a written request by the governing board of the entity owning the park and would impose specified duties on the assessor in implementing this requirement, 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. 1077 (SB 1958) Rogers. Oil, gas, and geothermal resources.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells in accordance with specified statutory provisions.

This bill would revise procedures for oil and gas well transfers and require a bond or deposit for an oil and gas well transfer if the well has not produced oil or gas or been injected during the 5 years prior to acquisition, would change requirements for oil and gas drilling notices and injection wells, would change the dates for submitting information on completion or abandonment of oil and gas wells, would revise procedures for imposition of civil penalties by the supervisor, would change the time for submitting specified information on geothermal wells, and would make various related, clarifying, and technical changes regarding oil, gas, and geothermal wells.

Ch. 1078 (SB 1966) Davis. Psychiatric technicians.

Existing law does not require a psychiatric technician to undertake continuing education as a condition to renewal of his or her license.

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This bill would allow the Board of Vocational Nurse and Psychiatric Technician Examiners to provide for a continuing education program, as specified. It also would authorize a specified fee to be imposed in connection with the approval of courses if the board provides for a program. The bill would also provide that no state funds, except as specified, shall be expended in releasing psychiatric technicians employed by the state from duty to attend continuing education courses.

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.

Ch. 1079 (SB 2424) Torres. Medi-Cal: provider payments.

Existing law requires the State Department of Health Services to establish, by regulations, an administrative appeal process, as specified, to review grievances or complaints of a provider of Medi-Cal services arising from the findings of an audit or examination. Existing law sets forth certain time limitations for the impartial hearing and final decision.

This bill would revise those time limitations It would establish certain requirements for the Director of Health Services when modifying a proposed decision, including written notice and hearing requirements

It would make certain technical, nonsubstantive changes

Ch. 1080 (SB 2430) Dills. Alcoholic beverages premiums, gifts, or free goods.

Existing law prohibits an alcoholic beverage licensee from giving a premium, gift, or free goods in connection with the sale or distribution of an alcoholic beverage, except as provided by rules adopted by the department or as specified. It also provides that no rule of the Department of Alcoholic Beverage Control may permit an alcoholic beverage licensee to give any premium, gift, or free goods of greater than inconsequential value in connection with the sale or distribution of beer. An existing regulation of the department specifies that no consumer advertising specialties which advertise beer shall be given by a supplier to a retailer if the original cost per unit to the supplier exceeds 25¢.

This bill would specify with respect to beer that premiums, gifts, or free goods, including advertising specialties which have no significant utilitarian value other than advertising, shall be deemed to have greater than inconsequential value if they cost more than 25¢ per unit, or cost more than $15 in the aggregate for all those items given by a single supplier to a single retail premises per calendar year The bill would also provide, with respect to distilled spirits and wine, that a licensee may furnish, give, rent, loan, or sell advertising specialties to a retailer if those items bear conspicuous advertising required of a sign and the total value does not exceed $50 per brand, as specified

A violation of the Alcoholic Beverage Control Act is a misdemeanor. Thus, this bill, by revising the definition of an existing crime, 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. 1081 (SB 2444) Davis. Methadone programs.

Existing law grants certain powers over methadone programs to the State Department of Alcohol and Drug Programs. Those powers include, generally, the power to license, monitor, and assure compliance with the department's regulations.

Existing law requires payment of an annual licensure fee, as specified, but permits the fee to be paid quarterly in arrears, as determined by the department. Existing law requires the fee to be set at a level sufficient to cover the department's licensing and administrative costs, but not to increase at a rate greater than the Consumer Price Index.

The bill would require the department to increase the fee by 5%, in addition to the Consumer Price Index, in the 1989–90 and 1990–91 fiscal years. It would require that fees

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paid quarterly in arrears be due and payable on the last day of each quarter, as defined, except for the 4th quarter which shall be due and payable no later than May 31, and would provide that failure of a program to pay renewal license fees by the due date shall give rise to a civil penalty of $100 a day for each day after the due date.

The bill would require any licensee that increases fees to the patient, in response to increases in licensure fees required by the department, to first provide written disclosure to the patient of that amount of the patient fee increase that is attributable to the increase in licensure fees. It would permit any licensee to petition the director for waiver of licensure fees or late payment penalties for the current fiscal year based upon financial hardship.

Existing law authorizes the director of the department to issue a corrective order to a licensed methadone program, upon specified grounds.

This bill would include operating above licensed capacity as one of these specified grounds.

The bill would require that each methadone program, other than a program owned and operated by the state, county, city, or city and county, be charged an application fee which shall be at a level sufficient to cover all departmental costs incurred by the department in processing either an application for a new program license, or an application for an existing program which has moved to a new location.

Existing law does not contain authority for the department to operate a methadone program when the program is closing and the licensed entity agreeing to operate the program is unable to assume temporary operation of the program.

This bill would authorize the department, in cases where a program is closing and the licensed entity which has agreed to assume temporary operation, as defined, of the closing program is unable to do so, to assume temporary operation of the closing program or designate another licensed entity willing to do so. In cases where the licensed entity which has agreed to assume temporary operation is the subject of a pending licensing action or corrective order, the department would be authorized to issue an order prohibiting the entity from assuming temporary operation and to assume temporary operation of the closing program or designate another licensed entity willing to do so.

Ch. 1082 (SB 2467) Maddy. Life care agreements

Existing law specifies that obligations pursuant to life care agreements executed by a provider promising to provide care for life or for more than one year for a person 60 years of age shall be deemed a preferred claim against all assets owned by the provider in the event of liquidation.

This bill would provide that this preferred claim is subordinate to any other perfected claims secured by a mortgage, deed of trust, pledge, deposit as security, escrow or otherwise.

Existing law prohibits a provider from receiving deposit subscriptions for life care contracts unless the provider has first received a permit to sell deposit subscriptions from the State Department of Social Services.

This bill would require a provider, before obtaining a permit to sell deposit subscriptions, to execute a declaration on forms provided by the department acknowledging the requirement of executing and recording a notice of statutory limitation on transfer relating to facility property.

The bill would prescribe the form of the notice and require its recordation The notice would declare the provider's intention to use the described property for purposes of a life care facility.

Under existing law, if, at any time prior to issuance of a certificate of authority, the provider's average performance over any 6-month period does not substantially equal or exceed the provider's projections for that period, made under existing requirements, the department, in consultation with the Committee on Life Care Contracts of the State Social Services Advisory Board, is authorized to cancel the permit to sell subscriptions, increase the percentages of completion of construction or the numbers or percentages of deposits on entrance fees, or increase the reserve requirements applicable to that provider.

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This bill would require that prior to taking any of these actions, the department give the provider the opportunity to submit a feasibility study, as specified, in an attempt to demonstrate that the project is still viable, and, if so, to determine a plan of correction acceptable to the department in consultation with the advisory board. The bill would require the department, in making its decision, to take into consideration the overall performance of the project to date.

Ch. 1083 (SB 2569) Russell Juvenile court law: dependent children: temporary custody: telephone call.

Existing law, the Arnold-Kennick Juvenile Court Law, provides that when a peace officer or social worker takes a minor into temporary custody for a specified reason generally related to the child being in immediate need of care, the county welfare department is required to make a diligent effort to ensure regular telephone contact between the parent and the child, prior to the detention hearing, unless that contact would be detrimental to the child.

This bill would specify that the county welfare department is required to make a diligent and reasonable effort to ensure regular telephone contact between the parent and a child of any age. It would also specify that the initial telephone contact is required to take place as soon as practicable, but no later than 5 hours after the child is taken into custody, thereby establishing a state-mandated local program by requiring an increased level of service with regard to an existing local duty.

The California Constitution requires 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. 1084 (SB 2576) Watson. AIDS: anatomical gifts.

Under the Uniform Anatomical Gift Act, a donee, in order to receive a gift, may act through a licensed physician and surgeon or trained transplant technician authorized by the donee, or through a licensed embalmer, who is required to remove tissue from a legally dead individual for transplant, therapeutic, or scientific purposes according to an established State Department of Health Services protocol involved in removal.

This bill would require the department to adopt regulations requiring infectious disease screening of all organ and tissue donors for organs and tissues intended for transplantation.

This bill would incorporate additional changes to Section 7155.5 of the Health and Safety Code to be operative only if this bill and SB 2777 are chaptered and this bill is chaptered last

Ch. 1085 (SB 2437) Alquist Used oil· hazardous waste fees.

Existing law requires any person who generates, receives, or stores used oil to comply with the hazardous waste control law, except as specified Existing law also imposes an annual fee upon generators of hazardous waste who generate more than 5 tons annually

This bill would exclude from the calculation of the amount of hazardous waste generated, for purposes of this fee, used oil removed from a motor vehicle which is subsequently recycled.

Ch. 1086 (SB 2603) Presley. Drug abuse: diversion.

(1) Existing law authorizes diversion of specified drug offenders for treatment instead of criminal prosecution. Existing law requires the district attorney to review his or her files to determine whether specified provisions are applicable to the defendant to be eligible for diversion and to file a prescribed declaration with the court if the defendant is found ineligible for diversion and make this information available to the

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defendant and his or her attorney.

This bill would require the district attorney upon the agreement of the district attorney, law enforcement, the public defender, the presiding judge of the criminal division of the municipal court or a judge designated by the presiding judge, and the probation department of each county, to complete this review as soon as possible after the initial filing of charges, and, if the defendant is found eligible for diversion, to file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and to make this information available to the defendant and his or her attorney Since the district attorneys would be required to perform these new functions, the bill would impose a state-mandated local program. The bill would declare that this procedure shall allow the court to set a diversion hearing at the arraignment.

(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 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. 1087 (SB 2614) Russell. Education: health professions

Existing law entitled the Family Physician Training Program creates the 10-member Health Manpower Policy Commission. The duties of the commission include the review and recommendations to the Director of the Office of Statewide Health Planning and Development concerning the funding of family practice programs or departments, family practice residencies and programs for the training of primary care physicians' assistants and primary care nurse practitioners which are submitted to the Health Professions Development Program.

This bill would require the commission, when making recommendations to the director, to give priority to programs that have demonstrated success in the areas of placing individuals in medically underserved areas, attracting and admitting members of minority groups and former residents of medically underserved areas, locating the program in a medically underserved area, and accepting individuals with specified loan obligations

Existing law provides for the establishment in state government of the Minority Health Professions Education Foundation, with a 9-member board of directors, to provide loans and scholarships to students from underrepresented minority groups, as defined, accepted to, or enrolled in, schools of medicine, dentistry, nursing, or other health professions, as specified.

This bill would require the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation, the Minority Health Professions Education Foundation, to be governed by an appointed board This bill would require the Governor, the Speaker of the Assembly, and the Senate Committee on Rules to appoint the board members, who would serve for specified terms This bill would revise the definition of underrepresented minority for the purposes of these provisions to include the economically disadvantaged after January 1, 1990, upon a specified finding by the board of trustees

This bill would require the Governor to appoint the president of the board of trustees from among the membership of the board appointed by the Governor, the Speaker of the Assembly, and the Senate Committee on Rules. This bill would also authorize the director, after consultation with the board, to appoint a council of advisors, as specified, to advise the director on technical matters and programmatic issues related to the Minority Health Professions Education Program.

Existing law appropriates funds from the Health Facility Construction Loan Insurance Fund to the Office of Statewide Health Planning and Development for allocation, as specified These funds are appropriated without regard to fiscal year, except that existing law provides that unexpended or noncommitted funds revert to the Health Facility Construction Insurance Loan Fund on July 1, 1990

This bill would repeal the latter provision, and instead, require that, on January 1, 1989,

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the unexpended balance of that appropriation be transferred to the Minority Health Professions Education Fund, a continuously appropriated fund, and that any interest due on any money in the fund remain in, and be for the benefit of, that fund until expended by the Office of Statewide Health Planning and Development, thereby making an appropriation.

Existing law authorizes the Minority Health Professions Education Foundation, among other things, to solicit and receive funds from business, industry, foundations, and other private or public sources for the purposes of providing direct financial assistance to students from underrepresented minority groups Existing law requires that these funds be deposited in the Minority Health Professions Education Fund

This bill would delete the reference to the provision of direct financial assistance and would refer instead to the provision of financial assistance. This bill would require that these funds be expended by the Office of Statewide Health Planning and Development after transfer to the Minority Health Professions Education Fund

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

Ch. 1088 (SB 2643) Hart Search warrant AIDS

Existing law contains various provisions relating to the consent to, and the disclosure of the results of, testing for antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS).

This bill would define, for purposes of the Health and Safety Code, the terms AIDS, human immunodeficiency virus or HIV, and HIV test

Existing law prohibits the testing of a person's blood for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS) without the written consent of the subject of the test. Existing law also provides for a civil penalty, as specified, for any person who discloses the results of a blood test to detect AIDS without written authorization from the subject of the test Notwithstanding the above provision of law, this bill would provide that when a defendant has been charged with a crime or a minor is the subject of juvenile court proceedings alleging commission of a crime, the court, at the request of the victim, may issue a search warrant for the purpose of testing the accused's blood with a human immunodeficiency virus (HIV) test, as defined, provided, under certain circumstances, the court finds there is probable cause to believe that blood, semen, or any other body fluid identified as capable of transmitting the human immunodeficiency virus has been transferred from the accused to the victim The bill also would require the prosecutor to advise the victim of his or her right in this regard and to assist the victim, as specified The bill would require the Department of Justice to prepare a specified notice form in this regard It would also provide that neither the failure of the prosecutor to refer or advise the victim, as specified, or the failure or refusal by the victim to seek or obtain counseling shall be considered by the court in ruling on the victim's request for a search warrant

This bill would also require local health officers to administer the tests and it would permit the victim to make certain disclosures, as specified It would specify that persons complying with this bill would be immune from civil liability The bill would prohibit the use of the results of any blood tests in any criminal proceedings as evidence of either guilt or innocence

To the extent that the bill would require local authorities to provide new services, 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, 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 include a legislative declaration that this bill contains costs mandated by the state and that 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.

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Ch. 1089 (SB 2648) Kopp. Public retirement systems

(1) Existing statutes prescribe ways and means of correction by the State Teachers' Retirement System (STRS) of errors and omissions

This bill would revise those statutes to, among other things, specify that errors and omissions of the STRS and system participants are permissibly correctable

(2) Existing statutes prescribe ways and means of correction by the Public Employees' Retirement System (PERS) of errors and omissions

This bill would revise those statutes to, among other things, specify that errors and omissions of PERS are mandatorily correctable and those of system participants are permissibly correctable, that the participants must request correction within a reasonable time after, but not greater than 6 months after, discovery of the right to correct mistakes, and that those requesters have the burden of providing evidence establishing their right to correction.

This bill would also make other related, technical, corrective, and updating changes.

(3) Existing statutes authorize retired members and beneficiaries of PERS to authorize deductions from their retirement allowances or benefits or both for specified purposes and requires sponsors to pay PERS its related additional costs.

This bill would extend that authorization and that payment requirement to, respectively, employer-sponsored voluntary insurance programs and state agencies

Ch. 1090 (SB 2657) Watson. Behavioral sciences: licenses.

Existing law prescribes the fees for the licensing of marriage, family, and child counselors, educational psychologists, and clinical social workers.

This bill would revise those fees by increasing (1) the renewal fee, the registration fee for interns, the examination fee, the delinquency fee, and the reexamination fee for marriage, family and child counselors, (2) the reexamination fee, the original license fee, the delinquency fee, and the renewal fee for educational psychologists, and (3) the original license fee, the delinquency fee, and the renewal fee for clinical social workers. The bill would also authorize the imposition of fees for the rescoring of an examination, for the issuance of a duplicate license, and for the issuance of a letter of good standing for those licensees.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Behavioral Science Examiner Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1091 (SB 2658) Watson. Social workers.

Existing law provides that an applicant for a license as a social worker whose application has been rejected may apply to the Board of Behavioral Science Examiners for reconsideration and the decision of the board as to acceptance or rejection is final

This bill would delete that provision.

Existing law specifies the requirements for licensure as a clinical social worker and requires, among other things, 2 years of experience and authorizes a person to be employed as an apprentice while gaining that experience

This bill would (1) require that experience to be supervised, (2) specify criteria for gaining that experience, (3) require a person to be registered with the board as an associate clinical social worker prior to obtaining that experience and limit the period of that registration to 6 years, (4) specify the fee for that registration and (5) delete the apprentice clinical social worker classification

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

Ch. 1092 (SB 2663) Doolittle. Vehicles: conditional sales repossessed and impounded.

(1) Existing provisions of law, known as the Automobile Sales Finance Act, authorize a $5 fee for the return of a dishonored check or similar instrument if the contract so provides

This bill would also authorize that fee if the contract contains a generalized statement

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that the buyer may be liable for collection costs in connection with the contract.

(2) Existing law prescribes methods for the buyer, under a motor vehicle conditional sale contract, to repay the holder for the procurement of insurance on the vehicle, including full amortization, as specified, either during the term of the insurance or after the term of the contract.

This bill would authorize a combination of some amortization during the term of the insurance and some after the term of the contract.

(3) Existing law requires written notice of intent to dispose of a repossessed or surrendered motor vehicle to be given to all persons liable on a conditional sale contract.

This bill would provide that only one notice addressed to both persons is sufficient when they are married and residing at the same address.

(4) Existing law gives repairer's security for work or services upon vehicles by creation of a lien and requires actual notice and the consent of the holder of the legal title of a vehicle to be obtained for liens in excess of $750 for any work or services or in excess of $400 for any storage, safekeeping, or rental of parking space to be valid.

This bill would require that possession of the vehicle be turned over at the place where the work or services were performed when a lien has been extinguished and would provide that the prevailing party shall be entitled to attorney's fees and costs, not to exceed $1,250, in any action brought by or on behalf of the owner or lessor.

(5) Existing law provides that parking and storage fees may be imposed upon the legal owner of a vehicle for the period commencing after the 16th day without specified written notice having been sent to the legal owner if the vehicle has been removed by a law enforcement officer or state employee.

This bill would delete that provision

Ch. 1093 (SB 2708) Alquist. Carriers: operation of vehicles.

(1) Under existing law, the operations of highway common carriers, cement carriers, and passenger stage corporations are conducted pursuant to the issuance of certificates of public convenience and necessity by the Public Utilities Commission under the Public Utilities Act. The operations of highway permit carriers are conducted pursuant to permits issued under the Highway Carriers Act. The operations of household goods carriers are conducted pursuant to permits issued under the Household Goods Carriers Act The operations of charter-party carriers of passengers are conducted pursuant to certificates or permits issued under the Passenger Charter-Party Carriers' Act.

This bill would make it a crime for an owner of a motor vehicle used in transportation for compensation by any of these carriers who employs or directs a driver to permit the operation of the vehicle on the public highway in the transportation of persons or property for compensation without complying with vehicle identification or accident liability protection requirements of law or of the commission. Thus, this bill would impose a state-mandated local program by creating new crimes.

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

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

Ch 1094 (SB 2751) Rosenthal Practice of chiropractic.

Existing law provides that licenses issued pursuant to the Chiropractic Act shall be renewed on or before January 1 of each year.

This bill would provide for the renewal of those licenses based on the month of birth of the licensee.

Existing law provides that a person convicted of a violation of the Chiropractic Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than $50 and not more than $200 or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or by both fine and imprisonment.

This bill would increase the minimum fine to $100 and the maximum fine to $750 and the imprisonment to a maximum of 6 months.

The bill would provide for the submission of the act to the electors and that the act

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shall become effective only when approved by the electors

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

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

Ch. 1095 (SB 2777) Beverly. Uniform Anatomical Gift Act

The existing Uniform Anatomical Gift Act specifies the procedures for donating bodies or parts thereof

This bill would repeal and reenact the Uniform Anatomical Gift Act as recommended by the National Conference of Commissioners on Uniform State Laws. The bill would, among other things, impose a state-mandated local program by requiring a law enforcement officer finding an individual who the officer believes is dead or near death, to make a reasonable search for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift. The term "anatomical gift" would be defined to mean a donation of all or part of a human body or a pacemaker to take effect upon or after death. This bill would also impose a state-mandated local program, since a violation of specified provisions would be a felony

Existing law requires the Department of Motor Vehicles to provide, with every driver's license or identification card issued by the department, a form which may be affixed to the back of the license or identification card, by which the licensee or cardholder may indicate his or her willingness and intent to make an anatomical gift

This bill would, in addition, require the form to enable the licensee or cardholder to express his or her refusal to make an anatomical gift

This bill would incorporate additional changes to Section 7184 of the Health and Safety Code, contained in AB 2961, if both bills are chaptered and amend that section and this bill is enacted last.

This bill would incorporate additional changes to Section 7155.5 of the Health and Safety Code to be operative only if this bill and SB 2576 are chaptered and this bill is chaptered last

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

This bill would 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 1096 (SB 2789) Maddy Contracts.

Existing law specifies that certain contracts are invalid unless they are in writing or there exists a note or memorandum of the same, subscribed by the party to be charged or the party's agent

This bill would include among those contracts a contract, promise, undertaking, or commitment to loan money or to grant or extend credit in an amount greater than $100,000, not primarily for personal, family, or household purposes, made by a person engaged in the business of lending or arranging for the lending of money or extending credit, except as specified.

This bill would make a statement of legislative intent that this provision shall only apply to a claim or cause of action arising on or after January 1, 1989, as specified. It would also make a statement of legislative intent as to the application of judicially and legislatively recognized defenses and exceptions to these provisions

This bill would incorporate additional changes to Section 1624 of the Civil Code, contained in SB 2492, if both bills are chaptered and amend that section and this bill is enacted last

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Ch. 1097 (SB 2812) Boatwright. Unemployment insurance. collections.

Existing law authorizes the Employment Development Department and the director of the department to take certain actions for the purpose of collecting contributions, interest, and penalties due the department

This bill would also permit the director to enter into an agreement, as specified, with certain entities providing debt collection services outside the state for the above purpose.

Ch. 1098 (SB 2861) Royce. Community care facilities

Existing law prescribes the conditions and terms of licenses and special permits for community care facilities, residential day care facilities for the elderly, and child day care facilities. Under existing law, a license is forfeited by operation of law prior to its expiration date when one of specified events occurs

This bill would add to these events causing the forfeiture of the license the death of the licensee and the abandonment of the facility by the licensee. However, the bill would permit a family member of a deceased licensee to continue operation of the facility, as specified.

Existing law requires the Director of Health Services to publish a list or lists of specified community care facilities, including the evaluation rating determined by a provision now repealed.

This bill would delete the references to the obsolete provisions

Existing law, relating to family day care homes for children, permits the licensing agency, upon a determination by the State Department of Social Services that the home is operating without a license and notification of the unlicensed provider of the requirement of a license, to issue a cease and desist order only if the agency finds and documents that the continued operation of the facility will be dangerous to the health and safety of the children.

This bill would also permit the issuance of the cease and desist order if a license held by the facility has been revoked by the department within 2 years preceding the determination of unlicensed operation.

Ch. 1099 (SB 2868) Presley Peace officers

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, 1989, 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, 1989, to January 1, 1990 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. 1100 (AB 811) Floyd Insurance Medicare supplemental health policies violation

Existing law imposes various requirements with respect to disability insurance policies and nonprofit hospital service plan contracts which are designed primarily to supplement Medicare.

This bill would make it a public offense, punishable by imprisonment or fine, or both, as specified, for any person to knowingly violate those provisions of existing law. Thus, this bill would impose a state-mandated local program by creating a new crime

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

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

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Ch. 1101 (AB 1301) N. Waters. Agricultural pests.

(1) Existing law provides a procedure for the organization, operation, government, and dissolution of districts for the more effective control and eradication of citrus pests.

This bill would recast this law so as to additionally authorize these districts to be formed for the purpose of controlling and eradicating stone and pome fruit pests. Violation of district requirements would be a misdemeanor, thereby imposing a state-mandated local program by creating a new crime. The bill would state the intent of the Legislature that none of the amendments made to this law by the bill are intended to alter or affect any citrus pest control district organized pursuant to that 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

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

Ch. 1102 (AB 2496) Friedman. Schools: searches.

Existing law has been interpreted by the California Supreme Court to permit a public school official to search a student if the official has a reasonable suspicion, supported by articulable facts, that the student to be searched has engaged, or is engaging, in a proscribed activity. Existing state constitutional law also provides that relevant evidence shall not be excluded in any criminal proceeding or in any trial or hearing of a juvenile for a criminal offense, whether heard in juvenile or adult court.

This bill would specify that no school employee shall conduct a search of a pupil's body cavity or a search that requires the removal or arranging of a pupil's clothing.

This bill would also specify that nothing in the bill is to be construed to affect the admissibility of evidence in subsequent juvenile or criminal proceedings.

Ch. 1103 (AB 2599) Hill. State employees.

(1) Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state employer and specified state employee organizations and would specify that the provisions of any memorandum of understanding that 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.

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

Ch. 1104 (AB 2938) Quackenbush. Home solicitation contracts.

Existing law regulates the content and effect of home solicitation contracts, as defined, and provides to buyers a general right to cancel a home solicitation contract, as specified.

This bill would provide that the term "home solicitation contract" does not include any contract for repair services with a contractor who is duly licensed under the Contractors' State License Law, if the contract price is less than $100, the negotiation between the parties was initiated by the prospective buyer, and the contract contains a written and dated statement signed by the prospective buyer stating that the negotiation between the parties was initiated by the propective buyer.

Ch. 1105 (AB 3628) Leslie Charter-party carriers: alcoholic beverages: minors: civil penalties.

(1) Existing law requires a charter-party carrier of passengers to have a certificate of public convenience and necessity or a permit issued by the Public Utilities Commission, except where the transportation service is rendered within a single city or city and

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county and is licensed or regulated by ordinance. Other provisions of existing law generally prohibit certain specified open containers of alcoholic beverages in the passenger area of a motor vehicle on any highway. Under existing law, that prohibition does not apply to specified circumstances involving persons under a doctor's care, clergymen, or passengers in any bus, taxicab, or limousine for hire licensed pursuant to the Public Utilities Code or proper local authority.

This bill would make certain declarations of legislative findings and intent regarding the use of chauffeured limousines to facilitate illegal drinking of alcoholic beverages by minors. The bill would also expressly require all charter-party carriers of passengers operating limousines for hire to be permitted and regulated only by the commission.

(2) Under existing law, the Public Utilities Code does not require any charter-party carrier of passengers to verify the age of passengers who may have access to alcoholic beverages contained in the carrier's motor vehicle.

This bill would require the driver of a limousine for hire operated by a charter-party carrier of passengers to ascertain whether any passenger is under 21 years of age and, if so, read the passenger a statement that consumption of alcoholic beverages in the vehicle is unlawful and that any alcoholic beverage transported must be carried in the vehicle trunk or other locked compartment The bill would require the statement to be signed by the passenger and would require the driver to immediately terminate the contract for hire, as specified, if any minor is found to be, or to have been, consuming any alcoholic beverage during the course of the ride

(3) The bill would, upon conviction under specified Vehicle Code provisions of the driver of a limousine for hire operated by a charter-party carrier, provide for the imposition of civil penalties on the carrier, including a fine of not more than $2,000 or suspension of its permit, or both, or revocation of the permit for the driver's failure to comply with the laws regarding open liquor containers when transporting passengers under the age of 21 years.

(4) The bill would amend the Vehicle Code to make the prohibition of open containers of alcoholic beverages in a motor vehicle upon the highway, applicable to persons under a doctor's care and clergymen by deleting an existing exemption, and to every charter-party carrier transporting passengers under the age of 21 years. Since, under other provisions, a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(5) The bill would require the court to notify the commission, within a specified period, of the conviction of any driver of a charter-party carrier vehicle of specified Vehicle Code violations relating to open containers of alcoholic beverages in a motor vehicle upon the highway

(6) Under existing law, the department is required to provide, upon request and payment of a fee, to the employer or prospective employer of the driver of a vehicle requiring a specified certificate, a report showing the driver's public record as recorded by the department The report includes information regarding subsequent convictions, failures to appear, accidents, and driver's license suspensions or revocations, and is available while the request remains valid and uncanceled.

This bill would extend these provisions to the prospective employer of a limousine for hire operated by a charter-party carrier and would impose criminal penalties on an employer who employs or continues to employ a driver against whom the department has taken a disqualifying action regarding the driver's driving privilege. By creating a new crime, the bill would impose a state-mandated local program

(7) The above provisions of the bill would become operative on July 1, 1989.

(8) The bill would require the commission to prepare and submit a report to the Legislature not later than December 31, 1989, December 31, 1990, and December 31, 1991, regarding the commission's efforts to enforce provisions of this bill, as specified.

(9) The bill would appropriate $72,000 to the commission from the Public Utilities Commission Transportation Reimbursement Account in the General Fund for purposes of this bill

(10) The bill would make other conforming changes.

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

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

Ch. 1106 (AB 3744) Eastin. State highways local financing improvement permits

(1) Existing law prescribes conditions applicable to projects in the state highway system which are financed from the proceeds of retail transactions and use taxes. Those conditions assign the responsibility for performing, and the costs of specified portions of the project to the Department of Transportation and the local jurisdiction respectively. Existing law requires the detailed application of those conditions to be set forth in an agreement between the department and the local jurisdiction.

This bill would, instead, make those conditions apply to projects financed in whole or in part from those taxes as part of an identified expenditure plan or as determined by the department, as specified The bill would also, with certain exceptions, make those conditions applicable to projects in the state highway system which are financed by locally imposed fees or revenues from local sources other than the transactions and use tax

The bill would make those conditions applicable to, and prescribe procedures for the department and local jurisdictions to enter into specified cooperative agreements for, locally funded projects on the state highway system costing more than $250,000, other than those funded through retail transactions and use taxes

(2) Existing law authorizes the department to issue permits for encroachments and other specified work and activities within the right-of-way of a state highway.

This bill would, in addition, and in accordance with specified conditions, authorize the department to issue a permit to the owner or developer of property adjacent to or near a state highway to construct, alter, repair, or improve any portion of the highway for the purpose of improving local traffic access

Ch 1107 (AB 4108) Jones Health Food Safety Fund fees

Existing law requires that every person, upon first engaging in the manufacture, packing, or holding of processed food in this state immediately register with the State Department of Health Services, and that the registration is valid for 2 calendar years, as specified

This bill would, instead, provide that the registration is valid for one calendar year. It would also exempt from the registration provisions any person who has a valid cold storage license, any person who has a valid winegrower's license or wine blender's license, any person who has a valid frozen food locker plant license, and any person who has a valid pet food license

Existing law requires that a registration form provided by the department shall be completed and accompanied by a nonreturnable registration fee of $25.

This bill would raise the fee to $350, and would require deposit of these fees into the Food Safety Fund which would be created by this bill for use by the department, upon appropriation by the Legislature, to carry out its food-related duties, as specified.

Ch 1108 (AB 4123) Sher. Hazardous substance liability public safety employees

Existing law provides that public entities, county public health directors, public safety employees, or registered sanitarian employees are not liable for any injury caused by an action taken by that person acting within the scope of employment to abate or attempt to abate hazards reasonably believed to be an imminent peril to public health or safety caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner. Existing law defines hazardous substance for these purposes

This bill would define "public safety employee" for the purpose of this provision as meaning any person who is a public entity employee whose principal duties include law enforcement, fire protection, or the enforcement of regulations relating to hazardous substances facilities or sites

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Ch 1109 (AB 4209) Roybal-Allard AIDS.

Existing law provides for certain services to be given to victims of sexual assault.

This bill would require the State Department of Health Services to, either directly or pursuant to contract, develop, produce, and disburse a brochure, specifically designed for victims of sexual assault, concerning possible exposure to acquired immune deficiency syndrome (AIDS) The brochure would be required to contain specified information and meet specified criteria.

The bill would require the department to disburse the brochure to certain entities, and would require these entities to supply a copy of the brochure to any victim of sexual assault served by each entity

The provisions of the bill would remain in effect only until January 1, 1992, and as of that date would be repealed, unless a later enacted statute chaptered prior to January 1, 1992, extends or deletes that date

Ch 1110 (AB 4540) Cortese. Horseracing racing weeks.

Existing law authorizes, until January 1, 1989, the California Horse Racing Board to allocate racing weeks of 4 or more racing days to an association conducting specified fair meetings if the association and the organization representing horsemen agree to the allocation

This bill would extend the termination date to January 1, 1990.

Ch 1111 (SB 675) Robbins Health care service plans.

Under the Knox-Keene Health Care Service Plan Act of 1975, the Department of Corporations administers provisions relating to the operation and licensure of health care service plans

Under existing law, on written notice to a plan, the commissioner shall summarily revoke a plan's transitional license for failure of the plan to make a bona fide written response to a written request for information by the commissioner, as specified

This bill would repeal that provision

Ch 1112 (SB 1226) Mello. Local agency finances

Existing law prescribes in which institutions the funds of local governmental agencies may be deposited and in which securities and obligations those deposits may be invested Included among eligible securities are bonds of the state or of any local agency or district of the state having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of the bonds upon all property within its boundaries subject to taxation by the local agency or district Also included as eligible securities are sales tax revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state, local agency, or district

This bill would, instead, include bonds of the state or local agency or district having the power, without limit as to rate or amount, to levy taxes or assessments to pay the principal and interest of the bonds upon all property within its boundaries subject to taxation or assessment by the local agency or district The bill would also delete sales tax revenue bonds and add limited obligation bonds and senior obligation bonds.

Ch 1113 (SB 1232) Seymour. Crimes.

(1) Existing law provides that every person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for 2, 3, or 4 years, or in a county jail not exceeding one year, or by a fine not exceeding $10,000, or by both such fine and imprisonment. Existing law provides that an assault upon another person with a firearm is punishable by imprisonment in the state prison for 2, 3, or 4 years, or in a county jail for a term of not less than 6 months and not exceeding one year, or by both a fine not exceeding $10,000 and imprisonment.

Existing law provides that every person who commits an assault upon the person of another with a stun gun or taser, as defined, is guilty of either a misdemeanor or felony 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

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prison for 16 months, 2, or 3 years.

Existing law provides that any person who commits an assault upon the person of a peace officer or firefighter with a stun gun or taser, who knows or reasonably should know that the person is a peace officer or firefighter engaged in the performance of his or her duties, when that person is engaged in the performance of his or her duties, shall be punished by imprisonment in the county jail for a term not exceeding one year, or by a fine not exceeding $1,000, or by a fine of $5,000 and imprisonment in the state prison for 2, 3, or 4 years.

This bill would provide that the penalty for the commission of an assault against another person with a stun gun or taser shall be imprisonment in the county jail for a term not to exceed one year, or imprisonment in the state prison for 16 months, 2, or 3 years. The penalty for an assault with a stun gun or a taser against a peace officer or firefighter would be imprisonment in the county jail for a term not to exceed one year, or imprisonment in the state prison for 2, 3, or 4 years

This bill would also provide that assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury committed upon a school employee, by a person who knows or reasonably should know that the person is a school employee engaged in the performance of his or her duties, when that person is so engaged, is punishable by imprisonment in the state prison for 3, 4, or 5 years, or in the county jail not exceeding one year. Assaults with a firearm committed on school employees would be punishable by imprisonment in the state prison for 4, 6, or 8 years, or in the county jail for a term of not less than 6 months and not exceeding one year, and assaults with a stun gun or taser on school employees would be punishable by imprisonment in the county jail for a term not exceeding one year, or in the state prison for 2, 3, or 4 years

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

(2) Under existing law, any person who (1) unlawfully fights within any building or upon the grounds of certain public educational institutions or challenges another person to a fight in these buildings or grounds, (2) maliciously and willfully disturbs another person within these buildings or grounds by loud and unreasonable noise, or (3) uses any offensive words within these buildings or grounds which are inherently likely to provoke an immediate violent reaction is guilty of a misdemeanor punishable upon a 1st conviction by a fine not exceeding $400 or by imprisonment in the county jail for a period not exceeding 90 days, or by both the fine and imprisonment

This bill would specify that these provisions are not applicable to persons engaged in lawful employee concerted activities and would also make certain technical changes.

(3) Under existing law, the term "school" is defined for purposes of a chapter in the Penal Code concerning certain offenses committed on school property and school grounds to mean any elementary school, junior high school, 4-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

This bill would include within this definition of school any public right-of-way situated immediately adjacent to the school property or at any other place if a teacher and one or more students are required to be at that place in connection with school activities, thereby creating a state-mandated local program by increasing the scope of existing crimes.

(4) Existing law, with limited exceptions, prohibits persons from bringing or possessing specified weapons on the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12, any state university, state college, or community college.

One of the exceptions to this law is any person who brings or possesses a knife having a fixed blade longer than 3½ inches or a razor with an unguarded blade upon the grounds of, or within, a public school providing instruction at the direction of a certificated or classified employee of the school for use in a school-sponsored activity or class

This bill would make technical, nonsubstantive changes. In addition, the bill would apply the above-mentioned exception when the instruction is provided at the direction of a faculty member of the University of California or a state university.

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Existing law also permits the seizure of the above weapons by a certificated or classified school employee or by a school peace officer. This bill would substitute "peace officer" for "school peace officer" in this provision

(5) This bill would incorporate additional changes in Section 626.10 of the Penal Code, proposed by AB 3998, to be operative only if AB 3998 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

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

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

Ch. 1114 (SB 1744) Lockyer. Insurance: defense.

Existing statutory law provides that when an insured has the right to select independent counsel under an insurance policy because of a conflict of interest which creates a duty for the insurer to provide independent counsel, the insurer may exercise its right to require counsel to possess certain minimum qualifications, which may include a requirement that selected counsel have at least 5 years tort litigation practice.

This bill would instead provide that the minimum qualifications may include a requirement of at least 5 years civil litigation practice

Ch. 1115 (SB 1749) Craven. Student financial aid.

Existing law establishes the Student Opportunity and Access Program, a project grant program designed to increase the accessibility of postsecondary educational opportunities to low-income and ethnic minority secondary school students Under existing law, the program will be repealed January 1, 1989.

This bill would make the provisions governing the program inoperative on June 30, 1994, and would repeal them as of January 1, 1995. To the extent that requirements would be imposed on school districts and community college districts after January 1, 1989, the bill would impose a state-mandated local program.

The bill would revise the membership of the project grant advisory committee and would require the Student Aid Commission to complete comprehensive evaluations of funded consortium projects and of the program, as prescribed.

The bill would express the intent of the Legislature that funding for purposes of the bill for the 1989–90 fiscal year, and for each fiscal year thereafter, be appropriated in the annual Budget Act.

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, 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. 1116 (SB 1974) 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.

(2) Existing law authorizes the board of supervisors of a county to divide the county into judicial districts as public convenience requires, except as specified.

This bill would provide that, in Contra Costa County, the board of supervisors may only consolidate municipal court districts with the approval of a majority of the affected judges.

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(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. 1117 (SB 1996) Beverly Transportation.

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 to expend a specified amount (its base year expenditure) for maintenance or reconstruction and is required, with certain exceptions, to expend its allocation within one year of the disbursement Under existing law, 3 specified cities may elect 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.

This bill would also allow the Cities of Bakersfield, El Segundo, Novato, San Rafael, and Santa Maria to make that election.

Ch. 1118 (SB 2126) Rogers. Agricultural pest control advisers.

(1) Under existing law, agricultural pest control advisers are required to include in their written recommendations a warning of the possibility of damages by the pesticide application that are known to exist

This bill would limit that requirement to a warning of the possibility of damages by the pesticide application that reasonably should have been known by the adviser to exist.

(2) Under existing law, officials of federal, state, and county departments of agriculture and University of California personnel engaged in official duties relating to agricultural use are exempt from having to obtain an agricultural pest control adviser license when a recommendation by any of those persons as to a particular application on a particular piece of property is in writing

This bill would recast that exemption and would also exempt from the license requirement, until January 1, 1990, federal, state, or county officials who are not employed in a department of agriculture when a recommendation by any of these persons as to a specific application on a specific parcel is in writing The bill would also exempt officials of recreation and park districts, as specified, from the license requirement when the recommendation is in writing.

(3) The bill would authorize the Director of Food and Agriculture, until January 1, 1990, to adopt alternative minimum criteria for an agricultural pest control adviser license

(4) The bill would also make clarifying and technical changes in the definition and responsibilities of an agricultural pest control adviser.

(5) The bill would require the Agricultural Pest Control Advisory Committee in the Department of Food and Agriculture to make a study as to whether or not persons employed by recreation and park districts should be required to be qualified to make recommendations in accordance with statutes and regulations regarding pesticides and to report its findings to the director by January 1, 1990.

Ch. 1119 (SB 2145) Ayala. AIDS testing. California Youth Authority

Existing law prohibits, except under specified circumstances, the conducting of a test for evidence of antibodies to the probable causative agent of AIDS or the disclosure of test results, without the consent of the test subject.

The bill would provide that a person under the jurisdiction of the Department of the Youth Authority is obligated to submit to a blood test for evidence of antibodies to the probable causative agent of AIDS upon a determination of the chief medical officer of the facility that clinical symptoms of AIDS or AIDS-related complex, as recognized by the Centers for Disease Control, are present in the person The bill would, if the person refuses to submit to the test, permit the department to seek a court order to require the inmate or ward to submit to the test.

The bill would require the chief medical officer, prior to ordering a test pursuant to

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the bill, to ensure that the subject of the test receives pretest counseling which would be required to include specified elements.

The bill would require utilization of specified procedures in performing the testing.

The bill would require all counseling and notification of test results to be conducted by a physician and surgeon, registered nurse, or certified health educator, or by a psychologist, licensed clinical social worker, or trained volunteer counselor under the purview of a physician and surgeon, registered nurse, or certified health educator.

The bill would permit the department to operate separate housing facilities for wards and inmates who have tested positive for HIV infection and who continue to engage in activities which transmit HIV.

The bill would require the department to provide medical services appropriate for the diagnosis and treatment of those infected with HIV

The bill would also permit the chief medical officer of a facility of the Department of Youth Authority to disclose positive test results to the superintendent or administrator of the facility and to other specified persons, as well as to include these test results in the confidential portion of the test subject's medical record.

Ch. 1120 (SB 2493) Russell. Courts· Los Angeles County.

Existing law does not specify that the court administrator for municipal court districts holds office at the pleasure of the judge of the court

This bill would so specify for specific municipal court districts in Los Angeles County.

Ch. 1121 (SB 2665) Doolittle. Subdivision public reports.

Existing law specifies a procedure to be followed by the Real Estate Commissioner in processing applications for issuance of a subdivision public report

This bill would substantially revise the procedure to be followed for determining and correcting deficiencies in these applications and the related notice of intention.

Ch. 1122 (SB 2822) Alquist. Public Utilities Commission: metallic balloons investigation

(1) Under existing law, the Public Utilities Commission is responsible for regulating the conditions of service, including safety of operations, of public utilities, including electrical corporations, subject to its jurisdiction and control.

This bill would direct the commission to investigate problems associated with metallic balloons which, if released, may contact and short-circuit electrical power lines, and to report thereon with its findings and recommendations to the Legislature by January 31, 1990. The bill would require electrical corporations to report, to the extent feasible, to the commission every other month during 1989 on balloon-caused service disruptions. The bill would specify what the commission is to consider in preparing its draft and final report.

Since, under other provisions, the failure of an electrical corporation to file a report pursuant to this 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.

(3) The bill would appropriate $61,500 from the Public Utilities Commission Utilities Reimbursement Account to the commission for the purposes of the bill.

Ch 1123 (SB 2875) Russell. State-mandated local programs.

Existing law provides that if the Commission on State Mandates determines in a test claim proceeding that there are costs mandated by the state, the commission shall adopt parameters and guidelines for reimbursement of any other claims relating to the statute or executive order which was considered in the test claim.

This bill would require the successful test claimants to submit proposed parameters and guidelines within 60 days

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Ch. 1124 (AB 3289) La Follette. Hazardous material training facility.

Existing law does not have a statewide hazardous materials training facility.

This bill would require the Office of the State Fire Marshal to establish a statewide hazardous materials training facility to be located at the Del Valle Firefighting Facility of Los Angeles County.

The bill would provide that its provisions would be operative in any fiscal year only to the extent funds are appropriated for its purposes in the annual Budget Act, and that of those funds so appropriated, only that portion of the state funds matched on a ratio of one-to-one by private funds may be expended by the State Fire Marshal for the purpose of the bill.

Ch. 1125 (AB 2534) Polanco. Mental health services

Under the Short-Doyle Act, locally administered programs provide mental health services using state and county funds.

Existing law requires a judge of the juvenile court, when deemed necessary, to notify the county mental health department that a child who is a dependent of the court is in need of mental health services, and requires specified services to be provided by the county.

Existing law requires the county mental health director, whenever he or she is notified about a specific case by the juvenile court or in connection with a pupil's individualized education program, and in accordance with specified requirements, to assign the responsibility, either directly or pursuant to a contract, to review the needs of the case subject, and to, among other things, ensure access to services available within the county's Short-Doyle program, including whether reimbursement is available from a private party.

This bill would include within the meaning of a private party, a 3rd-party payor.

This bill would express the intent of the Legislature, that specified types of services are to be paid for by specified state departments for children who are dependents of the court, with mental health services to be paid for by the State Department of Mental Health.

The bill would require, when a court has referred a dependent child who has been, or is at risk of being, separated from his or her family, to the county mental health director for assessment, that existing Short-Doyle program requirements concerning access to, and assessment of, appropriate mental health treatment services apply.

The bill would require that the State Department of Mental Health conduct a study, the results of which would be required to be submitted to the Legislature by July 1, 1990, concerning minors referred by the juvenile courts to the county mental health director for assessment and services, as specified.

The bill would declare that it is declaratory of existing law and is not intended to impose a new program or higher level of service upon any local agency.

Ch. 1126 (AB 2935) Quackenbush. Loma Prieta Joint Union Elementary School District: instructional time.

Under existing law, school districts that reduce instructional time below the amount fixed for the 1982–83 fiscal year receive reduced apportionments.

This bill would exempt the Loma Prieta Joint Union Elementary School District from those provisions for developmental kindergarten classes conducted in that district if the district meets certain criteria. The bill would define "developmental kindergarten classes" for this purpose.

Ch. 1127 (AB 4363) Costa. Mobilehome dealers' licenses education and experience requirements.

Nothing in existing statutes requires an applicant for an initial license as a manufactured-home, mobilehome, or commercial-coach dealer to have prior experience or education as a licensed manufactured-home, mobilehome, or commercial-coach salesperson.

This bill would require that an applicant for an initial dealer's license has been a licensed salesperson for at least 2 years, during the prior 5 years, or has met any of certain

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criteria enumerated in the bill concerning educational background and work experience, and has satisfied specified education requirements.

Ch. 1128 (SB 1803) Lockyer. Family law.

(1) Under existing law, the Family Law Act provides that in making a determination of the best interest of a child in specified proceedings, the court shall, among other factors it finds relevant, consider specified factors, including any history of abuse against the child.

This bill would provide that no parent shall be awarded custody or unsupervised visitation with any child if he or she has been convicted of specified offenses against a child unless the court finds that there is no significant risk to the child.

(2) Under existing law, the Uniform Parentage Act provides that all remedies for the enforcement of judgments apply to a judgment under that act establishing a duty of support.

This bill would specify that all remedies for the enforcement of judgments, including imprisonment for contempt, apply to those judgments.

Ch. 1129 (SB 1813) Robbins. Population surveys Filipino employees.

Existing law makes a legislative finding and declaration that persons of Filipino ancestry and national origin are being incorrectly classified in the personnel surveys of city and county employees and that the categorization unfairly discriminates against those persons in the operation of a city or county government's equal opportunity program.

This bill would include a state's equal employment opportunity program and a state, city, or county government's affirmative action program in that legislative finding and declaration

This bill would also provide a legislative finding and declaration that it is the intent of the Legislature that affirmative action programs or funds shall include equitable allocations based on the percentages of Filipinos in local governments in the State of California

This bill would also provide a legislative finding and declaration that persons of Filipino ancestry and national origin are being incorrectly classified in the personnel surveys of the state and the categorization unfairly discriminates against those persons in the operation of the state's affirmative action and equal opportunity programs

Existing law requires that when a city or county conducts any survey as to the ancestry or ethnic origin of its employees, or maintains any statistical tabulation of minority group employees, it shall categorize employees whose ethnic origin is Filipino as Filipinos in the survey or tabulation

This bill would require that when any state agency conducts any survey as to the ancestry or ethnic origin of state civil service employees, or maintains any statistical tabulation of minority group employees, it shall categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in the survey or tabulation.

Ch. 1130 (SB 1987) Robbins Insurance· failure to file statement penalty

Existing law authorizes the Insurance Commissioner to collect $295 from any admitted insurer that fails to timely file any statement required by the Insurance Code. An additional penalty of $354 is specified for each month or fraction thereof that the failure continues

This bill would increase those penalty amounts to $336 and $404 respectively These fees would be deposited into the Insurance Fund, because moneys in that fund are continuously appropriated the increase in revenues to that fund made by this bill would make an appropriation.

Ch 1131 (SB 1975) Davis Relief from judgment· sanctions.

Existing law provides that a party or his or her legal representative may make certain motions or applications to be relieved from a judgment, order, or other proceeding taken against a party by mistake, inadvertence, surprise, or excusable neglect without a supporting affidavit or declaration of merit, as specified

This bill would require that when an application is timely filed, in proper form, and

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accompanied by an attorney's sworn affidavit, the court shall vacate any resulting default judgment entered against his or her client because of the attorney's mistake, inadvertence, surprise, or neglect, unless the default was not in fact due to these reasons, as specified. The bill would require the court, when relief is granted based on an attorney's affidavit of fault, to direct the attorney to pay reasonable compensatory legal fees and costs to opposing counsel or parties. It would also authorize the court to impose sanctions upon the offending attorney or defaulting party, as specified

Ch. 1132 (SB 2182) Bergeson. Service authority for freeway emergencies.

(1) Existing law authorizes the establishment of a service authority for freeway emergencies in a county. A service authority is authorized to impose a fee on vehicles registered in the county Existing law requires the fees to be used to the extent necessary to make lease payments or bond payments for facilities and equipment for an emergency motorist aid system for emergency call boxes on freeways and specified highways

This bill would redesignate the system as a motorist aid system of call boxes, would make a legislative declaration, would require the money to be used as a first priority for those payments, would create a lien on revenues for those payments, and would regulate the priority of those liens

The bill would authorize the board of supervisors and the city councils in the county to authorize specified compensation and reimbursement of expenses for members of the service authority

(2) Existing law prescribes criminal penalties for damage or destruction of property not one's own, as vandalism.

This bill would make it a misdemeanor to remove, damage, interfere with the use of, or obstruct a call box without the consent of the authority The bill would thereby 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 1133 (SB 2246) Lockyer. Courts local rules

Existing law authorizes a superior, municipal, or justice court to adopt local rules of court to take effect on the January 1, or July 1, next following the 30th day after filing with the Judicial Council, except as specified Existing law also requires that copies of the local rules of court and amendments shall be filed with the clerk of the court and made available for public examination.

This bill would impose additional conditions upon the adoption of local rules of court by requiring that the rules be filed with the clerk of the court and be made immediately available for public examination prior to their effective date

Ch. 1134 (SB 2334) Lockyer. Sex offenders.

Existing law requires persons convicted of certain enumerated sex offenses to register with the chief of police of the city in which the person is domiciled or the sheriff of the county in which the person is domiciled if in an unincorporated area.

This bill would require persons who are convicted of a violation of any of the enumerated sex offenses, in addition to any imprisonment or fine, or both, imposed for a violation of the underlying offense, to pay a fine of $100 upon a 1st conviction or a fine of $200 upon a 2nd or subsequent conviction, unless the court determines that the defendant does not have the ability to pay the fine. The bill would provide that out of the moneys deposited with the county treasurer pursuant to the above provision, there shall be transferred, monthly, to the Controller, for deposit in the General Fund, an amount equal to all fines collected during the preceding month involving offenses listed in the sex offense registration provision. To the extent that the bill would require county officials to transfer funds to the Controller, it would increase the level of services required of local officials, thereby creating a state-mandated local program

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The bill would also require the Attorney General to establish in the Department of Justice a 5-year pilot program entitled the "Serious Habitual Offender Program" to evaluate the number of arrests and convictions for sex offenses, as specified, and the length of sentences for repeat offenders. It would require the Department of Justice to identify the most serious habitual sex offenders who have been convicted of certain violent offenses, including at least one sex offense, and who reside in the pilot project area, as specified. It would specify various other duties of the department The bill would require the Attorney General to establish an advisory committee to assist the department, and it would specify the advisory committee's duties and membership. It would require the Attorney General to submit a specified written report to the Legislature. The provisions of the bill described in this paragraph would become operative July 1, 1989, would remain operative only until July 1, 1994, and as of January 1, 1995, would be repealed.

The California Constitution requires 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 1135 (SB 2428) Garamendi Small business hazardous waste reduction

Under existing law, there is, in the State Treasury, as part of the Small Business Expansion Fund, the Hazardous Waste Reduction Loan Guarantee Account, which is continuously appropriated to the Office of Small Business for allocation to a small business development corporation Existing law provides that each small business development corporation shall issue loans, and make loan guarantees, to generators of hazardous waste for equipment, projects, or facilities to be used for the reduction of the hazardous waste generated.

This bill would revise and recast these provisions to, among other things, change the name of the account to the Hazardous Waste Reduction Loan Account and transfer it to the California Economic Development Grant and Loan Fund, which is continuously appropriated for specified activities of the Department of Commerce The bill would delete the provisions pertaining to the functions of a small business development corporation, in connection with the distribution of the funds in the account, and make conforming and related changes. The bill would continuously appropriate the Hazardous Waste Reduction Loan Account to the department and would require the department to expend the money in the account to make loans to generators for hazardous waste reduction The department would be authorized to enter into a contract with an urban development corporation or a rural development corporation to provide services pursuant to these provisions and to expend certain funds in the account to compensate the urban development corporation or rural development corporation for these services. The bill would authorize the department to expend up to $130,000 in any fiscal year from the account for administrative expenses and up to $200,000 for collection costs.

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

Ch 1136 (SB 1880) Davis Transportation· Ventura County Transportation Commission

(1) Existing law establishes a county transportation commission in various counties

This bill would create the Ventura County Transportation Commission, prescribe its membership and powers, specify the amount of annual revenues to be allocated to the commission, and provide for the transfer of assets and liabilities from the Ventura County Association of Governments, thereby imposing a state-mandated local program The Ventura County Board of Supervisors would be authorized to designate the commission to have the authority of specified local transportation authorities

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

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school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

Ch. 1137 (SB 2350) Mello. In-home supportive services: advisory panel.

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.

Under existing law, recipients may receive IHSS services not to exceed a specified monthly cost, and adjusted annually to reflect cost-of-living changes

Chapter 319 of the Statutes of 1988 increased the maximum cost of services, and provides that the cost-of-living adjustment be made annually for changes subsequent to January 1, 1989, with the first adjustment taking effect on July 1, 1990, and provides interim service level adjustments which will be operative only until July 1, 1990

This bill would specify that in no event, with regard to those interim service level adjustments, shall recipients experience a reduction in the number of hours they were receiving during the month of June 1988, without a reassessment of need.

To the extent this bill would increase the counties' responsibilities under the IHSS program by requiring the minimum level of hours of service during the interim service level period, 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 no reimbursement is provided in this bill for a specified reason.

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

Ch. 1138 (SB 93) Montoya. Swap meets.

(1) Existing law imposes various reporting requirements which are applicable to the sale or exchange of personal property by vendors at swap meets, as defined.

This bill would provide that the definition of "swap meet" is interchangeable and applicable to the terms "flea market," "indoor swap meets," or other similar terms, regardless of whether the event is held either inside a building or outside in the open. The bill would provide that the term "vendor" shall be classified according to distinct categories of "casual vendors," "regular vendors," and "monthly vendors," as defined.

(2) Under existing law, events held for the exclusive benefit of religious, educational, hospital, or charitable organizations are not subject to regulation as swap meets so long as the event is in compliance with specified requirements

This bill would limit the number of times an event meeting these requirements would be exempted to 2 times per calendar year.

(3) Existing law requires vendors selling or exchanging personal property at swap meets to submit a form prescribed by the Department of Justice to the swap meet operator prior to displaying for sale or exchange any personal property at the swap meet. The bill would require vendors to submit these forms to swap meet operators before the close of the business day at which the items are to be placed on sale.

This bill would additionally require each swap meet vendor to complete a separate report containing specified information for each swap meet at which he or she is a vendor prior to the close of the business day on which the item is to be placed on sale The bill would require a vendor who regularly offers or displays merchandise for sale or exchange to submit this form only once every 6 months if he or she has a written agreement with the swap meet operator for a periodic term of one month or longer All other casual vendors would be required to submit the form on each instance of offering merchandise for sale or exchange at the swap meet The bill would authorize these reports to be additionally recorded upon any computerized record supplying all of the required information, and would exempt swap meet operators and vendors from liability

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or responsibility for the accuracy of, or discrepancies in, that information.

This bill would additionally impose separate reporting requirements applicable to swap meets conducted more than 2 times per calendar year on any premises or property owned or leased by any state or local governmental entity.

The bill would impose additional reporting requirements for swap meets conducted on the premises or property of a state or local governmental entity which has or expects to have an average daily attendance of 10,000.

(4) Existing law requires swap meet operators to retain copies of the reports submitted by swap meet vendors for one year.

This bill, instead, would require these reports to be retained for 6 months and would require vendors to retain copies of the reports that would be required by this bill for inspection.

(5) Existing law authorizes the State Board of Equalization to require swap meet operators, as a prerequisite to renting or leasing space to a person wishing to engage in business as a seller, to obtain evidence that the seller is the holder of a valid seller's permit, or a written statement from the seller that he or she is not offering any taxable items for sale.

This bill would provide that an operator of a swap meet, flea market, or special event who verifies that a seller has a valid seller's permit, or who obtains from the seller a certificate that the seller is not offering for sale any item that is taxable under specified provisions and who completes the forms prescribed by the Department of Justice shall be deemed to have complied with the requirements of the above-described provisions.

(6) As, except as specified, a violation of the provisions of law relating to swap meets is punishable as a misdemeanor, to the extent that this bill would revise the applicability of those provisions, it would impose a state-mandated local program

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

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

Ch. 1139 (SB 2359) Roberti Death: vital statistics.

(1) Existing law requires the county coroner to investigate deaths under specified circumstances.

Existing law permits a person, under specified circumstances, to require that the coroner of the county in which a decedent resided at the time of death dispose of human remains.

This bill would permit a coroner to delegate to an agency of another county or of the federal government, when agreed to by that agency, the coroner's duties concerning investigation of the death, when the agency is authorized to perform the functions being delegated, and the agency has a jurisdictional interest or involvement in the death. It would also place responsibility for disposition of the decedent's remains with the agency assuming jurisdiction, and would make the county exercising jurisdiction responsible for costs of disposition of the remains of an indigent decedent.

(2) Existing law requires the last attending physician, except under specified circumstances, to specify the cause of death on a certificate

This bill would authorize a physician to designate one or more other physicians who have access to the physician's records, to act on behalf of the physician for purposes of performing this duty, provided that any person so designated acts in consultation with the physician

Since the bill would impose additional duties upon 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

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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. 1140 (SB 2398) Royce. Health data.

Existing law known as the Health Data and Advisory Council Consolidation Act, which would be repealed on January 1, 1990, creates the California Health Policy and Data Advisory Commission to advise the Office of Statewide Health Planning and Development on various aspects of the collection and reporting of health facility data and to perform related activities. Every organization which operates, conducts, or maintains a health facility and the officers thereof are required to make and file with the office reports containing specified information.

This bill would make certain changes relating to the time the reports are to be filed and would extend the repeal date of the act to January 1, 1997.

This bill would also add to the information required to be included in the report a patient's social security number, if it is contained in the patient's medical record, and the patient's external cause of injury. The bill would state that social security numbers and other data which could be used to identify an individual patient shall be exempt from disclosure under the California Public Records Act.

Ch. 1141 (SB 2212) McCorquodale. Lobster permits.

Existing law requires the Department of Fish and Game to file an annual report to the Legislature on the use made of the revenue received by the department from the issuance of lobster permits

This bill would repeal that requirement.

Ch. 1142 (SB 2160) Royce. Foster care. foster family homes

Existing law permits the placement of children with developmental disabilities, mental disorders, or physical disorders in licensed foster family homes.

This bill would permit placement in licensed or certified family homes.

Existing law permits any holder of a valid license issued by the department which authorizes the licensee to engage in any foster family agency functions to place children only in a certified family home which has been certified by that agency or in any licensed foster family home selected.

This bill would permit licensees to use only certified family homes or licensed foster family homes, would prohibit foster family agencies from using foster family homes licensed by a county without the approval of the licensing county, would prohibit the placement of children in the home except through the approved foster family agency for that home, and would redefine the terms foster family agency and foster family home

Existing law requires the department to create an advisory committee to assist the department on specified activities relating to facilities providing services to children. The committee is terminated on January 1, 1989.

This bill would create an advisory committee to assist the department to develop ways to expedite fingerprint clearances of potential or certified foster parents and to be terminated January 1, 1991.

This bill would establish a program of foster parent training, as specified, and would make other changes relating to foster family homes.

Existing law requires the department to project the impact of its regulations on group homes as small businesses.

This bill would include foster family homes in that provision.

Existing law requires the department to perform various acts relating to ratesetting for foster care providers.

This bill would require the department to develop and maintain regulations specifying the procedure for appealing department decisions about a foster family agency's costs or rates

Existing law permits the department to perform audits on foster family agencies receiving funds on behalf of AFDC-FC children.

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This bill would require those audits, as specified.

This bill would incorporate additional changes in Section 1502 of the Health and Safety Code, proposed by AB 2967, to be operative only if AB 2967 and this bill are both chaptered and become effective on or before January 1, 1989, each bill amends Section 1502, and this bill is chaptered last These changes would become operative on the operative date of AB 2967.

This bill would incorporatre additional changes in Section 1506 of the Health and Safety Code, proposed by AB 3139, to be operative only if AB 3139 and this bill are both chaptered and become effective on or before January 1, 1989, each bill amends Section 1506, and this bill is chaptered last

Existing law makes the violation of laws regulating community care facilities, which includes foster family homes and foster family agencies, a misdemeanor.

This bill, in revising the activities permitted by licensees, creates a new crime and thus imposes 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

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

Ch 1143 (SB 2317) Roberti. Automobile liability insurance

Existing law regulates the contents of policies of automobile liability insurance

This bill would require any policy of automobile liability insurance to contain a notice of limits of future coverage, as defined, setting forth any reasons for which the insurer may cancel or refuse to renew the policy or increase the premium, except as specified The bill would require the insurers to provide certain statements and information in connection with a premium increase, cancellation, or nonrenewal of those policies The requirement would be generally applicable to policies of automobile liability insurance covering private passenger motor vehicles and other 4-wheel motor vehicles not used in the occupation, profession, or business of the insured

The bill would become operative April 1, 1989

Ch 1144 (AB 26) Hauser. Economic development

(1) Existing law authorizes the Department of Commerce to pool the loans and sell any notes or other evidence of indebtedness derived from grants or loans of moneys on deposit in the California Economic Development Grant and Loan Fund, and to insure those loans

This bill would require the department to use this authority to periodically assess the use of and report to the Legislature on a secondary marketing program for state and local loan programs and loan guarantee programs.

(2) Existing law establishes within the Department of Commerce the Office of Tourism with specified functions.

This bill would establish within the Office of Tourism the position of Rural Tourism Liaison, who would be appointed by the Director of Commerce, provide liaison services between local rural tourism agencies and the office, and would act as an advocate for rural tourism needs within the office

(3) Under the existing McCorquodale-Nielsen-Hauser Rural Economic Development Act of 1986, the Department of Commerce is authorized to provide grants to specified eligible counties for various rural economic development promotion purposes and the Rural Economic Development Infrastructure Panel is authorized to provide loans and grants to local agencies for the construction of various types of public facilities and for the rehabilitation, alteration, expansion, or improvement of these public facilities The Department of Commerce is required to report on its activities pursuant to this act in its annual report to the Governor, the Legislature, and the Secretary of the Business, Transportation and Housing Agency.

This bill would rename the act the McCorquodale-Nielsen-Hauser Rural Renaissance Act of 1986, would revise the qualifications and terms for grants and loans provided by

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the Rural Economic Development Infrastructure Panel pursuant to that act, and would require the department's annual report on its activities pursuant to the act to include an accounting of the percentage of grants awarded under the act to rural tourism organizations.

(4) Under existing provisions governing the Small Cities Community Development Block Grant Program, the Department of Housing and Community Development is required to distribute federal funds in the form of grants to eligible cities and counties to promote new housing developments principally for persons and families of low or moderate income.

This bill would impose on each program applicant a maximum grant request ceiling of $800,000 of which a maximum of $500,000 may be used for either a general program or economic development application. It would exclude from that $800,000 sum certain economic development assistance grants and would provide that no applicant shall receive more than $1,200,000 in any 2 consecutive calendar years. It would require the department to inform eligible cities and counties of eligibility criteria.

This bill would further require that 10% of the total amount of the program funds set aside in the annual budget for economic development shall be allocated to make economic development assistance grants to eligible small cities or counties for business attraction, retention, and expansion programs for the development of local economic development strategies, predevelopment grant feasibility studies, downtown revitalization programs, and general program support for local multicounty economic development districts or countywide economic development corporation programs, under specified conditions. It would require that 10% of the total amount of the program funds not used for economic development be set aside to make technical assistance grants to eligible small cities or counties for specified purposes

(5) The bill would also require the Department of Housing and Community Development to evaluate and report to the Legislature by July 1989, on the performance of the Small Cities Block Grant Program, as specified.

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

Ch. 1145 (AB 982) Costa Water rights· transfers.

Under existing law, the holder of an appropriative right is authorized to temporarily transfer rights to the amount of water consumptively used by that person for a period of one year or less, subject to notification of the State Water Resources Control Board and objection to the change by the board in accordance with prescribed requirements. Under existing law, the board is also authorized, in accordance with prescribed procedures and subject to specified requirements, to approve a petition for a trial transfer of water rights not to exceed one year, if it finds that the precise effect of the transfer is difficult to determine in advance, and the board may approve, subject to specified requirements, a petition for a long-term transfer of water rights where it has previously approved a trial transfer.

The bill would, instead, permit temporary changes which only involve the amount of water consumptively used or stored by the appropriative right holder and would define "consumptively used" for these purposes. The bill would require the board to make a specified evaluation of a proposed temporary change in accordance with prescribed procedures, and would require a hearing, as specified, if the board cannot make a specified finding

The bill would delete the special provisions for approval of a trial transfer of water rights, and would permit approval by the board of a petition for a long-term transfer of water or water rights, in accordance with prescribed requirements.

The bill would make related changes.

Ch. 1146 (AB 1457) Farr. Office of Information Technology: Secretary of State.

Existing law requires the Director of the Office of Information Technology to develop plans and policies regarding the state data centers, information management personnel, and office automation.

This bill would require the director to continue to develop these plans and policies in a coordinated fashion It would also require the Director of the Stephen P. Teale Data

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Center in the Business, Transportation and Housing Agency to communicate regularly with the Office of Information Technology regarding future needs of the data center and the likely impact of emerging technologies.

This bill would also authorize the Department of Finance to authorize the transfer of $620,000 between specified categories of the item of appropriation contained in the Budget Act of 1986 for support of the Secretary of State.

Ch. 1147 (AB 2722) Eastin Alameda-Contra Costa Transit District

(1) Existing law creates the Alameda-Contra Costa Transit District, prescribes the powers, duties, and sources of funding for the district, and provides for the district to be governed by an elected board of directors.

This bill would express legislative findings regarding the financial condition of the district

The bill would require the Auditor General to act as, or to delegate to a designated person the powers of, a monitor, with respect to the district The bill would require the monitor to conduct quarterly reviews to determine the progress of the district in correcting deficiencies identified in a specified report of the Auditor General and to recommend courses of action to be taken by the district board of directors

The bill would require the monitor, beginning September 1, 1988, to report quarterly to the Legislature on its findings and recommendations

The bill would require the district to cover the Auditor General's costs, not to exceed $50,000, incurred pursuant to the bill's provisions, thereby imposing a state-mandated local program.

The bill's provisions would become inoperative on July 1, 1990, and be repealed on January 1, 1991.

(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 for a specified reason.

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

Ch. 1148 (AB 4042) Katz. Transit district transactions and use tax.

Existing law contains an obsolete provision relating to imposition of a transactions and use tax by the Southern California Rapid Transit District.

This bill would delete that provision.

Ch. 1149 (AB 4391) W. Brown State Bar of California

Under existing law, which remains in effect only until January 1, 1989, the Board of Governors of the State Bar of California is authorized to set the annual membership fee for 1988 at $215 for persons admitted to practice of law for 3 years or longer, $147 for persons admitted for less than 3 years but more than one year, and at a sum not exceeding $116 for persons admitted for less than one year, as specified

This bill would extend the repealer in that provision to January 1, 1991, and increase each of those respective amounts for 1989 to $245, $177, and $146, and for 1990 to $268, $200, and $169. It would also authorize the board to provide for payment of fees on an installment basis, as specified

Existing law specifies the powers and duties of the State Bar of California.

This bill would expressly specify that the State Bar is empowered to raise revenue in addition to that authorized by the imposition of membership fees by any lawful means, including, but not limited to, the creation of foundations or not-for-profit corporations.

The bill would also authorize the board to increase the annual membership fee by an additional fee for discipline augmentation of not more than $110 for 1989, 1990, and 1991, respectively, as specified The board would also be authorized to increase the annual membership fee by an additional amount per active member not to exceed $25 in any year for purposes of the Client Security Fund and the cost of its administration

The bill would additionally provide that the term of the State Bar Discipline Monitor shall terminate on January 1, 1992. It would require that moneys for the support of the monitor shall be paid by charging a fee of $2 per active member of the State Bar, per

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year, as specified. The bill also would make related changes

Existing law provides that subject to the approval of the committees on judiciary of each house of the Legislature, the board of governors shall contract with an independent expert with the purpose of conducting a comprehensive study of the State Bar affirmative action program with regard to its employees.

This bill would also require a comprehensive study of the State Bar's equal employment opportunity programs with respect to its employees and provide that the services of the independent expert shall also encompass assistance with respect to the above programs and with the development and implementation of a minority and women business enterprise program. It would require a final report to be submitted to each of the committees on judiciary no later than September 1, 1989 Moneys for the support of the independent expert for the above specified purposes would be paid by charging a fee of $2 per active member of the State Bar per year, as specified, and any remaining fees would be applied to disciplinary expenses

Existing law requires the State Bar annually to submit its proposed baseline budget for the following fiscal year to the appropriate fiscal committees of the Legislature and the Joint Legislative Budget Committee, as specified

This bill would provide that any bill that authorizes the imposition of membership dues shall be a fiscal bill and shall be referred to the appropriate fiscal committees It would also provide that any such bill may be approved by a majority vote

Existing law provides that the payment by any member of the annual membership fee, any portion thereof, or any penalty thereon, may be waived by the board as it may provide by rule

This bill would provide that the board may require submission of recent federal and state income tax returns and other proof of financial condition as to those members seeking waiver of all or a portion of their fee or penalties on the ground of financial hardship

The bill would be operative only if SB 1498 of the 1987–88 Regular Session is enacted

Ch 1150 (SB 25) Morgan School finance

Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax revenues received.

This bill would revise that computation for elementary school districts that meet specified criteria The revenue limit so established would not take effect unless and until a specified settlement order is amended to incorporate the provisions of this bill and the amended order is approved by the parties in the case

Ch 1151 (SB 219) Ellis State highways. freeway agreements toll bridges credit

(1) Under existing law, the Department of Transportation may enter into agreements with counties and cities to permanently close county highways or city streets when it constructs a freeway, except that the department is authorized to construct a freeway on the route determined by the California Transportation Commission without a freeway agreement if specified conditions have been met

Existing law authorizes the department to construct a freeway in the County of San Diego without a freeway agreement on a route determined by the commission if various specified conditions are met

This bill would delete the authorization for the department to construct that freeway in San Diego County without a freeway agreement

(2) Existing law allows the department to issue permits for the use of a toll bridge on a credit basis upon furnishing a deposit or surety bond

This bill would authorize the department to permit use of the San Diego-Coronado Bridge by any class of vehicle on a credit basis without posting of that security

Ch 1152 (SB 888) B Greene CAL-OSHA inspections

Existing law provides in the case where, after inspection or investigation the Division of Occupational Safety and Health issues a citation for a serious violation, that the

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division is required to conduct a reinspection at the end of the period fixed for abatement of the violation or within a reasonable time thereafter

This bill would specify that the reinspection is not required if the violation is abated at the time of the inspection or investigation.

Ch 1153 (SB 901) Russell Insurance· funding agreements.

Existing law provides for the regulation of insurance business in this state, including the issuance or delivery of life insurance policies.

This bill would permit any insurer authorized to issue or deliver life insurance policies in this state to issue or deliver funding agreements, as defined, with prescribed conditions

The bill would require the Insurance Commissioner to adopt reasonable regulations relating to certain specified matters dealing with the issuance or delivery of funding agreements, and specify that the commissioner shall have the sole authority to regulate the issuance and sale of funding agreements provided for under the bill

Ch. 1154 (SB 1002) Doolittle. Blood donation acquired immune deficiency syndrome

(1) Existing law requires a blood bank or plasma center to incorporate voluntary means of self-deferral for donors, as specified.

This bill would require the blood bank or plasma center to inform the donor that a self-deferral process is available and should be used if the person has reason to believe that he or she is infected with the human immunodeficiency virus and that it is a felony to donate blood if the donor knows that he or she has AIDS or has tested reactive to the etiologic agent of AIDS or to the antibodies to that agent

(2) Existing law does not make it a felony punishable in state prison for 2, 4, or 6 years, for any person to donate blood, body organs or other tissue, semen for purposes of artificial insemination, or breast milk who knows that he or she has AIDS or who has tested reactive for the antibody to the probable causative agent of AIDS

This bill would create these new crimes, which would impose a state-mandated local program It woud define "blood" for purposes of its provisions, and these crimes would not apply to any person who is mentally incompetent or who makes self-deferral blood donations, or who donates his or her blood for purposes of an autologous donation

This bill would prohibit disclosure in a criminal investigation pursuant to this bill of the results of blood tests to detect the etiological agent of AIDS or antibodies to that agent unless the results are disclosed by specified means

(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. 1155 (SB 1198) Marks Political Reform Act· sponsored committees disclosure

Under the Political Reform Act of 1974, any person, other than a candidate, proponent, or other individual, sponsors a committee if any of the following apply (1) the committee receives all or nearly all of its contributions from the person, its members, officers, employees, or shareholders, (2) the person collects contributions for the committee by use of payroll deduction or dues from its members, officers, or employees, (3) the person alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee, or sets the policies for soliciting contributions or making expenditures of committee funds

This bill would delete the exemption for proponents and make applicable the provisions regarding sponsored committees to these persons

Ch 1156 (SB 1326) Robbins. Vehicles financial responsibility

(1) Existing law requires every driver and every owner of a motor vehicle to maintain in force at all times one of various specified forms of financial responsibility Existing law

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also generally requires a driver to show evidence of financial responsibility when requested by a peace officer at the scene of an accident, or when a notice to appear is issued for a violation of the Vehicle Code Existing law specifically defines what will suffice as evidence of financial responsibility, and permits the officer to issue the driver a notice to appear for failure to provide evidence of financial responsibility

This bill would specifically provide that evidence of the form of financial responsibility in effect for a vehicle shall, at all times, be carried in the vehicle.

(2) Existing law requires the department to publish a specified summary of requirements for financial responsibility, and to furnish the notice with registration and driver's license documents The department is also required to notify persons with suspended drivers' licenses of their right to apply for a restricted driver's license

This bill would specify certain language that is to be contained in those notices

(3) This bill would declare that it is to take effect immediately as an urgency statute, except that (2) above is to become operative on November 30, 1988.

Ch 1157 (SB 1405) Roberti Sales and use taxes. motion pictures and motion picture property

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

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

This bill would provide that "sale" and "purchase," for purposes of the state and local sales and use taxes, do not include any of the following: (1) the performance of qualified production services, as defined, in connection with the production of any qualified motion picture, as defined, and (2) any transfer of any qualified motion picture or any interest or rights therein

This bill would provide that the above exemptions shall not apply to certain sales or purchases

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. 1158 (SB 1496) Torres. Hazardous substances notification

(1) Existing law requires any owner of nonresidential real property to provide certain information to a buyer of that property concerning a release of hazardous substances on that property If the owner has actual knowledge of a release of a hazardous substance and fails to provide written notice, the owner is liable for specified civil penalties.

This bill would require an owner to also provide this information to any lessee or renter of the property The bill would impose liability for a civil penalty only if the owner has actual knowledge of a release of a material amount of a hazardous substance

(2) Existing law requires a lessee or renter of real property, who knows, or has reasonable cause to believe, that any release of a hazardous substance is located on or beneath that real property, to notify the owner of that property upon discovery of the release and imposes a civil penalty upon knowing and willful violators of this provision. The failure to provide this notice makes the leasehold or rental agreement voidable at the discretion of the owner.

This bill would revise this provision to require notification if the lessee or renter knows or has reasonable cause to believe that a release of a hazardous substance has come or will come to be located on or beneath that real property and to instead require notification within a reasonable period of time, either prior to the release or following the discovery of the release The bill would require the notice to be given to either the owner or the lessor under the lease or rental agreement The bill would subject the lessee or renter who fails to provide notice to actual damages and any other remedy

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provided by law and would deem the knowing and willful failure to provide notice of a release of a material amount of a hazardous substance or a hazardous substance release required to be reported to a state or local agency a default under the lease or rental agreement, except as specified. The bill would allow the lessee or renter to cure the default by taking a removal or remedial action with respect to the hazardous substance release.

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

Ch 1159 (SB 1498) Presley. Attorneys.

Existing law, the State Bar Act, provides for the establishment of the State Bar of California.

This bill would make various changes in the law relating to the State Bar, including, among other things, (1) revising the standards and procedures for the imposition of involuntary inactive enrollment of an attorney, and authorizing the imposition of remedies or final discipline short of involuntary inactive enrollment to restrict or supervise an attorney's practice of law, as specified; (1.5) increasing the membership of the examining committee to 19 by adding 3 nonattorney members, one each to be appointed by the Senate Rules Committee, the Speaker of the Assembly, and the Governor; (2) revising the procedures for conducting investigations of attorneys and formal disciplinary proceedings, as specified; (3) providing for fingerprinting of certain members of the State Bar and the retention of those fingerprint records, as specified; (4) revising the duty of an attorney to report judgments against the attorney for incompetent representation, and adding a duty to provide clients with specified documents, (5) repealing and reenacting provisions for the trial of matters before the State Bar Court to provide for the nomination and appointment of a presiding judge and no fewer than 6 hearing judges to 6-year terms, who would be assisted by pro tempore judges, as specified (hearing judges would be paid the same salary as municipal court judges, the presiding judge would be paid the same salary as a superior court judge), (6) providing for the finality of State Bar Court decisions, and for contempt citations for failure to comply with those decisions; (7) requiring the establishment of the State Bar Court to be broadly representative of the state population and providing for rules of practice, as specified; (8) repealing and reenacting provisions for the Review Department of the State Bar Court, and establishing the Executive Committee of the State Bar Court, to be composed, as specified, (9) providing that any court which holds an attorney in contempt or which sanctions an attorney for misconduct may notify the State Bar if the attorney's conduct would warrant discipline under these provisions; (10) revising the duties of insurers to report attorney malpractice claims, as specified; (11) authorizing the Supreme Court to delegate its disciplinary powers to the State Bar Court, as specified, (12) revising the per diem and reimbursement of allowable expenses for the complainants' grievance panel, (13) giving the State Bar access to all court records relevant to the competence or performance of its members, except as specified, (14) permitting the State Bar to disclose nonpublic court records, including sealed records, as specified; (15) requiring attorneys to furnish client trust fund and other property records to the State Bar; (16) providing for disbarment or suspension for violation of disciplinary probation, and specifying the standard of proof for imposition of probation; (17) providing for disbarment with or without possibility of readmission; (18) providing for imprisonment for practicing law when no longer a member of the State Bar, or failing to comply with certain orders of the Supreme Court, as specified, (19) requiring the removal of the name of a disbarred attorney from the name of his or her firm, and making it a misdemeanor to employ a disbarred attorney in the practice of law; (20) requiring establishment of the Client Security Fund, as specified; (21) subrogating the State Bar for payments made from the fund, and requiring reimbursement to the fund as a condition of continued practice or reinstatement to bar membership, as specified; (22) requiring financial institutions which are depositories for attorney trust accounts to report to the State Bar instruments presented against attorney trust accounts with insufficient funds, as specified, (23) requiring all funds collected by the State Bar for the support of the State Bar Discipline Monitor to be remitted to the Controller as revenue to the General Fund; (24) requiring the Legislative Analyst to evaluate the workload

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of the State Bar Court and submit a final written report to the Assembly and Senate Judiciary Committees no later than December 31, 1991, as specified; and (25) making various procedural changes with regard to disciplinary matters.

This bill would also make technical, conforming changes to these provisions.

The bill would impose a state-mandated local program by changing the penalty for a crime and 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, 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.

This bill would provide that specified provisions shall be operative on July 1, 1989 It would also provide that the provisions of this bill shall become operative only if AB 4391 of the 1987–88 Regular Session is enacted

Ch 1160 (SB 1714) Lockyer Transit districts governing board members· compensation and benefits

Existing law contains various special acts providing for the establishment, in specified areas of the state, of transit districts, and prescribing the powers and duties of those districts and their governing boards

This bill would, notwithstanding any other provision of law, (1) limit the compensation payable to members of the governing board of a transit district, as specified, (2) limit the terms, conditions, and contributions of any life, accident, or health insurance plan provided by a transit district for members of its governing board, and (3) prohibit a transit district from establishing or contributing to a pension or retirement benefits plan or purchasing an annuity for any member of its governing board, as specified

Ch 1161 (SB 1716) Royce Medi-Cal: home nursing service

Under existing law, the state provides basic health care services to qualified low-income individuals through the Medi-Cal program, which is administered by the State Department of Health Services.

This bill would authorize the State Department of Health Services to designate a participating county health service agency as a health care service provider of home nursing services, as specified, would specify that the reimbursement rate shall be the current provider rate, and would require that the participating county pass through the reimbursement, in total, to licensed individuals rendering home nursing services

Ch 1162 (SB 2250) Rosenthal Hearing aid dispensers

Existing law authorizes the Division of Allied Health Professions of the Board of Medical Quality Assurance to issue licenses and adopt regulations pursuant to, to employ personnel to administer, and to prosecute persons guilty of violating the provisions of, the law relating to hearing aid dispensers.

This bill would transfer those powers and duties to the Hearing Aid Dispensers Examining Committee, as specified, would name the provisions regulating hearing aid dispensers as the Hearing Aid Dispensers Licensing Law, would delete the prohibition against engaging in the practice of fitting or selling hearing aids under a false or assumed name, and, among other things, would make related and conforming changes

The bill would prohibit a person whose hearing aid dispensers license is suspended or revoked from being a proprietor or having an ownership interest in a hearing aid dispensing business during the period of suspension or revocation. A violation of these provisions constitute a misdemeanor, thus, this bill would impose a state-mandated local program by adding 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

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Ch. 1163 (SB 2679) C. Green. Public retirement systems. applications: spousal signature.

(1) The existing Public Employees' Retirement Law does not require any spousal signatures on applications of the members of the Public Employees' Retirement System.

This bill would require, on and after January 1, 1990, an application to the system for a refund of accumulated contributions, an election of optional settlement, or a change in beneficiary designation to contain the signature of the current spouse of the member, unless specified conditions are met

(2) The existing County Employees Retirement Law of 1937 does not require any spousal signatures on applications of the members of county retirement associations

This bill would authorize counties to adopt a provision which would require the application for a refund of accumulated contributions, an election of optional settlement, or a change in beneficiary designation to contain the signature of the current spouse of the member, unless specified conditions are met

This new authorization would impose on counties and districts 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

(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 state that there is no mandate contained in the bill, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs

Ch. 1164 (AB 2366) Hauser Commercial fishing salmon limited entry permits.

(1) Under existing law, until January 1, 1989, commercial passenger fishing vessels which are used to take salmon north of Point Arguello are required to have commercial fishing salmon stamps aboard in a number sufficient to have at least one for the operator and one for each crewmember, as specified

This bill would extend that requirement to January 1, 1992

(2) Under existing law, no salmon may be taken aboard or landed from any vessel for commercial purposes unless a commercial salmon vessel permit has been issued, as specified for the vessel A violation of these provisions is a misdemeanor The fees for these permits are deposited in the Fish and Game Preservation Fund, a continuously appropriated fund. The provisions of law relating to the commercial salmon vessel permits terminate on January 1, 1989

This bill would recast those provisions relating to commercial salmon vessel permits and would make the permit program permanent. The bill would also change the procedures and conditions for renewal and transfer of existing vessel permits

The bill would make legislative findings and authorize the Department of Fish and Game to issue and renew commercial salmon vessel permits with new permits to be issued when the fishing fleet is less than 2,500 vessels, as specified The bill would require the department to establish a vessel classification system to determine fishing potential of replacement vessels, as defined, and would provide for permit transfers under specified conditions The bill would recreate the commercial salmon fishing review board in the department with specified advisory duties and membership. The bill would provide for permit administration revocation and appeals to the Fish and Game Commission The bill would provide for related matters

(3) The bill would impose a state-mandated local program by maintaining a crime which presently terminates, by changing the definitions of crimes, and by creating new crimes The bill would also make an appropriation by increasing revenue to the Fish and Game Preservation Fund after the existing termination date

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish

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procedures for making that reimbursement.

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

Ch. 1165 (AB 2790) Chandler. Solid waste management plans.

(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. Any amendment to a plan is required to be approved by a majority of the cities within the county which contain a majority of the population of the incorporated areas of the county and to be submitted to the board for approval

This bill would specifically authorize any county to join with other counties subject to the consent of the cities in the county, as specified, to form a regional solid waste planning authority to prepare, amend, and revise a regional solid waste management plan, thereby imposing a state-mandated local program The bill would also, instead, require that the preparation, amendment, and revision of a plan which is administered by a regional planning authority be subject to the consent of the counties and a majority of the cities within each county which contain a majority of the population of the incorporated area in each county, except that the bill would also provide that in those counties with only 2 cities that the approval, agreement, or consent of specified county solid waste planning activities be by the city which contains a majority of the population of the incorporated area in the county.

(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 1166 (AB 2854) Kelley. Foster parent training.

Existing law provides for the licensing and regulation of community care facilities, including foster homes by the State Department of Social Services.

Existing law and regulations also vest counties with various duties concerning foster care.

This bill would provide for a parenting training program to be operated in Riverside County, with the consent of the county The program would be operated by the Riverside County Department of Public Social Services

The bill would require that, except under specified circumstances, as a condition of licensure, persons seeking licensure as foster parents during the operation of the program attend and complete the parenting training program, and would permit persons already licensed to provide foster care to participate in the program.

The bill would require that the program consist of preservice and in-service training, as specified.

The bill would require that the program commence operation not later than September 1, 1989, and terminate on July 1, 1991.

The bill would require an evaluation of the program to be completed by the State Department of Social Services, in consultation with Riverside County, and provided to the Legislature no later than October 1, 1991, with an interim evaluation to be completed by October 1, 1990

This bill would not take effect unless the Board of Supervisors of the County of Riverside, by resolution, consents to the provisions of the bill

This bill would make its provisions inoperative on July 1, 1991, and would repeal them as of January 1, 1992.

Ch. 1167 (AB 2913) O'Connell. Special education· health care services.

Existing law authorizes any individual with exceptional needs who requires specialized physical health care services, during the regular schoolday, to be assisted by specified individuals, including qualified designated school personnel trained in the administration of these services, provided that they perform the services under the

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supervision of certain medical personnel.

This bill would require the Superintendent of Public Instruction to conduct a special study, as specified, of the fiscal and programmatic impact of limiting the involvement of certificated employees in providing specialized physical health care services. This bill would require the results of the study to be presented in report form to the Legislature and the Governor by December 31, 1989

This bill would reappropriate $2,302,787 from Items 6100-001-890 and 6100-161-890 of Section 2.00 of the Budget Act of 1987 to Item 6110-161-890 of Section 2.00 of the Budget Act of 1988, as specified.

Ch 1168 (AB 2964) Frizzelle Homestead exemption.

Under existing law, a homestead or a specified portion of the value thereof is exempt from execution to satisfy a judgment debt. Under existing law, the homestead exemption is $60,000 if the judgment debtor or his or her spouse who resides in the homestead is, at the time of the attempted sale of the homestead, either a person 65 years of age or older, or a person physically or mentally disabled, as specified

This bill would increase this exemption to $75,000 and would extend this exemption to a judgment debtor 55 years of age or older if the judgment debtor has a gross annual income of not more than $15,000 or, if the judgment debtor is married, a gross annual income of not more than $20,000, and the sale is involuntary.

Ch. 1169 (AB 2976) Jones Dairy products

(1) Existing law authorizes the Director of Food and Agriculture to adopt quality standards for manufactured dairy products

This bill would authorize the director to adopt safe and suitable bacteria standards for use in specific dairy products except for cheese. Violation of these standards would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime

(2) Existing law establishes standards for diabetic and dietetic ice cream

This bill would specify that this product may be labeled as frozen dietary dairy dessert.

(3) Existing law requires that any cheese which is cut and wrapped or packaged into individual consumer packages be labeled to indicate specified information

This bill would specify that the labeling requirement applies to cheese at the time of sale to the retail consumer.

(4) Existing law establishes standards and label requirements for various varieties of cheese

This bill would, until January 1, 1990, establish standards for reduced fat cheese. Violation of these standards would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime.

(5) Existing law establishes standards and label requirements for various UHT milk products

This bill would establish standards for UHT flavored nonfat milk Violation of these standards 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 1170 (AB 2977) Jones. Income taxes: bank and corporation taxes

The existing Personal Income Tax Law requires certain taxpayers to use the tax table in lieu of the tax rates Exceptions from this requirement include individuals who use income averaging and individuals who receive certain lump-sum distributions Recent tax law changes have made these exceptions obsolete.

This bill would make technical corrections by deleting the exception with respect to income averaging and by changing the provisions relating to lump-sum distributions to

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reflect current law

Under the existing Bank and Corporation Tax Law, gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

This bill would make that provision inapplicable in the case of the sale of a partnership interest, and, instead, would provide that gain or loss on the sale of a partnership interest is allocable to this state in the ratio of the original cost of partnership tangible property in this state to the original cost of partnership tangible property everywhere, determined at the time of the sale It would also provide that in the event that more than 50% of the value of partnership's assets consists of intangibles, gain or loss from the sale of the partnership interest is allocated to this state in accordance with the sales factor of the partnership for its 1st full tax period immediately preceding the tax period of the partnership during which the partnership interest was sold

This bill would make changes in state taxes within the meaning of Section 3 of Article XIII A of the Constitution.

This bill would take effect immediately as a tax levy, but would be operative, as specified.

Ch 1171 (AB 2990) Hughes. California Museum of Science and Industry· parking facilities Exposition Park Improvement Fund.

Existing law authorizes the California Museum of Science and Industry, with the approval of the Department of General Services and the State and Consumer Services Agency, to use and manage its property in Exposition Park in the City of Los Angeles

This bill would require the museum to work with the Los Angeles Memorial Coliseum Commission, the City of Los Angeles, and the County of Los Angeles to develop additional parking facilities in Exposition Park as necessary to allow for expansion of the park The bill would require the museum to manage or operate its parking facilities in a manner which preserves and protects itself and the California Afro-American Museum The bill would require the first $832,765 of revenues received each year by the California Museum of Science and Industry from parking, rental of its facilities, and other business activities to be deposited in the General Fund The bill would create the Exposition Park Improvement Fund in the State Treasury, would require museum revenues received each year in excess of $832,765 from parking, rental of its facilities, and other business activities to be deposited in the Exposition Park Improvement Fund, and would provide that expenditures from the fund be used only for improvements to Exposition Park.

Ch 1172 (AB 3142) Cortese. Local agencies change of organization or reorganization.

This bill makes technical, nonsubstantive changes to existing law relating to elections, changes of organization and reorganization of local agencies.

Ch 1173 (AB 3263) Frazee Records destruction

(1) Under existing law, the county clerk may cause specified papers filed in any action or proceeding in the superior court or otherwise filed with the clerk's office to be destroyed if the action or proceeding is not pending or on appeal if specified events have occurred However, the county clerk is required by existing law to maintain a microphotographic film print or copy of certain papers that are otherwise destroyed. In municipal and justice courts, existing law permits all papers and records filed and kept in any proceeding to be destroyed upon order of the presiding judge of the court after the expiration of the specified minimum retention period

This bill would provide that all papers and records in any civil action dismissed by the court pursuant to specified provisions of law or dismissed upon request of the plaintiff may be destroyed if no document other than the request for dismissal has been filed subsequent to the complaint.

(2) Existing law specifies the minimum period of retention for municipal and justice court records involving specified misdemeanors.

This bill would extend the minimum period of retention for municipal and justice court records for reckless driving and driving under the influence of alcohol or drugs,

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as specified, thereby imposing a state-mandated local program by expanding an existing duty.

(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. 1174 (AB 3480) Filante Deferred-payment rehabilitation loans housing income limits

(1) Under existing provisions of the Zenovich-Moscone-Chacon Housing and Home Finance Act, various definitions govern income eligibility requirements for participation in various programs of loans and housing assistance thereunder. These definitions are incorporated by reference in various other laws. Under existing law, the Department of Housing and Community Development is required to adopt as regulations the income eligibility standards and area median incomes determined by the United States Department of Housing and Urban Development and utilized in the definition of "persons and families of low and moderate income" and related definitions

This bill would provide that these income standards and specified derivative income criteria become effective upon filing with the Office of Administrative Law without complying with prescribed requirements applicable to the adoption of administrative regulations The bill would require publication of the income standards in the California Regulatory Code Supplement and the California Code of Regulations.

The bill would define "persons and families of median income" for purposes of the act and would make related changes The bill would also define "persons and families of low income."

(2) Existing law authorizes the Department of Housing and Community Development to make specified deferred-payment loans for rehabilitation of specified housing The Housing Rehabilitation Loan Fund is continuously appropriated to fund this program

This bill would include mobilehome parks for lower income households in this loan program, and would authorize these loans to include the cost of flood control improvements required by local ordinance or regulation as a condition of continued operation of a mobilehome park. Because the Housing Rehabilitation Loan Fund is continuously appropriated, this bill would make an appropriation

Ch. 1175 (AB 3490) Moore. Carriers: certificates and permits. issuance and transfer.

(1) Under existing law, the Public Utilities Commission authorizes the operation of highway common carriers and cement carriers under the Public Utilities Act through the issuance of a certificate of public convenience and necessity, and authorizes the operation of highway permit carriers under the Highway Carriers' Act through the issuance of permits Existing law requires highway permit carriers to certify to the commission that their vehicles will be maintained in safe operating condition

This bill would direct the commission to issue or authorize the transfer of no certificate or permit under these provisions except upon a showing before, and a finding by, the commission that the applicant or proposed transferee is capable of complying with highway safety rules, will observe state and federal hours of service regulations for its drivers, has a preventive maintenance program for its vehicles, regularly checks the driving records of its drivers holding class 1 driver's licenses, has a safety education and training program, will maintain its vehicles in safe operating condition, has a certificate of workers' compensation insurance coverage or a certificate of consent to self-insure issued by the Director of Industrial Relations, and has provided the commission an address where the documents in support of its showing may be inspected

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The bill would also require existing highway common carriers, cement carriers, and highway permit carriers employing workers to file with the commission a certificate of workers' compensation insurance coverage or a certificate of consent to self-insure issued by the director by July 1, 1989.

Since, under other provisions, a violation of these requirements by a carrier would be a crime, the bill would impose a state-mandated local program.

(2) The bill would appropriate $54,000 to the commission from the Transportation Rate Fund for purposes of the bill.

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

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

Ch. 1176 (AB 3508) Isenberg. PERS additional contracting agency formula: Second Tier.

(1) The existing Public Employees' Retirement Law provides, for state peace officer/firefighter members, a 2%-at-age-50 to 2.5%-at-and-over-age-55 retirement formula

This bill would authorize contracting agencies, if agreed to in a specified memorandum of understanding, to elect to be subject to the state peace officer/firefighter formula with respect to local safety members. This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise is subject to negotiation pursuant to existing law relating to local public employer-employee relations

(2) The Public Employees' Retirement Law 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.

This bill would make a technical change in the Second Tier disability benefit conversion provision

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, 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 1177 (AB 3536) Roybal-Allard Controlled substances: minors. public parks.

Existing law provides generally that any person 18 years of age or older who unlawfully prepares for sale upon school grounds or a public playground, or sells or gives away a controlled substance to a minor under the age of 14 years upon school grounds or a public playground during specified hours shall be punished by imprisonment in the state prison for 5, 7, or 9 years.

This bill would enact a similar provision with respect to the unlawful preparation for sale, sale, or giving away to minors of controlled substances in public parks, including units of the state park system and state vehicular recreation areas, as specified The bill would provide that the punishment for any of these offenses is imprisonment in the state prison for 3, 6, or 9 years, and, thus, this bill would impose a state-mandated local program by creating a new crime.

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

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

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Ch. 1178 (AB 3671) Clute. Manufactured structures.

(1) Under the existing Mobilehomes-Manufactured Housing Act of 1980, the Department of Housing and Community Development is required to supervise various laws pertaining to manufactured housing, mobilehomes, recreational vehicles, park trailers, special purpose commercial coaches, and commercial coaches. However, existing statutes authorize the department to contract with defined 3rd-party entities to enforce construction standards for mobilehomes, manufactured housing, and commercial coaches.

This bill would revise the existing definition of 3rd-party entities to include entities in the business of analyzing plans, designs, specifications, and engineering calculations supporting design concepts.

(2) Under existing law, mobilehomes and manufactured homes manufactured on or after June 15, 1976, are required to comply with the construction standards of the National Manufactured Housing Construction and Safety Standards Act of 1974.

This bill would authorize the department to continue to enforce standards adopted under that act which have been repealed for up to one year following the repeal if no new preemptive standard is adopted as a replacement standard. The bill would authorize the department to adopt emergency regulations to replace a repealed federal standard. Since any extension of a federal standard as authorized by these provisions would constitute a new state crime, this bill would impose a state-mandated local program

(3) Under existing law, defined recreational vehicles are required to conform to American National Standards Institute Standard No A119.2 or A119.5, depending on the category, subject to modifications of that standard adopted by the department.

This bill would make the above requirement applicable to all recreational vehicles and would make future changes in Standard No. A119.2 or A119 5 operative, for purposes of the above requirement, 180 days after publication unless made operative sooner by regulation of the department. Violation of these provisions would create a new crime, and this bill would thereby impose a state-mandated local program

(4) Under existing law, all used mobilehomes, manufactured homes, and commercial coaches sold in this state on and after January 1, 1986, are required to be equipped with an operable smoke detector.

This bill would delete application of this requirement to commercial coaches.

(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. 1179 (AB 3979) McClintock. State-mandated local programs

Existing law requires the state to reimburse local agencies and school districts for costs incurred by them in carrying out state-mandated programs, and specifies a procedure by which they may file claims for reimbursement with the Commission on State Mandates for review and payment.

This bill would do all of the following:

(1) Authorize the commission to waive the application of any procedural requirement for the review and payment of a claim in order to expedite action on the claim, with the agreement of all parties to the claim.

(2) Require that a test claim for estimated costs that may be incurred be submitted to the commission on or before December 31, instead of November 30, following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.

(3) Provide that no bill, except a bill containing an urgency clause, which mandates a new program or higher level of service requiring reimbursement of local agencies or school districts pursuant to the California Constitution, shall become operative until July 1 following the date on which the bill takes effect, unless the bill specifically makes this requirement inapplicable or contains an appropriation for the reimbursement or a prescribed reimbursement specification

Existing law provides that the costs arising from a statute containing a statement that the statute mandates a new program or higher level of service and specifying that

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reimbursement shall be made from the State Mandates Claims Fund, shall be paid from the fund upon certification if the estimated statewide cost of the claim does not exceed $500,000. No claim for initial reimbursement may be filed with the Controller more than 120 days after the close of the 1st full fiscal year following certification of the estimated statewide cost.

This bill would increase from $500,000 to $1,000,000 the amount of these costs which would be required to be paid from the fund. The bill would require the Controller to withhold 20% of the amount of any timely filed claim for initial reimbursement and would allow the filing of any late claims for initial reimbursement, subject to reimbursement of 80% of the amount that would have been paid if the claim had been timely filed The bill would also authorize the Controller to withhold payment of any late claim for initial reimbursement until the next deadline for funding claims unless sufficient funds are available to pay the claim after all timely filed claims have been paid.

This bill would incorporate additional changes in Section 17557 of the Government Code, proposed by SB 2875, to be operative only if SB 2875 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last These changes would become operative on the effective date of SB 2875.

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

Ch. 1180 (AB 3707) Klehs. Weapons.

(1) Existing law makes it a misdemeanor for any person to engage in the business of selling, transferring, offering, or exposing for sale or transfer, specified concealable firearms unless he or she has been issued a license in accordance with specified provisions of existing law. Existing law excludes from this prohibition the infrequent sale or transfer, offering, exposing for sale, or advertising for sale any handgun at a gun show, swap meet, or similar event.

This bill would expand the exemption for infrequent transactions by deleting the restriction that exempts only those transactions that occur at gun shows, swap meets, or similar events. It would also include within the prohibited activities the leasing of the specified concealable weapons, thus expanding the scope of an existing crime and constituting a state-mandated local program. Further it would specify that the infrequent sale exemption applies to pistols, revolvers, and other firearms capable of being concealed upon the person, rather than handguns

(2) Existing law requires the duly constituted licensing authorities of any city, county, or city and county to accept applications for, and provides that those licensing authorities may grant, licenses permitting licensees to sell at retail within the city, county, or city and county certain concealable firearms, and imposes various restrictions with respect to the operation of these businesses and the sale of concealable firearms, including the requirement that no pistol or revolver shall be delivered, unless among other things, it is unloaded and securely wrapped

The bill would require the licensee to agree to, and to act, properly and promptly in processing transfers of pistols, revolvers, or other firearms capable of being concealed upon the person, as required by the bill.

(3) Existing law imposes restrictions upon the sale, delivery, and transfer of concealable firearms by certain unlicensed persons comparable in some respects to those imposed upon licensed dealers, as set forth in (2) above.

The bill would provide that where neither party to a transaction is a dealer and the parties do not go through a dealer the seller or transferee shall allow 15 days from the date the agreement or the decision to transfer is made prior to delivery of the firearm.

The bill would also provide that a party may sell, deliver, or otherwise transfer a firearm to a dealer without waiting until the conclusion of the 15-day period.

(4) The bill would provide that a person may complete any sale or other transfer of a pistol, revolver, or other firearm capable of being concealed upon the person through a dealer. It would require the Attorney General to adopt regulations regarding those sales, and it would require the seller or transferee to transfer a firearm to the dealer for the period prescribed by law; and the dealer shall deliver the firearm to the transferee, if not prohibited by law, or return it to the seller or transferee if prohibited by law. The bill would provide that if the firearm cannot legally be returned to the transferor, the

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dealer shall deliver the firearm to the sheriff or chief of police or other head of a municipal police department who shall dispose of the firearm in accordance with a specified procedure, thus expanding the scope of the duties of local law enforcement agencies and constituting a state-mandated local program. The bill would provide that a violation of those provisions by a dealer is a misdemeanor, thus creating a new crime and constituting a state-mandated local program.

(5) Existing law sets forth the form of the register of a dealer's record of sale of revolvers or pistols.

This bill would recast the law by providing that the Department of Justice shall prescribe the form of the register, setting forth prescribed information which shall be contained in the form. The bill would, among other things, specify the procedure for handling the original documents, specify that dealers shall use ink to complete each document, specify that the dealers or salespersons shall ensure that all information is provided legibly, require each original to contain instructions on completion of the form and routing of the form, and specify that one firearm transaction be reported on each record of sale document

(6) The bill would provide legislative findings and declarations relating to the law on the transfer of pistols, revolvers, or other firearms capable of being concealed upon the person and the establishment of a procedure and it would declare public policy regarding civil liability of persons involved in transfers of firearms.

The bill would impose a state-mandated local program by creating new crimes by imposing requirements relating to the transfer of weapons, the violation of which would be a misdemeanor.

(7) This bill would incorporate additional changes in Section 12072 of the Penal Code proposed by AB 2768, to be operative only if AB 2768 and this bill are both chaptered and this bill is chaptered last

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

(9) This bill would become operative only if AB 3625 is chaptered.

Ch 1181 (AB 3762) Wright. Community services districts. Castaic Lake Water Agency.

(1) Existing law authorizes any public entity which supplies water at retail for the benefit of its customers to adopt a water conservation program. The program may require the installation of water-saving devices Violation of the program is a misdemeanor.

This bill would specifically authorize the Big Bear City Community Services District to require, in accordance with prescribed procedures, the installation of water meters, and to collect from the owners of lots and parcels where the meters are installed the costs of the meters and their installation on water service statements or tax statements, as specified.

The bill would also specifically authorize the district to require, as a condition to the issuance of building permits, the installation of low-flush toilets and low-flow shower heads, as specified, in all newly constructed buildings or additions, and would require the County of San Bernardino to implement the district's requirements, thereby imposing a state-mandated local program. The bill would authorize the district to expend its funds to install these fixtures in existing residences.

The bill would make legislative findings and declarations as to the need for a special law.

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(2) Under existing law, the Castaic Lake Water Agency is authorized to acquire water from the State Water Project and to act as a wholesale distributor of that water. The agency is also authorized, among other things, to store and recover water in aquifers and to develop and implement groundwater management plans

This bill would generally authorize the agency to develop, treat, distribute, and reclaim water, to store and recover water from groundwater basins, and to enter into contracts for that purpose. The bill would specify related matter.

The bill would authorize the agency to contract with any and all purveyors or successors in interest to purveyors. The bill would also specify the effect of any financial or other interest of any appointed director in any contract between a purveyor and the agency.

The bill would generally authorize an action to determine the validity of any bonds, warrants, promissory notes, contracts, or other evidences of indebtedness of the agency to be brought pursuant to specified provisions.

The bill would make other 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.

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

Ch. 1182 (AB 4018) Filante Physicians and surgeons

Existing law provides that a person providing medical services, as specified, on a federal reservation is not required to be licensed in this state

This bill would provide that persons in the medical corps of the armed forces may engage in a residency, fellowship, or clinical training program at a health facility that is not on a federal reservation under specified conditions

Existing law specifies the fees for licensure as a physician and surgeon.

This bill would require the Board of Medical Quality Assurance to remit a refund to specified physicians and surgeons who were enrolled in a residency program and paid a full initial license fee and a full renewal fee pursuant to a specified provision of law.

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contingent Fund of the Board of Medical Quality Assurance. Because this bill would make the moneys available for a new purpose, it would constitute an appropriation.

Ch. 1183 (AB 4240) Hannigan Courts Solano, Sonoma, and Yolo Counties.

(1) Existing law specifies the compensation of superior court reporters, and the number, compensation, and classification of municipal court personnel in Solano County

This bill would revise the compensation of superior court reporters, and the number, compensation, and classification of municipal court personnel, in Solano 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, compensation, and classification of municipal court personnel in Sonoma County.

This bill would revise the number, compensation, and classification of municipal court personnel in Sonoma County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law specifies the number, compensation, and classification of municipal court personnel in Yolo County

This bill would revise the number, compensation, and classification of municipal court personnel in Yolo 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

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Ch. 1184 (AB 4274) Bane Structural pest control.

Existing law requires a structural pest control operator to issue a written inspection report to a person requesting an inspection of premises for the absence or presence of wood-destroying pests or organisms, as specified.

This bill would, on and after July 1, 1989, impose different requirements upon registered structural pest control companies with respect to the contents of reports they make regarding the inspection of structures.

The bill would require, among other things, that, upon request of the person or entity ordering the report, each recommendation for corrective measures must separately state the infestation or infection which is evident and the conditions that are present which are deemed likely to lead to infestation or infection. Under specified circumstances it also would require an estimate or bid for repairs to be given separately allocating the costs to perform each and every recommendation for corrective measures

This bill also would make a statement of legislative intent with regard to these provisions.

Since a violation of the provisions regulating structural pest control operators is a misdemeanor, this bill would impose a state-mandated local program by revising the scope of a crime

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

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

Ch. 1185 (AB 4284) Bronzan. Sentencing.

Existing law provides that the aggregate term of imprisonment that may be imposed when a person is convicted of 2 or more felonies and a consecutive term of imprisonment is imposed pursuant to specified provisions of law shall be the sum of the principal term, the subordinate term, and any additional term imposed pursuant to specified provisions of law. Existing law provides that in lieu of the term imposed pursuant to the above-stated provision, a full, separate, and consecutive term may, and in some instances shall, be imposed for each violation of enumerated sex offenses, as specified In those instances, the terms shall be served consecutively to any other term of imprisonment, and the terms shall commence from the time the person would otherwise have been released from imprisonment.

This bill would include in the enumerated list of sex offenses in which a full, separate, and consecutive term may or shall be imposed, certain assaults which were committed with the intent to commit specified sex offenses.

Ch 1186 (AB 4373) La Follette Hazardous substances· liability: statute of limitations

(1) 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 that 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 money in the account may also be appropriated to the State Department of Health Services for the costs of assessing and restoring natural resources injured by a hazardous substance release The costs incurred from the fund and the account are required to be recovered from the liable person.

Existing law also allows for the imposition of punitive damages upon any person who is liable for a hazardous substance release and who fails to properly provide a removal or remedial action upon a specified order of the Director of Health Services.

This bill would require that an action to recover the costs of a removal or remedial action and that an action for the costs incurred concerning injury to natural resources

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be brought within 3 years after the completion of the removal or remedial action or the completion of the activities, respectively, has been certified by the department. The bill would require a court to enter an order reserving jurisdiction over the case and would grant the court continuing jurisdiction to determine future liability The department would be authorized to apply for a court judgment for future costs and damages that have been incurred within a specified period of time

(2) Existing law specifies that the statute of limitations for an action commenced under the hazardous waste control law is 3 years after the department discovers the facts constituting the grounds for commencing the action.

This bill would instead require that actions for civil penalties and punitive damages, under provisions regulating hazardous waste and the storage of hazardous substances in underground storage tanks, and under the Carpenter-Presley-Tanner Hazardous Substance Account Act, be brought within 5 years after the agency bringing the action discovers the facts constituting the grounds for commencing the action

(3) Under existing law, the statute of limitations for offenses under the Hazardous Waste Control Law does not commence to run until the offense has been discovered or reasonably could have been discovered

This bill would include violations of the underground storage tank provisions and the Carpenter-Presley-Tanner Hazardous Substance Account Act within this provision.

(4) This bill would incorporate additional changes in Section 803 of the Penal Code, proposed by this bill and SB 2344 or AB 4273, or both, to become operative only if AB 4273 or SB 2344, or both, and this bill are chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch 1187 (AB 4455) Cortese. Development projects approval time.

Existing law specifies deadlines for public agency decisions on applications for approval of defined development projects Under existing law, a responsible agency, as defined, is required to approve or disapprove a development project within 180 days from the later of (1) the lead agency's approval or disapproval of the project or (2) acceptance of the application as complete by the responsible agency.

This bill would make these deadlines applicable only to development projects that have been approved by the lead agency and would specify that when a decision by a lead agency to disapprove a development project becomes final, applications for that project which are filed with responsible agencies shall be deemed withdrawn

Ch. 1188 (AB 4496) Killea Common interest developments· director and officer liability

Existing law provides for the management of specified common interest developments by an incorporated or unincorporated association having the powers granted to a nonprofit mutual benefit corporation.

Under existing law, the directors of a nonprofit mutual benefit corporation have no liability for any alleged failure to discharge his or her obligations as a director if he or she performs his or her duties in good faith, in a manner he or she believes to be in the best interests of the corporation, and with the care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

This bill would limit the monetary liability of volunteer directors and officers of an association managing a common interest development which is exclusively residential for tortious acts or omissions if the acts or omissions are performed within the scope of the director's or officer's association duties, performed in good faith, and not willful, wanton, or grossly negligent. Additionally, at the time the acts or omissions occurred and at the time a claim is made, the association must have maintained and had in effect general liability insurance in a specified amount However, the bill would exclude from the term "volunteer" any officer or director who received any compensation as an employee from the declarant, as defined, or from a financial institution that purchased a separate interest, as defined, upon foreclosure of a mortgage or deed of trust on real property This bill would also specify that the section applies only to a volunteer officer or director who resides in the development as a tenant or as an owner of no more than 2 separate interests in that development

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Ch 1189 (AB 4511) Tanner Fire protection. hazardous materials

Existing law does not require the State Fire Marshal to adopt regulations to authorize National Fire Protection Association 704 Standard System Diamonds be displayed at entrances to all buildings or other locations where hazardous materials are stored.

This bill would impose that requirement

Ch 1190 (AB 4529) Clute Mortgages deeds of trust. transfer of servicing of indebtedness.

Under existing law, the assignment of a mortgage or deed of trust may be recorded and the recordation gives notice to all persons of the assignment. Existing law does not invalidate payments made by the debtor to the holder of the note when the security has been transferred to another However, after the note has been transferred, and the assignment of the mortgage has been recorded, existing law does not protect the debtor in paying the original creditor

This bill would require notice to be given to a borrower, as specified, if the servicing of the indebtedness on a note, bond, or other instrument secured by a mortgage or deed of trust on single family residential real property is transferred to a different servicing agent

The bill would also provide that a borrower is not liable to the holder of the note, bond, or other instrument or to any servicing agent for payments made to the previous servicing agent or for late charges, if these payments were made prior to the borrower receiving written notice, as specified, of the transfer and the payments were otherwise on time

Ch. 1191 (AB 4546) Roos Weapons

Existing law makes it a felony or misdemeanor 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 plastic firearm, as defined, thus creating a state-mandated local program by expanding the definition 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 1192 (AB 4587) Leslie. Poison control centers. liability

Existing law authorizes the Emergency Medical Services Authority to establish minimum standards for designation and operation of poison control centers Poison control centers are designated by the authority.

This bill would exempt a poison control center meeting the authority's minimum standards for designation, which has been designated as a regional poison control center and provides free advice in connection therewith, from civil liability with respect to the emergency provision of that information or advice, for acts or omissions by its medical director, poison information specialist, or poison information provider, as specified The bill would provide exemptions from civil liability to a poison control center's medical director and to a poison information specialist or provider in specified circumstances

Ch. 1193 (AB 4601) Elder Public employees

(1) Existing statutes establish a state civil service system which, with limited exceptions, includes every officer and employee of the state and specifies the purposes of the system One of these purposes is providing that positions involving comparable duties and responsibilities be similarly classified and compensated

This bill would repeal the stated purpose of developing a high morale among state civil service employees by providing adequately for leaves of absence, vacations, and other considerations. This bill would also add as a purpose, that applicants and employees be treated in an equitable manner without regard to political affiliation, race, color, sex, religious creed, national origin, ancestry, marital status, age, sexual orientation, disabili-

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ty, political or religious opinions, or nonjob-related factors.

(2) The Public Employees' Retirement Law authorizes a contracting agency and its employees to share the costs of optional benefits which the agency has elected for, if the contract is amended therefor, and authorizes independent agreements in memoranda of understanding to share the costs of any benefit or cost, which may be inconsistent with the contract but which are not part of the contract between the contracting agency and the system

This bill would delete the authorization of those independent agreements to share the costs of any benefit or cost and would, instead, authorize those independent agreements to agree to share the costs of any benefit only when a contract is being initially entered into

(3) A provision of the Public Employees' Medical and Hospital Care Act provides that an employee who is a member of a board-approved health benefit plan in existence on January 1, 1985, sponsored by an employee organization which is an exclusive representative pursuant to the Ralph C. Dills Act, and who terminates his or her membership in the employee organization shall become ineligible for membership in the plan because of his or her termination of membership in the employee organization. However, the employee could continue the enrollment in the employee organization health benefit plan until the time that the employee is properly notified by the employee organization of the loss of eligibility and, upon notification of the loss of eligibility, the employee within 60 days could change his or her enrollment to another approved health benefit plan for which he or she is eligible

This bill would make that provision applicable to all board-approved health benefit plans, rather than only to those plans in existence on January 1, 1985.

Ch 1194 (AB 4616) Lancaster. Regulations: building standards

Under existing law, the California Administrative Code is renamed as the California Code of Regulations

This bill would provide that whenever the terms "California Administrative Code," "California Administrative Notice Register," or "California Administrative Code Supplement" appear in any law, official legal paper, or legal publication, they shall mean the California Code of Regulations, the California Regulatory Notice Register, and the California Regulatory Code Supplement, respectively

Existing law requires the California Regulatory Notice Register to be sold by the Office of Administrative Law at a maximum subscription rate of not more than $50 per year

This bill would require the California Regulatory Notice Register to be sold at prices which would reimburse the state for all costs incurred for printing, publication, and distribution.

Existing law provides that specified provisions of the Administrative Procedure Act are not applicable to any building standards subject to the approval of the State Building Standards Commission.

This bill would specify that these provisions are not applicable to any building standard or administrative regulations that apply directly to the implementation or enforcement of a building standard, subject to the approval of the State Building Standards Commission.

The existing State Building Standards Code, among other things, requires building standards to be approved by the State Building Standards Commission. It also requires each state agency adopting a model code to reference the most recent edition of applicable model codes.

This bill would change the name of the State Building Standards Code to the California Building Standards Code, and would provide that administrative regulations that apply directly to the implementation or enforcement of building standards be adopted in the same manner as building standards.

This bill would require each state agency adopting a model code, national standard, or specification to reference the most recent edition of applicable model codes, national standards, or specifications

Under existing law, one member of the State Building Standards Commission is re-

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quired to be experienced and knowledgeable in barrier-free architecture and aware of, and sensitive to, the requirements necessary to ensure public buildings are accessible to, and usable by, the physically handicapped, as defined

This bill would, instead, require that at least one member meet that requirement

The above provisions of the bill would become operative January 1, 1989 State agencies would be required by July 1, 1989, to take any action necessary to enforce building standards or administrative regulations to the requirements prescribed by the bill.

Ch. 1195 (AB 4641) Elder. Pipelines: safety.

(1) Under existing law, the State Fire Marshal exercises safety regulatory jurisdiction over intrastate pipelines used for the transportation of hazardous liquid substances or highly volatile liquid substances, and requires the pipeline operator to conduct periodic hydrostatic tests, as specified, on the pipeline Gravity pipelines and pipelines operating at a stress level of 20% or less of pipe yield strength are excluded from regulation. Every pipeline constructed before January 1, 1983, transporting a hazardous or highly volatile liquid is required to be tested in accordance with specified federal regulations.

This bill would delete the exclusion of a pipeline for the transportation of a hazardous liquid substance by gravity, and for a pipeline for the transportation of a hazardous liquid substance that operates at a stress level of 20% or less of pipe yield strength The bill would instead exclude from regulation under these provisions a pipeline for the transportation of crude oil that operates by gravity or at a stress level of 20% or less of minimum yield strength of the pipe. The bill would also exempt the transportation of a hazardous liquid by a flow line The bill would, until January 1, 1991, exempt these pipelines from requirements for compliance with designated federal regulations which are otherwise applicable under state law, with cathodic protection requirements, and with specified design and construction requirements

The bill would delete the exemption for pipelines constructed on or after January 1, 1983, transporting hazardous or highly volatile liquids from testing in accordance with the specified federal regulations, thereby subjecting all those pipelines to that testing.

The bill would delete certain obsolete provisions without substantive change

The bill would impose a state-mandated local program since a violation of the above provisions would, under other provisions of law, 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.

Ch. 1196 (SB 1064) McCorquodale Traffic violator schools

(1) Existing law establishes criteria that are required to be met by a traffic violator school in order to be licensed by the Department of Motor Vehicles.

This bill would require that the school maintain its business in accordance with regulations of the department and would increase a fee from $5 to $50 when it is necessary to serve legal process on the Director of Motor Vehicles in lieu of a licensee

(2) Existing law specifies circumstances under which the department may suspend or revoke a school's license

This bill would add, as additional circumstances, if the licensee is found to be intentionally diverting any student to a traffic school other than the school initially contacted by the student, without disclosure to that student, and to knowingly permitting the sale of completion certificates.

(3) This bill would incorporate additional changes in Section 11202 of the Vehicle Code, proposed by AB 3675, to be operative only if AB 3675 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch. 1197 (SB 2504) Davis Courts: Los Angeles County

(1) Existing law specifies the number, compensation, and classification of municipal and superior court personnel in Los Angeles County.

This bill would revise the number, compensation, and classification of municipal and

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superior court personnel in Los Angeles County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law specifies the employees of the Los Angeles Municipal Court District who are exempt from civil service

This bill would add various, specified employees of the Los Angeles Municipal Court District to those who are exempt from civil service

(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. 1198 (AB 1535) Leslie. Official state song

The Legislature has, by resolution, declared "I Love You, California" to be the official state song.

This bill would enact a statute to designate "I Love You, California" as an official state song.

Ch 1199 (AB 2841) Harris. Decedents' estates.

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 actions and procedures governing decedents' estates, including the appointment of trust companies as fiduciaries, the wartime substitution of fiduciaries, the appointment and revocation of persons as probate referees, the powers of probate referees, litigation involving decedents, the powers of guardians and conservators, the appointment of a public guardian, the powers and duties of the public guardian, the validity of wills, the passage of title to a decendent's property, the jurisdiction and venue of courts in proceedings involving decedents' estates, the powers and duties of public administrators, the opening and closing of estate administration, probate of wills, the appointment and removal of personal representatives, the powers and duties of personal representatives, the inventory and appraisal of decedents' estates, creditor's rights, litigation of claims against decedents' estates, accounts, distribution of estates, ancillary administration, administration of trusts, and abatement The bill would also make related changes. The provisions of the bill would become operative on July 1, 1989

This bill would incorporate additional changes in Section 1035.05 of the Military and Veterans Code, proposed by SB 2766, to be operative only if SB 2766 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last

The bill would impose a state-mandated local program by revising the duties of county officers, such as the public guardian and public administrator, and revising the definition of 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, 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. 1200 (AB 3830) W. Brown. Trial court delay reduction.

(1) Existing law establishes the Trial Court Delay Reduction Act of 1986, requiring the implementation of a 3-year exemplary delay reduction program in designated superior courts according to standards adopted by the Judicial Council, as well as proce-

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dures, standards, and policies developed by the judges involved in that county, as specified. Existing law also establishes the Trial Court Funding Act of 1985, which provides state funding for trial courts on a county-option basis, as specified

This bill would revise a judge's authorization to dismiss actions or strike pleadings under the delay reduction program. The bill would further provide that the procedures, standards, and policies developed under the Trial Court Delay Reduction Act of 1986, by the judges involved in such a program, may impose procedural requirements in addition to those authorized by statute, and may shorten any time period specified by statute, except as specified. The bill would state that the above provision is declaratory of existing law

This bill would require each court and the Judicial Council to adopt rules, as specified, on or before January 1, 1989, to allow for the arbitration of cases designated by the court as "Uninsured Motorist" cases, as specified. To the extent that courts would be required to comply with this provision, the bill would constitute a state-mandated local program.

The bill would also authorize the presiding judge of any superior court in a county which has opted to come under the Trial Court Funding Act of 1985, but which is not required to participate under the Trial Court Delay Reduction Act of 1986, to elect to come under the program by designating a minimum of 4 judges to participate in the program, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program. The bill would also authorize the superior courts in specified counties to adopt exemplary delay reduction programs, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

The bill would require the Judicial Council to review all local delay reduction rules, and make recommendations for revision of those rules, as specified. The bill would also require the Judicial Council to adopt uniform delay reduction rules for courts opting under the program, as specified, but these rules would not apply to courts in designated counties. In addition, the local rules adopted could limit the time in which a person may file a cross-complaint, as specified.

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

This bill would provide that, 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.

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

Ch 1201 (AB 3994) Bane. Horseracing.

(1) 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 that requirement for any association which conducts a harness meeting on a track of one mile or longer

(2) 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 that 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

(3) Existing law requires associations to pay state license fees at specified rates and to distribute the amount remaining from the parimutuel pool deduction after payment of state license fees between commissions and purses at specified percentages

This bill would reduce state license fees for an association conducting a harness racing meeting at the California Exposition and State Fair with an average daily handle of $650,000 or less to 0.5% of the total handle, would require the amount remaining from

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the parimutuel pool deduction from that meeting after payment of state license fees to be distributed between commissions and purses as agreed by the association and the horsemens' organization, and would authorize the association to increase by 1.5% the amount which may be retained from parimutuel pools for distribution as additional commissions

(4) Existing law requires the total deduction from parimutuel pools at satellite wagering facilities to be the same as the deduction for wagers at the track where the racing meeting is conducted, requires specified amounts of the deduction to be paid for state license fees and other purposes, and requires any remaining amount to be distributed 50% as commissions and 50% as purses.

This bill would reduce the state license fee for wagering at satellite wagering facilities on a harness racing meeting at the California Exposition and State Fair with an average daily handle of $650,000 or less to 0.5% of the total handle. The bill would require the amount remaining from the deduction from wagers at satellite wagering facilities on that meeting, after payment of state license fees and other required payments, to be distributed between commissions and purses as agreed by the association and the horsemens' organization

Ch. 1202 (AB 4642) Bronzan. Mentally disordered minors.

Under the existing Lanterman-Petris-Short Act and the Short-Doyle Act, there are various mental health commitment and treatment services for adults as well as minors. Funding for these services is generally shared by the state and county under the Short-Doyle Act

This bill would enact the Children's Civil Commitment and Mental Health Treatment Act of 1988 providing for the 72-hour involuntary commitment for evaluation and treatment of dangerous mentally disordered or gravely disabled minors who refuse voluntary treatment, as provided.

Specified provisions of this bill would be repealed January 1, 1990

This bill would authorize the Director of Mental Health to promulgate necessary regulations for this purpose, and would authorize the director, in consultation with the California Conference of the Local Mental Health Directors, to develop educational materials and a training curriculum, and to provide training, as specified

This bill would impose a state-mandated local program by requiring these provisions to be funded under the Short-Doyle 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, 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 1203 (AB 4644) Cortese. Expenditure limitations

Existing provisions of Article XIII B of the California Constitution prohibit the annual appropriations subject to limitation, as defined, of any governmental entity from exceeding its annual appropriations limit and provide for annual adjustments in that limit based on changes in the cost of living and population calculated in a specified manner.

Existing statutory provisions provide for the implementation of Article XIII B by defining various terms used in the article and prescribing procedures to be used in implementing specific provisions of the article

Under existing statutory provisions, the governing body of each local jurisdiction, as defined, is required to annually establish, by resolution, its appropriations limit for the following fiscal year pursuant to Article XIII B The determination of the appropriations limit is deemed to be a legislative act.

This bill would require the governing body of each local jurisdiction, at the time it establishes its appropriations limit for the following fiscal year, to also make other

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necessary determinations for the following fiscal year pursuant to Article XIII B, thereby imposing a state-mandated local program These determinations would be deemed to be legislative acts

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

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

This bill also contains a statement that its provisions do not constitute a change in, but are declaratory of, existing law.

Ch. 1204 (SB 1755) Lockyer Corporation liability

(1) Existing law provides that no claim for punitive damages against a health care provider shall be included in a complaint or other pleading unless permitted by court order.

This bill would specify that the provision applies to any action for damages arising out of the professional negligence of a health care provider.

(2) This bill would also prohibit a cause of action against a person serving without compensation as a director or officer of a nonprofit corporation that meets specified criteria, on account of any negligent act or omission by that person within the scope of that person's duties as a director acting in the capacity of a board member, or as an officer acting in an official capacity as an officer, from being included in a complaint or other pleading unless the plaintiff has established evidence that substantiates the claim. It would also require the plaintiff to file a verified petition accompanied by the proposed pleading alleging the cause of action and supporting affidavits, which shall toll the running of any applicable statute of limitations until the court's final determination, as specified

(3) Existing law limits the liability of certain directors and officers, in specified circumstances, of corporations incorporated pursuant to the nonprofit public benefit corporation law, incorporated pursuant to the nonprofit religious corporations law, or incorporated pursuant to the nonprofit mutual benefit corporations law.

This bill would make those provisions applicable to corporations that are subject to those laws

This bill would also repeal duplicate sections

(4) The bill would also provide that no cause of action for monetary liability arises against directors or officers of certain nonprofit corporations and medical associations for acts or omissions within the scope of duties and done in good faith and believed to be in the best interests of the corporation or association, if the corporation or association maintains liability insurance and certain other criteria are met However, liability would not be limited for certain acts. These provisions and those set forth above in (2) would remain in effect until January 1, 1992, when they would be repealed.

Ch 1205 (SB 1420) Lockyer Actions pleadings

Existing law provides that no claim for punitive damages against a health care provider shall be included in a complaint or other pleading unless permitted by court order

This bill would specify that the provision applies to any action for damages arising out of the professional negligence of a health care provider The bill would state that its provisions are declaratory of existing law

SB 1755 would add provisions applicable to actions involving the liability of directors and officers of certain nonprofit corporations. Among other things, those provisions do not apply to corporations that engage in certain forms of discrimination.

This bill would amend those provisions to specify that they do not apply to corporations that engage in certain forms of unlawful discrimination. Those amendments would become operative only if both bills are enacted and this bill is enacted last.

Ch 1206 (SB 2046) Campbell. Urban heavy rescue capability

Under existing law, there is in the office of the Governor the Office of Emergency Services, which is the State Civil Defense Agency.

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This bill would require the Fire and Rescue Division of the Office of Emergency Services to acquire and maintain urban heavy rescue units and equipment The State Fire Marshal's Office would be required to train personnel in the use of the units and equipment

Ch. 1207 (SB 2374) Lockyer. Vehicles. accident reports.

(1) Existing law requires the driver of any vehicle involved in an injury accident to stop at the scene of the accident, and a failure to comply is a felony-misdemeanor. with prescribed punishment.

This bill would make it punishable by imprisonment in the state prison for 2, 3, or 4 years. or in the county jail for not to exceed one year, or by a fine of not more than $10,000, or by both, to fail to comply with the requirements of existing law, if the accident results in death or permanent, serious injury, as defined, 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. 1208 (SB 2537) Craven Campaign statements and reports· copies

Reports and statements filed pursuant to the Political Reform Act of 1974 are public records open for public inspection and reproduction. Copies are required to be provided at a charge not to exceed 10¢ per page

This bill would authorize the filing officer to charge, in addition to this reproduction fee, a retrieval fee not to exceed $5 per request for copies of reports and statements which are 5 or more years old and would provide that a request for more than one report or statement at the same time shall be considered a single request.

Ch 1209 (SB 2549) Keene Small and rural hospitals

Existing law states the intention of the Legislature to develop a comprehensive approach to strengthen and salvage rural hospitals and to identify and study for feasibility a rural alternative model through a limited demonstration project

This bill would state the Legislature's intention to establish a program of grants to assist selected rural hospitals and to identify a rural alternative model, to implement demonstration projects and establish the rural alternative hospital as a license category of health facility

This bill would require the department to establish rural alternative hospital demonstration projects, as specified, and prepare and adopt regulations establishing the rural alternative hospital as a licensed health facility or report to the Legislature why a category should not be established

Existing law authorizes the State Department of Health Services 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 require that small and rural hospitals be paid certain rate adjustments for outpatient services under the Medi-Cal Act The bill would require the department to set those rates pursuant to a prescribed formula

Ch. 1210 (SB 2659) Doolittle Prairie City Off-Highway Vehicle Park: Ocotillo Wells State Vehicle Recreation Area

(1) Existing law requires the Department of Parks and Recreation to manage state vehicular recreation areas Existing law authorizes the appropriation of moneys in the Off-Highway Vehicle Fund for local assistance grants for off-highway motor vehicle purposes and for purposes of the state vehicular recreation area and trail system

This bill would authorize the department to enter into an operating agreement with the County of Sacramento to operate the Prairie City Off-Highway Vehicle Park as a state vehicular recreation area until it is transferred to the state The bill would appropri-

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ate $1,008,000 from the fund to the department, with $195,000 for the acquisition of Sacramento County's interest in the Prairie City Off-Highway Vehicle Park and $813,000, in augmentation of the Budget Act of 1988, for department support costs for the 1988–89 fiscal year which are related to that off-highway vehicle park. The bill would require the department to complete a concessions proposal for the park which is ready for bid in the 1990–91 fiscal year

The bill would also amend and supplement the Budget Act of 1988 to reappropriate $1,584,000 to the department for construction at the Ocotillo Wells State Vehicle Recreation Area, and would make the funds available for expenditure until June 30, 1989.

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

Ch. 1211 (SB 2891) Vuich Flood control· Redbank-Fancher Creeks Project

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and, in this connection, adopts and authorizes the plan for improvement for flood control and other purposes on the Fresno County Stream Group identified as the Redbank-Fancher Creeks Flood Control Project, except for the Redbank Creek Detention Basin, substantially in accordance with specified recommendations

The bill would delete the exception for the Redbank Creek Detention Basin, but would prohibit the nonflood control application of water within the basin except for landscape irrigation or dust control The bill would also require basin design criteria and operational procedures to include specified matters, and would prescribe related requirements

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

Ch 1212 (AB 3446) Elder Peace officers firearms

Under existing law, a law enforcement agency from which certain peace officers are honorably retired may, upon initial retirement of the officer, or at any later time, deny or revoke for good cause the retired officer's privilege to carry a concealed firearm.

Under existing law, honorably retired peace officers who retired after January 1, 1981, are issued an identification certificate by the agency from which the officer retired which has a renewable endorsement stating that the issuing agency approves of the officer's carrying a concealed or loaded firearm

This bill, in addition, would provide that the above endorsement shall also state that the carrying of a concealed or loaded firearm is "CCW Approved," as defined. With respect to peace officers retired from the Department of Corrections, as specified, between January 2, 1981, and December 31, 1988, these provisions would not apply until the time of the issuance, on or after January 1, 1989, of a renewal endorsement

This bill would, with respect to certain local retired peace officers, who retired after January 1, 1981, provide for the revocation of the privilege to carry a concealed firearm only upon a hearing to show good cause, following a notice to the retired officer It would specify the grounds upon which revocation could be based It would also prohibit these peace officers, retired after January 1, 1989, from being issued an endorsement to carry a concealed weapon if they are retired because of psychological disabilities The bill would also specify the membership composition of the hearing board, and would specify that the decision of the board shall be binding on the local agency and the retired peace officer

To the extent that the bill would require local law enforcement agencies to provide for these revocation hearings, it would impose a state-mandated local program

This bill would incorporate additional changes in Sections 12027 and 12031 of the Penal Code, proposed by AB 1567, to be operative only if AB 1567 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

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

This bill would provide that, if the Commission on State Mandates determines that this

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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. 1213 (SB 1552) Kopp Acquired immune deficiency syndrome.

Existing law prescribes the qualification for licensure as a professional pursuant to provisions in the Business and Professions Code relating to the healing arts and for the licensing of health facilities and emergency medical technicians pursuant to provisions of the Health and Safety Code.

This bill would make legislative findings as to the need for professionals of the healing arts to have training in the characteristics and method of assessment and treatment of patients who have, or are at risk to be exposed to, acquired immune deficiency syndrome (AIDS)

The bill would require the respective boards regulating dentists and related licensees, chiropractors, medical laboratory technicians, physicians and surgeons, podiatrists, registered nurses, vocational nurses, psychologists, physicians' assistants, respiratory therapists, acupuncturists, marriage, family, and child counselors, licensed educational psychologists, and clinical social workers to consider including training regarding the characteristics and method of assessment and treatment of acquired immune deficiency syndrome (AIDS) in specified continuing education and training requirements for those licensees. The bill would require specified health care facilities to consider including that training in a program for nurse assistants and for the Emergency Medical Services Authority to consider that training for emergency medical technicians

Ch 1214 (SB 2675) C Green PERS· state safety members

The Public Employees' Retirement Law defines, for the Public Employees' Retirement System, "state safety member" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state safety members, than for state miscellaneous members

This bill would include as an employer the Prison Industry Authority and would include certain job classifications of the authority within the state safety membership category, thereby increasing the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation.

Ch 1215 (SB 2752) Rosenthal Pawnbrokers and secondhand dealers

Existing law provides that whenever any peace officer has probable cause to believe that property in the possession of a pawnbroker or secondhand dealer is stolen, the peace officer may place a hold on the property for a period not to exceed 90 days If the property is required in a criminal investigation, the pawnbroker or secondhand dealer is required to produce the property, as specified

This bill would authorize the pawnbroker or secondhand dealer to deliver the property to a peace officer

Ch 1216 (SB 2788) Maddy. AIDS test results

(1) Existing law permits 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.

Existing law also permits 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

This bill would repeal that provision

(2) Existing law also specifies 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

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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.

This bill would, instead, provide that no physician and surgeon who has the results of a confirmed positive test to detect infection by the probable causative agent of AIDS of a patient under his or her care shall be held criminally or civilly liable for disclosing to a person reasonably believed to be the spouse, or to a person reasonably believed to be a sexual partner, or a person with whom the patient has shared the use of hypodermic needles, or to the county health officer, that the patient has tested positive on a test to detect the probable causative agent of AIDS, except that no physician and surgeon shall disclose any identifying information about the individual believed to be infected.

The bill would also prohibit a physician and surgeon from disclosing that information unless he or she has first discussed the test results with the patient and has offered the patient appropriate educational and psychological counseling, and has attempted to obtain the patient's voluntary consent for notification of his or her contacts The bill would require a physician and surgeon to notify the patient of his or her intent to notify the patient's contacts prior to any notification

The bill would require, the physician and surgeon, when the information is disclosed to a person reasonably believed to be a spouse, or to a person reasonably believed to be a sexual partner, or a person with whom the patient has shared the use of hypodermic needles, to refer that person for appropriate care, counseling, and followup. The bill would further specify that its provisions do not apply to disclosures made other than for the purpose of diagnosis, care, and treatment of persons notified pursuant to its provisions, or for the purpose of interrupting the chain of transmission

This bill would also permit the county health officer to alert any persons reasonably believed to be a spouse, sexual partner, or partner of shared needles of an individual who has tested positive on a test to detect infection by the probable causative agent of acquired immune deficiency syndrome (AIDS) about their exposure, without disclosing any identifying information about the individual believed to be infected or the physician making the report The county health officer would be required to refer any person to whom a disclosure is made pursuant to this provision for appropriate care and followup.

The bill would require a county health officer, upon completion of his or her efforts to notify any of these persons, to expunge all records concerning that person. It would require the county health officer to keep confidential the identity and the seropositivity status of the individual tested and the identities of the persons contacted, as long as records of contacts are maintained.

Since the bill would impose additional duties upon county health officers, it would constitute a state-mandated local program.

Ch 1217 (SB 2818) Lockyer Attorneys discipline.

Existing law provides for review of State Bar disciplinary matters before the California Supreme Court in accordance with procedures prescribed by the court

This bill would provide, instead, for review by either the California Supreme Court or by a California Court of Appeal, and would provide that such review shall be in accordance with procedures prescribed by the California Supreme Court

Ch. 1218 (SB 2830) Bergeson Highway projects local construction, improvement, maintenance.

Existing law authorizes the Department of Transportation, whenever the California Transportation Commission or other public entity has allocated funds for the construction, improvement, or maintenance of any portion of a state highway within a city, county, or county transportation commission, to enter into a cooperative agreement with the city, county, or county transportation commission for performance of the work by the department or the city, county, or county transportation commission, or for apportioning expenses of the work between the department and the city, county, or county transportation commission

Under existing law, the department is required to enter into a cooperative agreement for the performance by a city, county, or county transportation commission of professional and technical project development services if the department would otherwise

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contract for those services and the resources of the city, county, or county transportation commission are qualified and available to perform the service.

This bill would require the department to enter into those agreements for professional and technical services if the entity in which the project is located has qualified and available staff to perform the necessary project services, and would authorize these agreements to be entered into with any other public entity that allocated the funds for a state highway project instead of the county transportation commission.

Ch. 1219 (SB 2859) Royce. 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

Existing law also provides 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.

This bill would make various technical and clarifying changes in the provisions applicable to these programs It would specifically authorize the department to suspend or revoke the drinking driver program license, based upon specified grounds It would set forth administrative and judicial procedures in this connection, pursuant to existing provisions.

(2) Existing law authorizes the department to impose license fees in conjunction with the licensing of drinking driver programs, and requires that the fees be deposited in the Drinking Driver Licensing Trust Fund, and the moneys so derived are available upon appropriation by the Legislature. Existing law requires that excess license fees collected under this program be annually rebated to licensees, as specified.

This bill would delete this rebate provision and provide, instead, that these fees, and fines authorized by the bill for delinquent fee payments, be deposited in the fund, for annual evaluation based upon the department's projected costs. The bill would require that any excess fees be forwarded and taken into consideration in the establishment of fees in a subsequent fiscal year, with specified annual reports to the Legislature by the department regarding the fund.

(3) County drug alcohol program administrators have various duties under the existing drinking driver program statute, including ongoing monitoring of local programs.

This bill would require monitoring, and reports thereon to the department, at least every 6 months, and would require that the county alcohol administrator notify the department within 30 days of the date that a program's license is denied, suspended, or revoked, of the individuals who failed to participate in another program within 21 days of the denial, suspension, or revocation. All of these changes would impose state-mandated local programs.

(4) Existing law requires the department, in cooperation with the State Department of Mental Health, to operate a program at Patton State Hospital to demonstrate model alcohol rehabilitation concepts.

This bill would repeal that provision

(5) This bill would incorporate additional changes in Section 11837 4 of the Health and Safety Code, proposed by SB 2233, to become operative only if SB 2233 and this bill are both enacted and become effective January 1, 1989, and this bill is enacted last.

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

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This bill would provide that 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. 1220 (SB 2894) Bergeson. Correctional facilities.

Existing law requires the Department of Corrections to perform site suitability studies and prepare an environmental impact report for a correctional facility in Imperial County.

This bill would authorize the department to construct and establish a 2,000-bed Level IV prison together with a 200-bed service facility in Imperial County

The bill would appropriate $10,000,000 from the 1988 Prison Construction Fund for that prison and service facility to be repaid from funds derived from lease-purchase financing methods, including loans from the Pooled Money Investment Account, as specified.

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

Ch. 1221 (AB 3675) Bane. Vehicles traffic violator schools

(1) Existing law requires applicants for a traffic violator school license to file a $2,000 surety bond or cash with the Department of Motor Vehicles The bond is required to be conditioned upon the applicant not practicing any fraud which will cause a monetary loss to a person taking instruction from the applicant

This bill would require the bond also to include loss to the state or any of its subdivisions The bill would authorize the department, on behalf of the state or its political subdivisions, to bring a cause of action against the bond or deposit under specified circumstances. The bill would delete the provision requiring a cash deposit in lieu of the specified surety bond, and would permit, instead, a deposit pursuant to specified provisions of the Code of Civil Procedure

(2) Existing law prescribes the criteria for traffic violator school owner's and traffic violator school operator's licenses.

This bill would require owners who also operate traffic violator schools to meet operator requirements and pay required operator fees, but would exempt public schools and other public educational institutions from these provisions

Ch. 1222 (AB 3722) O'Connell Vehicles· inhalation hazards.

(1) Existing law requires motor carriers who transport hazardous materials to be licensed and to be regulated by the Department of the California Highway Patrol and makes any violation of the provision a misdemeanor.

This bill would require carriers transporting specified materials to provide advance notification to the department containing specified information, thereby imposing a state-mandated local program by creating a new crime The department would be required to notify specified sheriffs and police chiefs who would be required to notify fire chiefs. The carriers would also be subject to specified civil penalties for violations of the 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

Ch 1223 (AB 3803) Floyd. Marshals

(1) Existing law provides that the sheriff shall attend superior court and the marshal shall attend municipal court.

This bill would provide that the marshal shall attend the superior court as well as the municipal court in Orange County This bill would make related changes pertaining to the appointment, promotion, demotion, compensation, and benefits of personnel employed by the marshal's office in Orange County, thereby constituting a state-mandated local program by imposing new duties upon a local agency

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(2) Existing law provides that specified security officers, including, among others, court services officers in a county of a 3rd class, are peace officers.

This bill would specify that court services officers in a county of the 2nd class are also peace officers. To the extent that the bill would require a county of the 2nd class to establish a procedure to investigate citizens' complaints under an existing program, the bill would constitute a state-mandated local program.

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

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

Ch. 1224 (AB 3985) Tucker. 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.

This bill would require that a miniexit conference be held with the administrator or his or her representative upon leaving the facility at the completion of the investigation to inform him or her of the status of the investigation and would require the department to also state the items of noncompliance and compliance found as a result of a complaint and those items found to be in compliance, provided the disclosure maintains the anonymity of the complainant

Ch 1225 (AB 4663) Hauser. Air pollution· maps

Under existing law, the State Air Resources Board and air pollution control districts and air quality management districts have various powers and duties relating to the control of air pollution. Existing law does not require them to produce maps based on compliance with air quality standards

This bill would require the state board to publish maps classifying cities, counties, or portions thereof, on the basis of attainment or nonattainment of ambient air quality standards The bill would prescribe procedures for preparation of those maps by the state board or, at their option, by the districts, and would require annual revision of the maps The bill would also require the state board, upon request, to hold public hearings on any proposed, adopted, amended, or revised map, as specified.

Ch 1226 (SB 2275) Seymour Response action contractors: indemnification

(1) The Carpenter-Presley-Tanner Hazardous Substance Account Act authorizes the State Department of Health Services to indemnify and hold harmless a response action contractor, as defined, for any injuries, costs, damages, or expenses which result from the response action contractor's acts or omissions in carrying out a removal or remedial action caused by a release or threatened release at certain hazardous substance release sites under specified conditions The act requires the approval of the Director of Finance, based upon specified determinations, before the department could provide that indemnification, including determining that there are no other contractors which are available to perform the work which are as qualified as the contractor proposed to be indemnified

This bill would authorize the department to amend all existing contracts to provide this indemnification The bill would require the Department of General Services, instead of the Director of Finance, to make these determinations. The bill would also revise the determinations required to be made concerning the amount of liability the response action contractor is required to assume and whether there are other qualified response action contractors

(2) Existing law repeals the Carpenter-Presley-Tanner Hazardous Substance Account Act as of July 1, 1991, but provides for an extension of this repeal if the bonds from the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 are not paid. The provisions of the act concerning response action contractors discussed in (1) above are repealed as of January 1, 1990

This bill would, notwithstanding the act's 1991 repeal, repeal the provisions concerning response action contractors as of January 1, 1992

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

Ch. 1227 (SB 1942) Craven. Sales and use tax exemptions· fuel and petroleum products

The existing California Sales and Use Tax Law exempts from the computation of the amount of the sales tax the gross receipts from the sale of fuel and petroleum products to a water, air, or rail common carrier, for immediate shipment outside this state for consumption in the conduct of its business as a common carrier after the first out-of-state destination.

This bill, in addition, would exempt from the state sales and use taxes until January 1, 1994, the gross receipts from the sale of, and the storage, use, or other consumption of, fuel and petroleum products sold to an air common carrier for immediate consumption or shipment in the conduct of its business as an air common carrier, on a flight whose first destination is a foreign destination

This bill would repeal the exemption created by the bill prior to January 1, 1994, if a specified federal exemption is also repealed prior to that date

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 the state will not reimburse counties and cities for revenue losses carried by the enactment of this bill

This bill would take effect immediately as a tax levy, but it would not become operative until January 1, 1989

Ch 1228 (SB 2446) Davis Passenger trains

(1) Existing law does not provide for a specific rail corridor study of the rail line between Santa Barbara and Los Angeles

This bill would create the Southern California Regional Intercity State Rail Corridor Study Group, with a specified membership, with the Director of Transportation serving as the chairperson, to develop a program, as specified, of incremental upgrading of the rail lines between these cities

The bill would require the study group to submit to the Legislature, by April 30, 1989, a report of its findings and recommendations relative to rail service

The bill would appropriate $175,000 from the Transportation Planning and Development Account in the State Transportation Fund to the Department of Transportation for preparation of a program of incremental improvements to the Los Angeles-Santa Barbara intercity rail service, which would be available on a matching basis with funds from nonstate sources

(2) ACR 132 of the 1987–88 Regular Session would request the Metropolitan Transportation Commission, in coordination with the Sacramento Area Council of Governments and the department, to conduct an intercity rail corridor upgrade study of the Auburn-Sacramento-Oakland-San Jose corridor

This bill would appropriate $90,000 from the Transportation Planning and Development Account to the department for allocation by the Director of Transportation to the Metropolitan Transportation Commission, the Sacramento Area Council of Governments, and the department for purposes of conducting that rail corridor upgrade study, which would be available on a matching basis with funds from nonstate sources.

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

Ch 1229 (SB 2357) Ellis School district organization. [13]

Existing law authorizes the formation and reorganization of school districts pursuant to petitions of the electorate or proposals of county committees on school district organization.

This bill would establish a 13-member advisory commission, to be appointed as specified, to study the feasibility of increased consolidation of school districts, and to recom-

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mend statutory revisions based upon the results of the study. The bill would require the commission to report accordingly to the Legislature no later than January 1, 1990.

The bill would require that every effort be made to ensure that the ethnic and racial composition of the commission reflects the current ethnic and racial distribution of pupils in kindergarten and grades 1 to 12, inclusive

The bill would require that members of the commission be reimbursed for travel expenses and per diem incurred in the course of performance of their official duties.

The bill would appropriate $100,000 to the commission for purposes of supporting the activities of the commission

Ch 1230 (SB 2465) Watson Graffiti removal [14]

(1) Under existing law, the Director of the Youth Authority may require wards of the Youth Authority to perform labor for specified purposes

Existing law also provides for the imposition of the performance of community service as a condition of probation for both adults and minors

This bill would require the Department of the Youth Authority to establish and monitor the progress of a 3-year pilot project in Los Angeles County for the removal of graffiti, as defined, and would require the Los Angeles County Probation Department to administer the pilot project, which would consist of requiring adults, minors, or adults and minors, who are on probation, as part of community service ordered to be performed as a condition of their probation, to repair, remove, clean, or reconstruct any damage or defacement resulting from the application of graffiti to public property, thereby imposing a state-mandated local program

The bill also would authorize the Los Angeles County Probation Office to require wards of the juvenile court placed in juvenile hall or a county juvenile home, ranch, or camp to perform the above-described tasks

The bill would require the Youth Authority to report to the Legislature on the pilot project, as specified, on or before April 1, 1990, April 1, 1991, and April 1, 1992

(2) This bill would appropriate $45,000 to the Department of the Youth Authority for the purpose of the pilot project, to be allocated as specified.

(3) This bill would require the Legislative Analyst to study the potential for tax credit or incentives to encourage the donation of paint and graffiti-removal products

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

This bill would provide that, 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. 1231 (AB 3165) Klehs Property tax assistance

Under the Senior Citizens Homeowners and Renters Property Tax Assistance Law, qualified persons 62 years of age or older or blind or disabled, as defined, who own or rent their residences may claim state funds to reimburse them for a portion of the property taxes paid or deemed to be paid on their residences The amount of assistance is based on the claimant's household income with the percentage of assistance decreasing as the amount of the claimant's household income increases. Assistance is not allowed if the claimant's gross household income with specified deductions exceeds $20,000

This bill would increase by 10% each household income level corresponding to a specific percentage rate of assistance This bill would increase the maximum allowable gross household income of a claimant from $20,000 to $24,000

This bill would provide that if it becomes effective prior to October 2, 1988, it shall apply to property tax assistance claims for the 1988–89 fiscal year and fiscal years thereafter

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

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Ch. 1232 (AB 3180) Cortese. Environmental impact reports: mitigation findings.

(1) The California Environmental Quality Act prohibits a public agency from approving or carrying out a project for which an environmental impact report identifies significant environmental effects, unless one of specified findings relative to mitigation of those effects has been made. If no significant effect on the environment would occur, a negative declaration is required to be made, which would identify potentially significant effects that would be avoided or mitigated, as specified.

This bill would require the agency in making one of those findings, or adopting a negative declaration, to adopt a reporting and monitoring program for adopted or required changes to mitigate or avoid significant environmental effects. The bill would require an agency having jurisdiction over natural resources affected by a project, if requested by a lead or responsible agency, to submit a proposed reporting or monitoring program for changes required or incorporated into the project at its request The bill would impose a state-mandated local program by imposing new duties on local agencies.

(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. 1233 (AB 4058) Isenberg. Workers' compensation Department of Corrections and Department of the Youth Authority

Existing law requires the Administrative Director of the Division of Industrial Accidents to establish within the division a rehabilitation unit with prescribed duties relative to providing injured employees with rehabilitation services

This bill would establish a specified workers' compensation early intervention program in the Department of Corrections and the Department of the Youth Authority for employees who sustain certain injuries, and would require that this program be implemented by December 31, 1989. The bill would permit authorized representatives of the departments to request the State Compensation Insurance Fund to provide any payment, allowance, or benefit prior to the payment, allowance, or benefit being due and payable. When so requested, it would require the fund to administer the benefits in a timely fashion

The bill would also require the Director of Corrections and the Director of the Youth Authority to report to the Auditor General by July 1, 1992, on the accomplishment of early intervention and to include specified data in the report.

It would also require the Auditor General to review and evaluate the report provided by the directors, as specified, and to submit this report, along with its review and evaluation, to the Legislature by December 31, 1992.

In addition, this bill would make certain legislative findings and declarations

Ch. 1234 (AB 4132) Floyd Income taxes. credits. exclusions.

The existing Personal Income Tax Law allows, until January 1, 1992, taxpayers whose adjusted gross income is less that $27,000, a credit against the taxes imposed under that law in an amount equal to 4% of the eligible income received by those taxpayers

This bill would provide that the term "eligible income" includes pensions and retirement pay received by an individual for his or her services as a member of the California National Guard or the State Military Reserve.

The existing Personal Income Tax Law allows various exclusions from gross income.

This bill would provide that gross income does not include any amount received pursuant to any federal law enacted in 1988 to provide reparation payments to redress the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned during World War II The bill would provide that the provisions providing for the exclusion from gross income would not become operative until the Franchise Tax Board makes a specified determination

This bill would take effect immediately as a tax levy.

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Ch 1235 (SB 217) Kopp. Public retirement systems.

(1) The existing Public Employees' Retirement Law provides different rights and benefits for local safety members and local miscellaneous members, includes within the definition of local safety members, local policemen, and, generally, authorizes contracting agencies to elect to make local safety member benefits applicable to specified categories of employees

This bill would define "local policeman" to mean a local policeman or a local policewoman and would, in a provision which would be optional to contracting agencies, include within the job category of local policeman or local policewoman, persons employed by the police department of a contracting agency which is a city and employed to perform communication duties for an employer, who elected to become a local safety member, as specified

This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) Under the existing County Employees Retirement Law of 1937, the board of supervisors of a county of the fourth class may provide that contributions not be deducted from any member who was a member before or after March 7, 1973, and has total reciprocal service credit of not less than 30 years in the retirement association, or in the retirement association and another county retirement system established under the County Employees Retirement Law, or the Public Employees' Retirement System, or a combination thereof.

This bill would authorize a county of the second class to exercise this option This new authorization would impose state-reimbursable, state-mandated local negotiating costs, since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(3) Under the existing Public Employees' Retirement Law, "public service" is defined to include service credit, not to exceed one year, purchased under specified conditions by certain employees who have been laid off.

This bill would provide that if an employee purchases service credit as provided by this provision, any service credit or contributions accumulated during the layoff period through other qualifying employment would be revoked

(4) Under the existing County Employees Retirement Law of 1937, elective officers may become members of the retirement association by making a prescribed filing of declaration to become a member.

This bill would permit a county of the 16th class, upon adoption of a resolution by the board of supervisors, to permit an elective officer as described above who has served 2 complete consecutive terms in an elective office and who has reached a specified minimum age to be retired upon filing an application, 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, 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 1236 (SB 2076) Alquist AIDS foster parents.

Existing law establishes various programs to provide information concerning the prevention of the transmission of the human immunodeficiency virus (HIV), the probable causative agent of acquired immune deficiency syndrome (AIDS).

This bill would require the State Department of Social Services to establish a pilot project, in either a northern or southern California county, which meets specified requirements, to recruit foster parents for children 2 years of age and under who have tested positive for antibodies to HIV or who have been diagnosed as having AIDS.

The bill would require the pilot project to provide training, education, and support

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services to these foster parents, as specified.

The bill would require the local public or private nonprofit organization operating the pilot project pursuant to a contract with the department, to provide one dollar in matching funds for every $3 in state funds provided for the project.

The bill would require the department, by January 1, 1990, to report to the Legislature on implementation of the bill, as specified.

The bill would appropriate $125,000 to the State Department of Social Services in order to implement the bill.

The provisions of the bill would remain in effect only until January 1, 1992, and as of that date would be repealed, unless a later enacted statute which is chaptered prior to January 1, 1992 extends or deletes that date

Ch 1237 (SB 2604) Presley. Civil procedure· trial of actions

Existing law provides, among other reasons, that a civil case shall be granted preference upon the motion of a party who has reached the age of 70 years, unless the court finds that the party does not have a substantial interest in the case as a whole

This bill would provide that a civil case to recover damages for wrongful death or personal injury shall be entitled to preference upon the motion of any party who is under the age of 14, unless the court finds that he or she does not have a substantial interest in the case as a whole

The bill would also provide that a civil case involving a party who has reached the age of 70 years has preference over a civil case under the provisions that would be added by the bill

Ch 1238 (SB 2872) Dills. 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 a 10-member Medical and Chiropractic Advisory Committee to advise and assist the division. Seven members are required to be physicians and surgeons who hold an M D. degree and 2 are required to be physicians and surgeons who hold a D O. degree, all of whom are required to be certificated to practice medicine or osteopathic medicine in this state One member is required to be a chiropractor licensed to practice chiropractic in this state. Existing law provides that the chiropractic member serves a 2-year term and the physician and surgeon members serve 2-year staggered terms

This bill would revise the composition of the committee to add one additional chiropractic member. It would, instead, require all members of the committee to serve 2-year staggered terms

Ch. 1239 (SB 722) Hart. Income taxation· credits: child care assistance.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for various credits against the taxes imposed by those laws Existing provisions of those laws also permit, in computing taxable or net income, a deduction for the amount of the expenses incurred by a taxpayer for child care assistance, as defined, to the taxpayer's employees

This bill would authorize a tax credit under both laws in an amount equal to 30% of the cost, not to exceed a specified amount, paid or incurred by the taxpayer for the startup expenses, as specified, of establishing a child care program or constructing a child care facility in California to be used primarily by the children of the taxpayer's employees, or for the cost paid or incurred by the taxpayer on or after the effective date of this bill for contributions to California child care information and referral services, or both.

This bill would also authorize a tax credit under both laws in an amount equal to 50% of the cost, not to exceed a specified amount, paid or incurred by the taxpayer for contributions to a qualified care plan, as specified, made on behalf of any dependent of the taxpayer's California employee

The bill would repeal these new credits on December 1, 1992.

This bill would take effect immediately as a tax levy

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Ch. 1240 (AB 200) Clute. Veterans' Home of California: construction.

(1) Existing law provides for the establishment of the Veterans' Home of California in Napa County and its operation on behalf of aged and disabled veterans and their spouses by the Department of Veterans Affairs.

This bill would authorize the department to establish and construct and operate a 2nd home in one of 7 specified counties in southern California.

(2) The bill would amend and supplement the Budget Act of 1988 by appropriating $2,219,000 from the Special Account for Capital Outlay to the department for capital outlay for site analysis and selection for the 2nd home and other related activities, and the support of the department, as specified.

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

Ch. 1241 (AB 1096) N. Waters. Market milk.

(1) Existing law regulates the bacterial level that is permissible in market milk

This bill would additionally prohibit market milk, except for market goat milk, from containing more than 800,000 somatic cells per milliliter until January 1, 1990. After that date, market milk, except for market goat milk, would only be allowed to contain 600,000 somatic cells per milliliter. Since a violation of this prohibition 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. 1242 (AB 2013) Moore. Crimes

(1) Under existing law, there are no provisions which specifically make the commission of criminal offenses by individuals who are members of street gangs a separate and distinctly punished offense, or which provide for the forfeiture of the proceeds of gang-related activity

This bill would provide that any person who actively participates in any criminal street gang, as defined, with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, as defined, and who willfully furthers, or assists in, any felonious criminal conduct by gang members, shall be punished by imprisonment in the county jail for a period not to exceed one year, or imprisonment in the state prison for 1, 2, or 3 years.

This bill would also prescribe the punishment applicable to any person who is convicted of a felony or misdemeanor which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, including the minimum term of imprisonment in the county jail and the state prison for these offenses and 1-, 2-, or 3-year sentence enhancement of the underlying felony The bill would require the court to order the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation, and would additionally require the court to state the reasons for its choice of sentence enhancement on the record at the time of sentencing

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

This bill would provide that these provisions do not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents.

This bill would require the District Attorney of the County of Los Angeles and the City Attorney of the City of Los Angeles to submit a report to the Legislature on or before January 1, 1991, on the impact this bill has had on the control of criminal street gang activity in Los Angeles County, thereby imposing a state-mandated local program.

This bill would repeal these provisions on January 1, 1992.

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

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

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

Ch. 1243 (AB 2374) Statham. AIDS education program.

(1) Existing law provides for the distribution of fines and forfeitures collected in municipal or justice courts, as specified

This bill would authorize a judge to assess, for purposes of an AIDS education program, as specified, a fine of up to $70 in addition to any other fine imposed for offenses related to possession, use, or being under the influence of specified controlled substances, possession or sale of hypodermic needles or syringes, rape, and sodomy The bill would divert out of these fines $50 for each conviction to be deposited in a special account in the county treasury to pay for the reasonable costs of establishing and providing the AIDS education program The program would apply, as a condition of either a sentence of probation or participation in a drug diversion program, to a person pleading guilty to, or who has been convicted of any of the crimes referred to above, except for the offenses relating to rape and sodomy.

The bill would require each county health department to select one or more agencies to provide the AIDS education. If no qualified agency is available, the county agency responsible for substance abuse programs would be charged with arranging for the AIDS education program.

(2) Since the bill imposes requirements upon each county for administration of an AIDS education program and of the fines collected for that purpose, it would impose a new 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. 1244 (AB 2418) Clute Probation

Existing law limits the authority of a trial court to grant probation for certain felony convictions involving controlled substances.

This bill would provide that any person convicted of violating specified provisions of current law relating to the sale or the transportation, importation, furnishing, or administration of specified controlled substances who is eligible for probation and who is granted probation shall, as a condition thereof, be confined in the county jail for at least 180 days, thereby imposing a state-mandated local program by imposing new duties on local correctional agencies. This bill would require the minimum 180-day sentence to be imposed in every case where probation has been granted, except in unusual cases in which the court determines that the interests of justice would best be served by suspending this requirement and enters into the minutes the circumstances serving as the basis for that determination.

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

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

Ch 1245 (AB 2617) Harris. Jurors' general revision.

(1) Existing law provides for the qualifications of trial jurors, exemption from jury service, excusal from jury service for hardship, the selection, compensation, and duties of jury commissioners, the preparation of juror questionnaires, juror's rights to privacy, the summons of prospective jurors, the selection of jury panels, voir dire, challenges to jurors, the compensation of jurors, alternate jurors, and juries of inquest.

This bill would enact an extensive revision of the law with respect to juries, consolidating various provisions relative to juries in civil and criminal causes, and revising provisions relative to the qualifications of trial jurors, exemption from jury service, excusal from jury service for hardship, the required appointment of a jury commissioner in each

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county, the selection, compensation, and duties of jury commissioners, the preparation of juror questionnaires, expanded facilities for jurors, the summons of prospective jurors, the selection of jury panels, voir dire, challenges to jurors, the compensation of jurors, alternate jurors, and juries of inquest, thereby imposing new state-mandated local programs by requiring new duties of local officials The bill would specify that these revisions shall not change the permissible scope of voir dire examination of witnesses. It would also provide for the appointment of a Task Force on Voir Dire and a series of pilot jury projects, as specified.

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

This bill would provide that, 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. 1246 (AB 3310) Harris. Trials: crimes.

Existing law sets forth the order of priority in the order of trial for criminal actions, generally, as follows. (1) prosecution for felony, when the defendant is in custody, (2) prosecution for misdemeanor, when the defendant is in custody, (3) prosecution for a felony, when the defendant is on bail, and (4) prosecution for misdemeanor, when the defendant is on bail.

This bill would create a pilot project in Alameda County by revising the above provision to specify that the 3rd priority of order of criminal actions to be tried would be the prosecution of a defendant who is an alleged serious drug offender, which this bill would define, as specified.

The pilot project provisions would be effective only until January 1, 1994, and as of that date would be repealed, as specified.

In addition, the bill would require that on or before July 1, 1994, the presiding judges of the Alameda County municipal and the superior courts, and the District Attorney and the Public Defender of Alameda County shall report jointly to the Legislature on the pilot project, as specified, 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. 1247 (AB 3414) Longshore. Gang violence· statewide data base.

Existing law establishes in the Office of Criminal Justice Planning the Gang Violence Suppression Program to provide financial and technical assistance to district attorneys' offices, local law enforcement agencies, county probation departments, and community-based organizations for the purpose of providing enhanced law enforcement, probation enforcement, and community programs relating to the suppression of gang violence.

Existing law also provides that this act is operative only if federal funds are made available for its implementation.

This bill would require the Office of Criminal Justice Planning to conduct a study regarding the implementation of a computerized data base information system to monitor gang violence and drug trafficking activities in the state, as specified. It would also require the office to provide an interim report and make a final report on or before July 1, 1990

The bill would also declare that this information system, if implemented, is to be

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operated by the State Department of Justice.

The above-described provisions would be repealed January 1, 1991.

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

Ch. 1248 (AB 3451) O'Connell Controlled substances.

Existing law makes its 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 specified acts involving a minor with respect to specified controlled substances

Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person 18 years of age or older to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 14 years in schools or upon school grounds or public playgrounds, as specified

This bill would enact the Juvenile Drug Trafficking and Schoolyard Act of 1988, providing an additional term of 3, 4, or 5 years for any person 18 years of age or older who is convicted of specified controlled substances offenses committed upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high school, or high school. The bill would also provide that any person 18 years of age or older who is convicted of these offenses where the violation involves a minor who is at least 4 years younger than that person shall also be punished by an additional full and separately served sentence enhancement of 3, 4, or 5 years at the court's discretion. The bill would also specify when the additional terms provided by this bill may be imposed

Ch 1249 (AB 3550) M. Waters Firearms

(1) Existing law provides that certain personal and real property of persons convicted of specified controlled substance violations used in connection with the commission of these criminal offenses is subject to seizure and forfeiture to the state for the expenses of recovery and prosecution, and for distribution to innocent 3rd parties who have an interest in the seized or forfeited property

This bill would expand these provisions to include any minor who has been found to be a person described in Section 602 of the Welfare and Institutions Code because of specified controlled substance violations

(2) Existing law imposes an additional prison term of one year for any person who personally uses a deadly or dangerous weapon or is armed with a firearm in the commission or attempted commission of a felony in addition and consecutive to the punishment prescribed for the felony, unless use of the deadly or dangerous weapon or arming oneself with a firearm is an element of the offense of which he or she is convicted

This bill would provide an enhancement of 3, 4, or 5 years, as specified, in addition and consecutive to the punishment imposed under these provisions for any person who is personally armed with a firearm in the commission or attempted commission of specified controlled substance offenses. It would also provide an additional term of 1, 2, or 3 years, as specified, in addition to the punishment imposed under these provisions for any person not personally armed with a firearm who, knowing that another principal is personally armed with a firearm, is a principal in the commission or attempted commission of a specified controlled substance offense.

This bill would also provide that the enhancements under these provisions shall count as one, single enhancement.

This bill would also allow the court to strike the additional enhancements which would be added by this bill in an unusual case where the interests of justice would best be served, as specified.

(3) Existing law provides for the imposition of specified additional punishment for the use of a firearm in the commission or attempted commission of a felony Existing law also provides an additional term of imprisonment of 5 years, in addition and consecutive to the sentence prescribed for the commission or attempted commission of a felony, in cases in which the person convicted of the felony unlawfully discharged a firearm at an occupied motor vehicle causing great bodily injury or death to another person.

This bill would provide an additional term of imprisonment of 3, 4, or 5 years, as specified, which would be in addition and consecutive to the sentence prescribed for the commission or attempted commission of certain controlled substance violations, in cases

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in which the person convicted used a firearm.

This bill would also provide that the enhancements under these provisions shall count as one, single enhancement.

This bill would also allow the court to strike the additional enhancement which would be added by this bill in an unusual case where the interests of justice would best be served, as specified

Ch. 1250 (AB 3723) Katz. Gang violence intervention programs.

Existing law establishes a statewide system of free public education provided by elementary and secondary schools in local school districts and regulated by a State Board of Education and a State Department of Education

This bill would make certain findings and declarations concerning gang violence and declare the intent to develop a program to provide positive interventions in the schools to fight gang violence.

This bill would require the State Department of Education to contract with the Los Angeles County Office of Education for the development, administration, and implementation in Los Angeles County of community-based Gang Risk Intervention Pilot Programs. The Los Angeles County Office of Education, upon its election to enter into the contract, would be required, among other responsibilities, to institute a prescribed request for proposal and competitive bidding process, in order to select private nonprofit organizations, and public entities which apply jointly with individual schools, as grantees of state funds, as specified, for the purpose of operating these programs, with the voluntary cooperation of public schools within Los Angeles County in kindergarten and grades 1 to 12, inclusive The programs would be required to include, as a minimum, specified counseling, community activities, and job training The bill would make findings of unique circumstances surrounding its provisions

Existing law expressly discourages local law enforcement agencies and school districts receiving funds under provisions of law relating to suppression of drug abuse in schools from using those funds for personnel costs

This bill would expressly authorize local law enforcement agencies to use these funds for the purpose of personnel costs incurred during overtime hours

Existing law requires that, in all cases where property is seized pursuant to specified provisions of existing law governing controlled substances and forfeited to the state or local governmental entity and, where necessary, sold by the Department of General Services or local governmental entity, the money forfeited or the proceeds of sale be distributed by the state or local governmental entity to the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of his or her interest in the property, when the court declaring the forfeiture orders a distribution to that person The balance is required to be distributed by the state or local governmental entity pursuant to a specified schedule

This bill would authorize the Los Angeles County Office of Education to receive funds disbursed from the Asset Forfeiture Distribution Fund, which would be created by AB 4162 as a recipient fund of the proceeds discussed above, for purposes of this bill

Ch. 1251 (SB 502) Royce Flood control projects financial assistance.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects Under existing law, it is the policy of the state to pay 75% of the costs of lands, rights, or interests in lands necessary for specified flood protection facilities and to require a local agency to pay 25% of those costs

This bill would declare, with respect to projects authorized by the Legislature after January 1, 1987, and small flood control projects approved by the Department of Water Resources after January 1, 1987, that the state shall pay only a portion of the nonfederal costs required by federal legislation, as specified. The bill would require the state to pay specified portions of the nonfederal costs of projects authorized prior to that date at the election of the local agency

(2) Under existing law, the Reclamation Board is generally required to give assurances satisfactory to the Secretary of the Army that the local cooperation required by specified federal law will be furnished by the state in connection with federally author-

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ized flood control projects in the Central Valley

This bill would include assurances required by specified additional Congressional action and would prohibit any assurances from being made until the local agency has, by binding agreement with the board, agreed to assume the local agency share of costs, as specified.

(3) Existing law prohibits the allocation of money appropriated for flood control projects for the purchase of lands, easements, and rights-of-way necessary for multiple-purpose dams or reservoirs constructed by the United States, except for the projects of the Fresno and Merced County Stream Groups.

This bill would limit that policy to dams or reservoirs authorized by the Legislature prior to January 1, 1987, and would provide that the state shall pay for specified costs of the flood control components of projects involving dams or reservoirs authorized by the Legislature after January 1, 1987

(4) Under existing law, specified state policies concerning the preservation and enhancement of the state's fish and wildlife resources and recreational development in connection with flood control and watershed protection projects are inapplicable to any facility for which flood control operation and maintenance costs are a federal responsibility

This bill would delete that provision.

Ch 1252 (SB 164) Maddy. School finance

Under existing law, state apportionments to a county superintendent of schools, as calculated by the Superintendent of Public Instruction, are offset by the amount of certain local property tax revenues received by the county superintendent of schools. If the total amount of those offsets exceeds the state funding entitlement of a county superintendent of schools, the amount of that excess is restricted from expenditure for the current fiscal year, and is applied as local property tax revenue in calculating state apportionments for that county superintendent of schools for the next fiscal year.

This bill would direct that, notwithstanding any other provision of law, the amount of any property tax revenues received by a county superintendent of schools during the 1985–86 fiscal year due to the resolution of litigation, as specified, which amount was deemed restricted from expenditure for that fiscal year, shall not be considered local property tax revenue in calculating any state apportionment for that county superintendent of schools for the 1986–87 fiscal year The bill would require that any funds received pursuant to these provisions be repaid within 10 years of receipt at no interest.

This bill would declare that it is not the intent of the Legislature that the provisions of this act be deemed as a precedent for future exemptions from specified provisions governing the apportionment of state aid to county superintendents of schools.

Ch 1253 (SB 728) Robbins. Banks

Existing law, commencing July 1, 1987, authorizes certain bank acquisitions in this state by certain regional bank holding companies subject to specified conditions. On and after January 1, 1991, these acquisitions would be authorized without regard to banking region.

This bill would revise and recast various provisions of existing law which became operative July 1, 1987, to, among other things, do all of the following.

(1) Revise definitions of bank holding company and California bank holding company, as specified.

(2) Delete as part of the definition of California bank holding company an existing requirement that, to be a California bank holding company, a bank holding company must maintain its head office in California.

(3) Define "state" to include the District of Columbia.

(4) Provide that a company is not deemed to control another company solely on account of certain specified activities.

(5) Revise certain acquisition requirements, as specified.

(6) Make technical and conforming changes

Existing law authorizes the Superintendent of Banks to provide certain specified information to any state or federal regulatory agency.

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This bill would extend the scope of that authorization to the providing of information regarding any California bank, California bank holding company, or other company which is or is proposed to be in control of, or under common control with, a bank which maintains its head office in another state

The bill would make an appropriation by establishing a fee for an application for approval to acquire shares, as specified, to be deposited into the State Banking Fund which is continuously appropriated

Ch 1254 (SB 1300) Campbell Driving offenses: youthful offenders

(1) Existing law requires the principal or the principal's designee of a school to notify law enforcement authorities when any act of a student may violate the prohibition against assault with a deadly weapon

This bill would also permit those persons to report acts which may violate the prohibitions against possession, use, or sale of alcoholic beverages, other intoxicants, or controlled substances The bill would provide civil and criminal immunity, as specified, to a principal, to a principal's designee, or to any other person making those reports.

(2) Existing law authorizes a court to suspend or restrict, or delay eligibility for, the driving privilege of a person under the age of 18 who is convicted of drinking while driving, possession of marijuana or open containers of alcoholic beverages in a motor vehicle on the highway, or knowingly driving a vehicle carrying alcoholic beverages without being accompanied by specified persons or unless excepted.

This bill would, instead, require a court to suspend or restrict or delay eligibility for, the driving privilege of, persons (a) committing any specified offense involving possession, transportation, or sale of controlled substances, (b) committing vehicular manslaughter involving alcohol or controlled substances or other specified offenses involving alcohol or controlled substances, or (c) committing an offense of being under the influence of alcohol, controlled substances, or toluene in a public place and either unable to care for the person's own safety or the safety of others, or interfering or obstructing the street, sidewalk, or other public ways, while under the age of 21 years but 13 years of age or older, thus imposing a state-mandated local program. The bill would authorize the court to impose restrictions on a person whose driving privileges have been ordered suspended or delayed upon petition and a specified showing

(3) The bill would require an adjudication that a minor committing any of those offenses to which the bill applies, described in (2) above, to be reported to the Department of Motor Vehicles thus imposing a state-mandated local program

(4) Existing law prohibits a person from driving a motor vehicle when the person's driving privilege is suspended or revoked. Existing law provides specified fines and imprisonment for violations, with enhanced penalties for violations of suspensions resulting from driving under the influence of alcohol or drugs

This bill would require imprisonment in jail when the person does an unlawful act or fails to do a required act in driving a vehicle which injures or causes the injury of another person The bill would prohibit work release or any other release program until the specified minimum time of imprisonment is served for that violation Because the bill would change the penalty for a crime, it would impose a state-mandated local program

(5) The bill would make legislative findings and declarations

(6) The bill would make other conforming changes

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates 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 certain costs for a specified reason. This bill would also provide, however, 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

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Ch. 1255 (SB 1529) Rogers. Southern San Joaquin Valley Power Authority.

Under existing law, public utilities, including electrical corporations, are subject to regulation by the Public Utilities Commission.

This bill would direct the commission to monitor negotiations between the Southern San Joaquin Valley Power Authority and 2 specified electrical corporations concerning the authority's share of the California-Oregon Transmission Project, and to periodically report to the Legislature thereon.

Ch. 1256 (SB 1555) Robbins. Crimes.

(1) Under existing law, there are no special provisions for the punishment of crimes committed by members of street gangs.

This bill would provide that any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully furthers, or assists in, any criminal conduct by members of that gang, shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in the state prison for 1, 2, or 3 years.

This bill would also prescribe the punishment applicable to any person who is convicted of a felony or misdemeanor which is committed or attempted to be committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, including the minimum term of imprisonment in the county jail and the state prison for 1, 2, or 3 years for these offenses and a 1-, 2-, or 3-year sentence enhancement applicable to the commission or attempted commission of a felony in furtherance of these objectives. This bill would thus impose a state-mandated local program by creating new crimes.

This bill would provide that every building or place, other than buildings in which there are 3 or fewer dwelling units, used by members of a criminal street gang for the purpose of committing specified offenses, and every building or place, other than buildings in which there are 3 or fewer dwelling units, where that criminal gang conduct takes place, is a nuisance. The bill would provide that the district attorney in any county, in the name of the people, and the city attorney of any incorporated city, may, and any citizen of the state residing in the county where the building, place, or residence is located, in his or her own name, may, bring an action to abate as a nuisance any building, place, or residence used for that purpose or enjoin the person so conducting the activity or maintaining the building in accordance with the proceedings governing the abatement of nuisances and injunction of persons involved in unlawful controlled substances offenses, except as specified.

This bill would provide that these provisions are not applicable to employees engaged in concerted activities for their mutual aid and protection, or to labor organization activities or the activities of their members or agents.

This bill would repeal these provisions on January 1, 1992.

(2) Existing law provides that every person who commits any act or omits the performance of a duty which causes or tends to cause or encourage a minor to engage in specified prohibited conduct, is guilty of a misdemeanor.

This bill would state that for purposes of the above provision, a parent or legal guardian of any person under the age of 18 years shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child.

(3) Existing law authorizes the diversion, instead of criminal prosecution, of a person accused of specified offenses, or cases involving certain defendants. The diversion is for the purposes of education, treatment, and rehabilitation.

This bill would, in a jurisdiction where the local prosecution has approved, permit the diversion for education, treatment, or rehabilitation of a defendant accused of an offense set forth under (2) above.

This bill would, in such a jurisdiction, require the probation department to conduct a specified investigation, thereby increasing the duties imposed upon county probation officers, thus constituting a state-mandated local program. It would also require the court to hold a hearing to determine whether the defendant would be benefited by diversion.

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This bill would also provide for the resumption of criminal proceedings against the defendant for specified reasons.

(4) Existing law prescribes the penalties for criminal assault

This bill would prohibit any person from willfully threatening to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent to actually carry it out, which, on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution. This bill would make this offense either a misdemeanor or a felony punishable either by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison, thereby imposing a state-mandated local program.

(5) This bill would require the District Attorney of Los Angeles County and the City Attorney of the City of Los Angeles to submit a report to the Legislature on or before January 1, 1991, on the effect of the bill on the control of criminal street gang activity in Los Angeles County.

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

This bill would provide that for certain costs, no reimbursement is required by this act for specified reasons.

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

Ch. 1257 (SB 1617) McCorquodale Music: misappropriation.

(1) Existing law makes it a misdemeanor punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or both, for any person to knowingly and willfully transfer or cause to be transferred, any recorded sounds, with the intent to utilize them for commercial advantage or financial gain, or to transport or cause these articles to be transported with knowledge that the sounds thereon have been transferred without the consent of the owner A subsequent conviction is punishable by imprisonment in state prison or a fine not exceeding $50,000, or both the fine and imprisonment.

This bill would recast the above provisions to instead provide that persons convicted of the above-described offense shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for 2, 3, or 5 years, or by a fine not to exceed $250,000, or both, if the above offense involves the transfer or transportation, or conduct causing the transfer or transportation, of not less than 1,000 of these articles This bill would provide that any other violations not described above are punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or both, and would provide for specified punishment for any 2nd or subsequent conviction.

Existing law provides that a person who possesses for sale or sells the articles described above with knowledge that sounds have been transferred without consent of the owner is guilty of an offense punishable by not more than 6 months in the county jail, or a $5,000 fine, or both.

This bill would provide that the offering for sale or resale, the selling or reselling, or causing the sale or resale, or renting or possessing for those purposes with regard to not less than 100 of these articles is punishable by a maximum of one year in the county jail, a $10,000 fine, or both. A 2nd or subsequent conviction would be punishable by a maximum of one year of imprisonment in the county jail or in the state prison, a $25,000 fine, or both. The bill would also prescribe the penalty for the 1st and subsequent convictions involving less than 100 articles

(2) Existing law makes it a misdemeanor punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $5,000, or both, for a person to possess for sale, or to sell or cause to be sold, or to be transported for consideration, any article containing sounds of a live performance with the knowledge that they have been recorded or fixed without the consent of the owner

This bill would recast the above provisions to delete the provisions regarding sale and

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to provide that any person convicted of the revised offense shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for 2, 3, or 5 years, or by a fine not to exceed $250,000, or both, if the offense involves the transportation or causing to be transported of not less than 1,000 of these articles This bill would provide that any other violations not described above are punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or both, and would provide for specified punishment for any 2nd or subsequent conviction.

This bill would provide that for purposes of these provisions, a person who is authorized to maintain custody and control over business records reflecting the consent of the owner to the recordation or mastering of the sounds of a live performance shall be a proper witness in any proceeding regarding the issue of consent The bill would also provide that any witness called shall be subject to all rules of evidence relating to the competency of a witness to testify and the relevance and admissibility of the testimony offered

The bill would also make it a public offense to offer for sale or resale, or sell or resell, or cause the sale or resale, or rent or possess for those purposes any article with knowledge that the sounds thereon have been recorded or mastered without the consent of the owner of the sounds of a live performance Conduct with regard to not less than 100 of these articles would be punishable by a maximum of one year in the county jail, a $10,000 fine, or both A 2nd or subsequent conviction would be punishable by a maximum of one year in the county jail or by imprisonment in state prison, a $25,000 fine, or both. The bill would also prescribe the penalty for the 1st and subsequent convictions involving less than 100 articles

(3) Existing law provides that any person who records or fixes or causes to be recorded or fixed on any article with the intent to sell for commercial advantage or private financial gain, the sounds of a live performance with knowledge that it is without the consent of the owner, is guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or both.

This bill would recast the above provisions to provide that any person convicted of these provisions 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 for 2, 3, or 5 years, or by a fine not to exceed $250,000, or both, if the offense involves the recording, mastering, or causing to be recorded or mastered at least 1,000 articles. This bill would provide that every person who is convicted of any other violation of these provisions shall be punished by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or by both, and would provide for specified additional punishment for any 2nd or subsequent conviction.

(4) Existing law makes it a misdemeanor punishable by imprisonment in the county jail not to exceed 6 months, or by a fine not to exceed $5,000, for any person to fail to disclose the origin of a recording when, for commercial advantage or financial gain, he or she knowingly advertises or offers for sale or resale, or sells or resells, or rents, or possesses for these purposes, any recording, the outside cover box or jacket of which does not clearly and conspicuously disclose the actual and true name and address of the manufacturer thereof, and the author, artist, performer, producer, programmer, or group.

This bill would recast the above provisions to provide that a person convicted of this offense shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for 2, 3, or 5 years, or by a fine not to exceed $250,000, or both if the offense involves the advertising, offer for sale or resale, causing the sale or resale, selling, rental, or possession of at least 1,000 articles. The bill would provide that any other violations not described above are punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $25,000, or by both, and would provide for specified punishment for any 2nd or subsequent conviction.

Ch. 1258 (SB 1807) Morgan. Juvenile court law: Vehicle Code offenses.

Under existing law, if a probation officer, after investigation, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such

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jurisdiction, he or she may, in lieu of requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court under Section 602 or subsequent to a petition already filed, with the consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, as specified. Under existing law, a minor's violation of the Vehicle Code or other specified provisions not declared to be a felony may be heard and disposed of by a traffic hearing officer, as specified, in lieu of filing a petition to have the minor declared a ward of the juvenile court

This bill would provide that in any case in which a minor has been charged with driving under the influence of an alcoholic beverage or drug, as specified, and the probation officer determines to delineate specific programs of supervision, the probation officer shall cause the matter to be heard and disposed of as specified above as a condition of any program of supervision.

Ch. 1259 (SB 1715) Boatwright. San Francisco Bay Area Rapid Transit District: extensions of service

(1) Under the existing San Francisco Bay Area Rapid Transit District Act, a new county may be annexed to the San Francisco Bay Area Rapid Transit District pursuant to specified requirements, including reimbursement to the district of the county's equitable share of the district's previously incurred capital expenditures. The act also requires the district to meet specified service commitments within the district before expending any district funds for the extension of service outside the district

This bill would impose a state-mandated local program by requiring the district to extend its facilities to West Pittsburg, or farther, and to Dublin and Warm Springs, if specified funding sources are available and other conditions are met.

(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 1260 (SB 1797) Torres. Small Business Development Center plans

Existing law requires that a Small Business Center, which provides a network of services to small businesses, operate pursuant to a Small Business Development Center plan which describes how the center will provide business startup analyses, financial planning services, and access to existing resources, among other things.

This bill would require that the plan also include information on, and promotion of, small business incubators, defined as facilities that allow new small businesses to increase their probability of success by sharing needed capital equipment, services, and facilities. The information would include methods of funding without the expenditure of state tax dollars and other possible sources of funds.

This bill would amend Section 15383 of the Government Code, as proposed to be added by SB 1255, to be operative only if SB 1255 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last

Ch. 1261 (SB 1844) Russell. Telephones· information-access services: telephone corporation billing.

(1) Under existing law, in effect until July 1, 1991, the Public Utilities Commission is directed to require information providers furnishing information-access telephone services ("976 service") to offer to residential telephone subscribers a means to delete access to this service The commission is also directed to require telephone corporations and information providers to institute a method of handling subscribers' complaints, as specified.

This bill would declare that the commission has no jurisdiction and control over the billing and collection practices of a telephone corporation for its services to an information provider furnishing any live or recorded video text or audio information service containing harmful matter, as defined, through a specified prefix or access code, and that these are matters for contractual arrangement between the telephone corporation and the information provider, except that the bill would, notwithstanding this, permit the

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commission to reassert jurisdiction and control over these matters, as specified The bill would impose a specified notice requirement and require provision of billing and collection services to all information providers to be on the same contractual terms.

The bill would direct the commission to report to the Legislature on or before January 1, 1990, and annually thereafter, on any anticompetitive effects resulting from these provisions, any significant proposals made to the commission for further deregulation, and its recommendations concerning the effectiveness and continuing need for these provisions

The bill would specifically permit the commission to investigate and consider, for purposes of establishing telephone rates, revenues and expenses related to any billing and collection services a telephone corporation may perform for an information provider

(2) Existing law generally regulates unfair trade practices, including secret payments to purchasers to the injury of a competitor, but excludes certain public utility services from those provisions.

This bill would include within those provisions the billing and collection practices described in the bill. Since a violation of these provisions would be a misdemeanor under existing provisions of law, the bill would impose a state-mandated local program.

(3) These provisions would become inoperative on July 1, 1991, and would be repealed on January 1, 1992

(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. 1262 (SB 1931) Campbell Air pollution: motor vehicle fuel

(1) Existing law requires the State Air Resources Board to establish, by regulation, maximum standards for the volatility of gasoline sold in California at 9 pounds per square inch Reid vapor pressure, as determined by specified testing, except that any blend of gasoline consisting of at least 10% ethyl alcohol is a legal fuel until January 1, 1990, if the gasoline used in the blend meets the standard of 9 pounds per square inch Reid vapor pressure.

The bill would revise that exception to provide that a blend of gasoline consisting of at least 10% ethyl alcohol, as defined, is exempt, until October 1, 1993, from meeting the volatility standard if the gasoline used in the blend meets the volatility standard for gasoline

(2) Existing law requires the state board to consider climatic conditions in adopting those regulations.

This bill would require the state board to also consider topography in adopting those regulations.

Ch 1263 (SB 2008) Bergeson Fingerprints Cal-ID.

Existing law requires the Department of Justice to develop a master plan to implement a fingerprint remote access network (RAN) which allows participating local law enforcement agencies direct access to the California Identification System (Cal-ID). Existing law also requires the Attorney General to provide a final report to the Legislature on the project by January 1, 1989

This bill would require the master plan to provide for the use of facsimile and direct image "live read" fingerprint equipment, and require various related amendments to the master plan, as specified. The bill would also provide that funding shall be available on a shared basis between the state and local regions, as specified The bill would also extend the deadline for the Attorney General's final report to January 1, 1990

This bill would appropriate $1,000,000 from the Fingerprint Fees Account in the General Fund to the Department of Justice for funding purchases of equipment and services pursuant to the bill, as specified. The bill would also declare the intent of the Legislature to provide funding for equipment solely from that account through the Budget Act, as specified.

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Ch. 1264 (SB 2073) C Green Driving offenses.

Under existing law, if a person is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and a drug, or driving with an excessive blood alcohol concentration, and if the person also does any act forbidden by law or neglects any duty imposed by law in the driving of the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver, or if the person unlawfully kills a human being in the driving of the vehicle, the driver is required to be sentenced to punishment which includes imprisonment in the state prison or in the county jail for specified terms if there is not more than one separate conviction of driving under the influence or with excessive blood alcohol within 5 years of the offense in issue. If there are 2 or more prior convictions, the person is required to be sentenced to punishment which includes imprisonment in the state prison for 2, 3, or 4 years

Existing law also requires the enhancement of the sentence of any person who causes bodily injury to more than one victim in any one instance of driving a vehicle while under the influence of an alcoholic beverage, any drug, or both, or driving with an excessive blood alcohol concentration and who is convicted of a felony, if the bodily injury to each additional victim is charged and found by the trier of fact, as specified. The enhancement is required to be one year imprisonment in the state prison for each additional injured victim, not to exceed a total enhancement of 3 years. Existing law also, notwithstanding any other provision of law, authorizes a court to strike the enhancements for more than one victim if it makes specified findings and states its reasons on the record

This bill would also make the enhancement of the sentence for more than one victim apply to the felony offenses of vehicular manslaughter while intoxicated and vehicular manslaughter committed while driving a vehicle while under the influence or with an excessive blood alcohol concentration.

Ch. 1265 (SB 2272) Vuich Investigators

Existing law authorizes the Superintendent of Banks and the Commissioner of Savings and Loan to employ persons necessary to carry out the duties imposed by law

This bill would also authorize those officials to appoint investigators.

Existing law specifies that certain persons are peace officers.

This bill would provide that certain designated employees of the State Banking Department, the Department of Savings and Loan, and employees of the Department of Real Estate designated by the Real Estate Commissioner are not peace officers; however, they would be authorized to exercise the power of arrest and the power to serve warrants, as specified.

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

Ch 1266 (SB 2698) Davis Controlled substances

Existing law makes it a felony, punishable by imprisonment in the state prison for 5, 7, or 9 years, for any person 18 years of age or older to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 14 years, in schools or upon school grounds or public playgrounds, as specified.

This bill would revise this provision to apply to any person who unlawfully prepares for sale, or sells or gives away a controlled substance to a minor under the age of 18 years, upon the grounds of, or within, any school providing instruction in kindergarten, or any grades 1 to 12, inclusive, during hours in which the school is open for classes or school-related programs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted. The bill would also provide that application of these provisions shall be limited to persons at least 5 years older than the minor to whom he or she prepares for sale, sells or gives away a controlled substance.

This bill would also 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.

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

Ch. 1267 (AB 4365) Cortese Vehicles abandoned

(1) Existing law relieves a vehicle owner from civil or criminal liability for parking, abandoning, or operation of a vehicle if the person who transfers and delivers possession of the vehicle delivers the registration certificate and endorses and delivers the ownership certificate to the new owner and if the person also notifies the Department of Motor Vehicles, as specified. Existing law provides that a violation of this section is an infraction punishable by a fine of not less than $25 nor more than $75.

This bill would permit the owner to either deliver the ownership certificates to the new owner or to notify the department and would delete the provision for a fine

(2) Existing law makes it illegal to abandon a vehicle upon any highway

This bill would authorize the department, on and after July 1, 1989, to refuse to issue or renew a driver's license to a person who has failed to appear regarding an abandoned vehicle citation, require proof of payment of costs of removal and disposition of the vehicle, and make related changes

The bill would also, on and after July 1, 1989, revise the requirements regarding release of criminal and civil liability for parking, abandoning, or operation of a vehicle

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

Ch. 1268 (AB 4264) Duplissea Vehicles. registration.

(1) Existing law prescribes various vehicle registration fees and penalties and requires registration certificates to be submitted when registration of a vehicle is transferred.

This bill would increase vehicle and vessel fees and penalties, including off-highway vehicle penalties, thereby imposing a tax for purposes of Article XIII A of the California Constitution The bill would also eliminate the requirement regarding the transfer of registration certificates, and make related changes in various other provisions The bill would also require the Department of Motor Vehicles, not later than July 1, 1989, to establish a pilot program for the payment of fees by credit card, to submit reports to the Legislature on or before December 31, 1990, and on or before December 31, 1991, and would repeal these provisions on January 1, 1992, unless that date is extended

(2) Existing law permits sellers of vehicles to be released from liability resulting from the vehicle's subsequent operation by notifying the Department of Motor Vehicles of the sale or transfer.

This bill would enact similar provisions with regard to the sale of vessels

(3) Existing law requires the department to provide specified bicycle registration materials to cities and counties that have a bicycle licensing ordinance or resolution. Existing law requires the department to collect fees for the registration materials, and to deposit those fees in the State Bicycle Registration Fund, which is a continuously appropriated fund

This bill would abolish the State Bicycle Registration Fund and would require the department to deposit those fees in the Motor Vehicle Account of the State Transportation Fund. The bill would provide that those fees are continuously appropriated from the account The bill would also transfer any moneys remaining in the State Bicycle Registration Fund to the Motor Vehicle Account Those provisions would become operative on July 1, 1989.

Ch. 1269 (AB 4459) Harris. Weapons

(1) Under existing law, except as provided, it is 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 devices, including, but not limited to, sawed-off shotguns. Existing law also provides that items included in the listing are nuisances and, depending upon the particular item, shall be sold or destroyed by law enforcement officials. Existing law grants the Department of Justice the authority to issue permits for the manufacture, possession, transportation, or use with blank cartridges of sawed-off shotguns solely as props for motion picture film or televi-

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sion production upon a showing of good cause.

This bill would provide that the above restriction does not apply to the following: (a) the sale to, the purchase by, or the possession of, short-barreled shotguns and short-barreled rifles by designated law enforcement agencies or military or naval forces and their members when used in the discharge of their official duties, (b) the sale to, purchase by, or the possession of, any weapon, device, or ammunition, except as specified, by any federal, state, county, city and county, or city agency which is charged with the enforcement of any law, as specified, (c) weapons, devices, and ammunition, except as specified, which are sold by, manufactured by, exposed, or kept for sale by, possessed by, imported by, and lent to, the entities referred to in (b) by persons who are in the business of selling those items, and (d) the manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of, wooden clubs or batons to certain special police officers or uniformed security guards by entities that are in the business of selling those weapons when engaging in transactions with those persons.

The bill would delete provisions regulating sawed-off shotguns, including the current permit procedure, and add similar provisions regulating short-barreled shotguns and short-barreled rifles, as specified. The bill would, under the revised permit procedure, authorize the Department of Justice to issue a permit for the manufacture, possession, transportation, or sale of short-barreled shotguns or short-barreled rifles upon a showing of good cause, as described, and would delete the requirement that these permits be issued only in connection with a motion picture film or television program production This bill would also revise the definition of "shotgun," delete the definition of "sawed-off shotguns," and add definitions of "short-barreled shotguns" and "short-barreled rifles."

(2) Existing law makes it a felony punishable by imprisonment in the county jail for not exceeding one year or state prison for any person to manufacture or cause to be manufactured, import into this state, keep for sale, or offer or expose for sale, or give, lend, or possess certain described throwing weapons Existing law provides that weapons so described are nuisances and are subject to sale or destruction.

This bill would classify the above-described throwing weapons as shurikens, and would include shurikens by name in the listing of unlawful weapons described as nuisances, and it would authorize the Attorney General, district attorney, or city attorney to bring an action to enjoin violations of the above provisions.

(3) The bill would also make certain conforming changes

(4) This bill would incorporate, in substantial part, additional changes in Section 12020 of the Penal Code, proposed by AB 3074 and AB 4546, to be operative only if AB 3074 or AB 4546, or both of those bills, and this bill are chaptered and become effective January 1, 1989, and this bill is chaptered last.

Ch 1270 (AB 2707) Hughes. Student financial aid

Existing law prohibits Cal Grant awards from being utilized for graduate study

This bill would provide that Cal Grant recipients who have completed a baccalaureate degree and who are enrolled in a program of professional teacher preparation, as specified, are eligible for renewal of a Cal Grant award for an additional year of full-time attendance, if financial need continues to exist This provision would apply to those students who complete a baccalaureate degree in or after 1989.

The bill would authorize the Student Aid Commission, upon making a determination that an advanced payment is essential to assure that Cal Grant funds are available at the time the students enroll, to advance to authorized postsecondary educational institutions up to 80% of the funds for eligible students who have indicated they will attend those institutions.

Ch. 1271 (AB 2878) Elder Property taxation

(1) Existing law generally requires that the appraised value of real property be reassessed whenever there is a change in ownership, but specifies that there is no change in ownership upon the creation or transfer of a joint tenancy interest if the transferor or transferors, after the creation or transfer, are among the joint tenants. Upon the termination of an interest held by other than the original transferor in any such joint tenancy, there is no reappraisal if the entire interest is transferred to an original transfer-

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or or to all remaining joint tenants.

This bill would clarify this law by specifying that one of the remaining joint tenants must be an original transferor, and would make a technical change

(2) Existing law permits persons over the age of 55 to transfer the base year value of their home to a replacement home in the same county under specified conditions for property taxation purposes

This bill would make various changes in this law This bill would also extend the above transfer of base year value provisions to situations involving homes in one county and replacement homes in another county which adopts an ordinance, as specified This bill would make the specified provisions affecting the transfer of base year values between counties operative only upon the adoption by the voters of ACA 1, and then only until January 1, 1999. This bill would make certain other provisions of the bill dealing with the transfer of base year values operative immediately only if ACA 1 is not approved by the voters and, if approved, on January 1, 1999

(3) Under existing law, whenever a change in ownership or completion of new construction occurs between March 1 and June 30, a property owner who desires to claim the homeowners' exemption for property tax purposes must file separate claims for the regular assessment on the regular roll, the supplemental assessment on the current roll, and the supplemental assessment on the roll being prepared

This bill would require only one claim for the homeowners' exemption to be filed in order to obtain the exemption for all 3 rolls

(4) Existing law exempts from property taxation any aircraft of historical significance

This bill would specify the filing procedure for claiming this exemption

(5) This bill would require the State Board of Equalization to conduct a specific topic survey regarding the revenue impact and other effects of Proposition 60 on the November 4, 1988, general election ballot and of Proposition 90 on the November 8, 1988, general election ballot, if it is approved This bill would require the survey to cover the period from the date of adoption by the voters of those measures until December 31, 1994, and would require the board to report on this survey to the Governor and the Legislature no later than June 30, 1995.

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

Ch 1272 (AB 2925) Isenberg Pilots for San Francisco, San Pablo, and Suisun Bays charges.

(1) Existing law prescribes the pilotage rates for the Bays of San Francisco, San Pablo, and Suisun, specifying, among other charges, a charge of 46.06 mills per high gross registered ton

This bill would increase that charge to 51 29 mills. The bill would make an appropriation since a percentage of the pilotage charges would be deposited in the Board of Pilot Commissioners Special Fund, which is a continuously appropriated fund

(2) Existing law requires licensed pilots to perform specified duties including payment to the board, to cover its expenses, of a specified percentage of pilot fees, which may be reduced by the board

This bill would specify that those duties apply to inland pilots as well as to pilots, and would require the board to review its expenses quarterly and adjust the mill rate described above to reflect any changes

(3) 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 $95 multiplied by the number of years of service

This bill would increase the $95 amount to $100

(4) Existing law allows the widow of a deceased pilot a pension of ½ what the pilot would have received

This bill would increase that allowance to ¾ what the pilot would have received

(5) Under existing law, until a schedule is adopted by the Legislature, the minimum rates charged by pilots or inland pilots for ship movements and internal operations is the schedule of ship pilot fees, Pacific Maritime Region, San Francisco Bay and tributaries The rates for inland pilotage are 19% more than the February 15, 1980, ship pilot fee schedule

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This bill would establish the rates as those in that schedule increased by 20% over that in effect on December 30, 1988 The rates for inland pilotage would be 20% more than the January 1, 1984, ship pilot fee schedule.

Ch 1273 (AB 2926) Hansen. Driving offenses

(1) Under existing law, a person convicted 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 while addicted is required to be sentenced to specified punishment The penalties are enhanced if the person has had convictions of separate offenses of that prohibition or in certain circumstances, convictions of reckless driving involving alcohol, within a specified 7-year period.

This bill would impose the enhancement in other circumstances when the offender had a separate conviction of reckless driving involving alcohol, thereby imposing a state-mandated local program by increasing the penalties for crimes

(2) Existing law requires the Department of Motor Vehicles to suspend or revoke the driving privilege of a person who refuses to submit to chemical testing for alcohol or drugs in his or her blood, with longer periods of license sanctions if the person has separate convictions within a specified 7-year period.

This bill would conform the 7-year period for refusals to the period for convictions.

(3) Existing law requires the court in which a person is convicted of any violation of the Vehicle Code or specified other laws to prepare an abstract of the record of the court covering the case and to forward it to the department at its office in Sacramento The department is required to file the abstracts of court convictions and maintain individual records of every drivers' license, which the department is expressly permitted to maintain electronically

Existing law also requires the department to retain records for the period of time necessary to accomplish the license suspensions or revocations resulting from convictions of violations of the prohibitions against reckless driving involving alcohol or drugs as specified, driving a motor vehicle while under the influence of an alcoholic beverage any drug, or a combination thereof, driving a vehicle with a blood-alcohol concentration in excess of 0.10% by weight, or driving a motor vehicle when addicted to any drug which offenses occurred up to 7 years previously Furthermore, existing law makes destruction of the department's records permissive and makes destruction of the records subject to the further approval of the Department of General Services

This bill would prohibit the department from making available any information from a record relating to a conviction of any of those described offenses which occurred before January 1, 1987, to any person, except persons authorized by law to receive the information, as defined, on and after a date which is 5 years after the date of conviction

(4) The bill would become operative on July 1, 1989.

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

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

Ch 1274 (AB 2997) Floyd. Amusement rides. liability insurance

Existing law forbids a person from operating an amusement ride unless there is an insurance policy in an amount of not less than $500,000 insuring the owner or operator against liability for injury suffered by persons riding the amusement ride.

This bill would require that the policy of insurance be issued by a company licensed by the Department of Insurance to do business in the state, or by a nonadmitted insurer employed by a surplus lines broker licensed by the Department of Insurance.

Ch 1275 (AB 3066) Polanco Firearms: discharge.

Under existing law, it is a felony to maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited house-car, inhabited camper, or unoccupied aircraft. It is a misdemeanor, under existing law, to discharge any firearm without the written permission of the owner of certain land,

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or the owner's agent or the person in lawful possession of the land. It is also a misdemeanor, under existing law, to shoot any firearm from, or upon, a public road or highway.

The bill would, additionally, make it a misdemeanor or felony to willfully discharge a firearm in a grossly negligent manner which could result in injury or death to a person To the extent that the bill would enact a new crime, 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.

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

Ch. 1276 (AB 3091) Bane Fire safety

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

This bill would require the State Fire Marshal to adopt building standards and other regulations establishing minimum requirements with respect to security bars, grills, and grates It would also require the State Fire Marshal to adopt building standards establishing regulations providing that all school classrooms constructed after January 1, 1990, not equipped with automatic sprinkler systems, which have metal grills or bars on all their windows and do not have at least 2 exit doors within 3 feet of each end of the classroom opening to the exterior of the building or to a common hallway used for evacuation purposes, to have an inside release for the grills or bars on at least one window farthest from the exit doors, as prescribed. 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

The bill would also impose a state-mandated local program because a violation of its provisions and the regulations would be a misdemeanor

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

This bill would provide that 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. 1277 (AB 3095) Mojonnier Horseracing 22nd District Agricultural Association· satellite wagering

(1) Under the California Horse Racing Law, any association conducting specified meetings and any fair operating a satellite wagering facility may deduct 0 33 of 1% of its total parimutuel wagers for distribution, at its option, to the city or county where the meeting or wagering is conducted If a city or county has not elected to receive a distribution, the 0.33 of 1% deduction is required to be paid to the state as an additional license fee

This bill would require the 22nd District Agricultural Association to deduct the 0 33 of 1% from wagers at its satellite wagering facility for distribution with 40% of the funds going to the City of Del Mar and 40% of the funds going to the City of Solana Beach, if the respective city elects to receive the distribution The bill would require the remaining amount of the deduction to be distributed to the County of San Diego to be held in trust for the enhancement of the San Dieguito River Valley and Lagoon

The bill would impose a state-mandated local program by requiring the county to act

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as a trustee, but would require the county to deduct its administrative costs from the trust revenues distributed to it.

(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. 1278 (AB 3156) Allen. Fish and game.

(1) Existing law does not prohibit interfering with a person lawfully engaged in shooting, hunting, fishing, falconry, or trapping.

This bill would prohibit a person from intentionally interfering with, as defined, that activity at the location where the activity is taking place, with specified exceptions, would make a 1st violation of that prohibition an infraction with prescribed penalties, and would make a subsequent violation a misdemeanor with enhanced penalties if the offender has been convicted of another separate violation of these provisions which occurred within 2 years. The bill would, therefore, 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. 1279 (AB 3305) Johnston. Insurance: testing.

Existing law, generally, prohibits the use of an AIDS blood test for the determination of insurability.

This bill would establish mandatory and uniform minimum standards for assessing AIDS risks and AIDS-related conditions for purposes of determining insurability by life and disability income insurers, as specified

Existing law establishes the Insurance Information and Privacy Protection Act, which contains comprehensive provisions regarding the collection, use, and disclosure of information gathered in connection with insurance transactions, as defined. Existing law provides for the repeal of this act on January 1, 1989.

This bill would indefinitely extend this act.

Since violations of cease and desist orders issued under the Insurance Information and Privacy Protection Act are misdemeanors, the bill would impose 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.

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

Ch. 1280 (AB 3439) Margolin Medi-Cal: third-party coverage.

Existing law authorizes the Director of Health Services to recover the reasonable value of Medi-Cal benefits from 3rd persons or insurance carriers liable for injuries to Medi-Cal recipients.

This bill would specify that the cost of a Medi-Cal service provided to an eligible developmentally disabled Medi-Cal beneficiary may be recovered by the Director of Health Services from a liable 3rd person or an insurance carrier

Existing law requires every health care service plan, self-insured employee welfare benefit plan, disability insurer, and nonprofit hospital service plan to maintain a file of prescribed identifying information of subscribers or policyholders and certain information on all covered persons and make the information available, upon reasonable request, to the State Department of Health Services.

This bill would expressly make these provisions applicable to self-insured employee welfare benefit plans regulated pursuant to a specified federal law, self-funded employer

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plan, labor union trust fund, employer, and any other similar plan, insurer, or entity It would also require the Board of Administration of the California Public Employees' Retirement System and affiliated systems and agencies to permit data matches with the state department to identify Medi-Cal beneficiaries with third-party health coverage or insurance, notwithstanding prescribed confidentiality provisions.

Ch. 1281 (AB 3454) Johnson Political Reform Act of 1974 preelection statements

Under the Political Reform Act of 1974 committees formed or existing primarily to support or oppose the qualification of ballot measures and proponents of ballot measures are required to file preelection statements for specified time periods In the case of a measure which fails to qualify, a statement is required no later than 35 days after the deadline for filing petitions or the date of notification that the measure has failed to qualify, whichever is earlier In the case of a measure which qualifies for the ballot, a statement is required to be filed no later than 15 days prior to the deadline for submission of the ballot argument in favor of the measure or 35 days after the date of notification that the measure has qualified, whichever is earlier

This bill would, instead, provide that these preelection statements shall be filed 21 days after any petitions are filed or 21 days after the deadline for filing petitions, whichever is earlier

This bill would incorporate changes in Section 82400.5 of the Government Code proposed by SB 2027, but only if this bill and SB 2027 are both chaptered and become effective and this bill is chaptered last.

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

Ch 1282 (AB 3509) Isenberg Unclaimed personal property disposition

Existing law permits public agencies to dispose of personal property found or saved on property subject to these entities' jurisdiction, as specified, or to adopt reasonable regulations for the care, restitution, sale, or destruction of unclaimed property in its possession, as specified.

This bill would define the term "public agency" for the above purposes and would specifically include within that term the Department of General Services and the Department of Parks and Recreation

Under existing law, all money belonging to the state received from any source whatever by any state agency is to be accounted for to the Controller, as specified, and upon order of the Controller, to be paid into the State Treasury and credited to the General Fund.

This bill would specify that funds received by the Department of Parks and Recreation or the California State Police Division from auction sales of personal property found or saved on property subject to these entities' jurisdiction shall be deposited in the State Treasury to the credit of the State Parks and Recreation Fund and the California State Police Fund, respectively, to be used for specified training purposes

Ch. 1283 (AB 3514) N. Waters. Local public health services

Existing law authorizes the State Department of Health Services to conduct, directly or through contract, local public health services in counties of less than 40,000 population if specified conditions are met.

This bill would provide that any counties which were eligible for organization and operation of local public health services by the department pursuant to that authority as of January 1, 1988, shall thereafter continue to be eligible therefor, notwithstanding a subsequent increase in total population beyond the 40,000 population limit

This provision would be repealed January 1, 1991

Ch. 1284 (AB 3535) M Waters. Teachers authority to provide for attendance of parent or guardian at school.

Existing law imposes various duties on the governing boards of school districts

This bill would require the governing board of each school district to adopt a policy authorizing teachers to provide that the parent or guardian of a pupil who has been suspended for committing an obscene act, engaging in habitual profanity or vulgarity,

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disrupting school activities, or willfully defying authority, attend a portion of a schoolday in his or her child's classroom, as specified

By requiring that school districts adopt this policy, this bill would impose a state-mandated local program.

This bill would require parents or guardians to attend classrooms according to this policy, and would prohibit certain employer action against parents or guardians who are absent from work to attend class pursuant to this bill

The bill would authorize any employee who believes that he or she has been discharged, threatened with discharge, demoted, suspended, or in any other manner treated unfairly in any term or condition of employment in retaliation for being absent from work pursuant to these provisions to file a complaint pursuant to specified procedures set forth in the Labor Code The bill would authorize the Labor Commissioner to require the employer to pay the employee a sum equal to triple the amount of lost wages and work benefits due to the violation

This bill would require that an employee's right to compensation for the time of his or her absence from work be governed by the contract of employment or practice of the employer, as applicable The bill also would provide that the protections afforded to employees by these provisions are applicable to the attendance of a parent or guardian no more than 4 times per school year. Thereafter, an employee's rights would be governed by the contract of employment and other provisions of existing law

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

This bill would provide that, 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. 1285 (AB 3776) Hauser Mobilehome Recovery Fund.

Under existing law, any person, who has purchased a mobilehome for prescribed purposes and has obtained a final judgment in any court of competent jurisdiction against any seller on the grounds of failure to honor warranties or guarantees, or for fraud or for willful misrepresentation of the kind or quality of the product sold, may file a claim with the Department of Housing and Community Development for an order directing payment out of the Mobilehome Recovery Fund in the amount of actual and direct loss in the transaction including court costs and reasonable attorneys fees not to exceed 15% of the judgment, which remains unpaid upon the judgment The amount of the recovery is limited to $40,000 in the case of new mobilehomes and $20,000 in the case of used mobilehomes, or the amount of the judgment, whichever is less

This bill would also permit claims by sellers and claims for recovery for conversion, as prescribed. It would also permit claims by any person who has obtained an administrative determination, as defined, against a licensee who is or has been the subject of bankruptcy proceedings The bill would specifically make these provisions applicable to sale transactions involving manufactured homes, would limit the total amount of any claim whether relating to a transaction for a new or a used mobilehome or manufactured home to the actual and direct loss, as defined, and would limit the maximum payment from the fund to the amount of the judgment plus attorney fees, or the amount of the administrative determination plus attorney fees, whichever is less, but in no event more than $40,000 This bill would also authorize the payment to the department of certain investigatory and enforcement expenses incurred in this regard. The bill would make clarifying and corrective changes. Because the Mobilehome Recovery Fund is a continuously appropriated fund, by changing the purposes for which moneys in the Mobilehome Recovery Fund may be used, the bill would constitute an appropriation measure

This bill would further require that, in the case of any disciplinary hearing before an administrative law judge concerning licensing, the administrative law judge would be required to make findings, under specified circumstances, regarding the amount of

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certain monetary losses resulting from the respondent's misconduct and of the department's expenses.

Ch 1286 (AB 4655) Tanner Building standards: energy conservation.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe energy conservation standards for new residential and new nonresidential buildings

This bill would require the commission to consider the impact that new building standards for residential and nonresidential buildings relating to energy conservation have on indoor air pollution

The bill would require the commission, in consultation with the State Department of Health Services and the State Air Resources Board, to review existing building standards relating to energy conservation by December 31, 1991, to determine whether modifications are needed to reduce indoor air pollution

Ch. 1287 (AB 2875) Costa. Drainage water management projects, surface impoundments

(1) 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 construction of drainage water management units for the treatment, storage, or disposal of agricultural drainage water

This bill would authorize loans in the amount of $6,173,000 pursuant to the bond law to specified agencies for purposes of financing specified drainage water management units in accordance with a specified schedule, thereby making an appropriation

(2) 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 The act also prohibits any person from discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment after June 30, 1988, except as specified, if the surface impoundment is located within a specific distance from a potential source of drinking water The act also prohibits any discharge into a surface impoundment, on and after January 1, 1989, which is not equipped and monitored in a specified manner. The act also imposes other requirements concerning fees, inspections, and closure of the impoundment.

This bill would allow a regional board to grant an exemption from all of the requirements of the act for a surface impoundment which contains only agricultural surface or subsurface drainage waters and which meets specified criteria The exemption would be effective for four years, or until January 1, 1993, whichever is earlier The bill would specify procedures for applying for the exemption, including submission of a $3,000 filing fee, for deposit in the Surface Impoundment Assessment Account in the General Fund, and would require a regional board to revoke the exemption upon making a specified finding.

The bill would require the State Water Resources Control Board to provide guidance to the regional boards to ensure the uniform administration of this provision and to submit a report to the Legislature by January 1, 1992, concerning the status of compliance with this provision

The bill would repeal this provision on January 1, 1993

Ch 1288 (SB 2001) Keene Corporations

Existing law authorizes the articles of incorporation to contain various provisions, including special voting requirements.

This bill would require an amendment of the articles or a certificate of determination that includes a supermajority vote requirement to be approved by at least as large a proportion of the outstanding shares as is required by the amendment or certificate of determination for the approval of the specified corporate action

The bill would also make the above provision applicable to specified foreign corporations

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This bill would incorporate amendments to Section 2115 of the Corporations Code which are proposed by AB 4659, if both bills are chaptered and this bill is chaptered last

Ch 1289 (SB 2064) Craven. Mobilehome Recovery Fund.

Under existing law, purchasers injured in mobilehome sales transactions occurring on or after January 1, 1985, due to the seller's failure to honor warranties or guarantees, fraud, or misrepresentation of the kind or quality of product sold, are eligible to claim up to $40,000 of an unsatisfied judgment from the Mobilehome Recovery Fund, with respect to sale of a new mobilehome and $20,000 for the sale of a used mobilehome These provisions of existing law are limited to persons purchasing mobilehomes for personal, family, or household residential purposes

This bill would also permit claims by any person who has obtained an administrative determination, as defined, against a licensee who is or has been the subject of bankruptcy proceedings This bill would limit the total amount of any claim to actual and direct loss, as defined, and would limit the maximum payment from the fund to the amount of the judgment plus attorney fees, or the amount of the administrative determination plus attorney fees, whichever is less, but in no event more than $40,000. This bill would also authorize the payment to the department of certain investigatory and enforcement expenses incurred in this regard

This bill would make that payment limit applicable to claims respecting sales of used mobilehomes and would extend eligibility to recover from the fund to sellers of mobilehomes used by the seller for a personal, family, or residential purpose However, the bill would require the seller to demonstrate a good faith effort to secure the debt for which the claim is made, as specified. Because the Mobilehome Recovery Fund is continuously appropriated to the Department of Housing and Community Development for paying these claims and because this bill would expand the types of claims for which the fund could be paid, this bill would constitute an appropriation measure.

This bill would further require that, in the case of any disciplinary hearing before an administrative law judge concerning licensing, the administrative law judge would be required to make findings, under specified circumstances, regarding the amount of certain monetary losses resulting from the respondent's misconduct and the department's expenses

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

Ch 1290 (SB 2184) Robbins Automobiles. collision or comprehensive insurance

Existing law regulates the business of insurance in this state, including the issuance of automobile insurance policies

This bill would prohibit, with prescribed exceptions, any insurer issuing an automobile collision or comprehensive policy, as defined, from refusing to issue the policy of insurance, as specified, based solely on the age of the automobile to be insured, if the market value of the automobile exceeds $2,500

Ch 1291 (SB 2198) C Green Disaster relief

(1) Existing law provides for the Housing and Rehabilitation Loan Fund which is continuously appropriated to the Department of Housing and Community Development for making prescribed deferred-payment loans and for specified related administrative expenses of the department Certain moneys in the fund are also appropriated for special deferred payment loans for rehabilitation of owner-occupied single-family dwellings in a specified area that were damaged or destroyed as a result of the Los Angeles-Whittier Narrows Earthquake of October 1987 or its aftershocks or for deferred loans for rehabilitation of rental housing that was damaged or destroyed as a result of that earthquake or subsequent aftershocks This bill would continuously appropriate moneys in the fund generally for making deferred-payment loans for rehabilitation of owner-occupied and rental housing damaged or destroyed as a result of that earthquake and its aftershocks It would also require, notwithstanding any other provision of law, that any interest or other increment earned by the investment or deposit of prescribed statutes relating to disaster relief for that earthquake be deposited in a special account in the Housing Rehabilitation Loan Fund and be used exclusively for disaster relief to

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the owners of single-family dwellings or owners of rental housing and the tenants residing in rental housing that was damaged or destroyed by the earthquake or subsequent aftershocks

(2) Existing law authorizes the Department of Housing and Community Development to conduct a special program of deferred payment loans for rehabilitation or reconstruction of rental housing destroyed or damaged by the Los Angeles-Whittier Narrows Earthquake of October 1987 or its aftershocks Existing law authorizes the department to establish rent levels, as specified, for developments receiving these loans. Existing law also requires that assisted developments provide occupancy priority to tenants of the assisted units who were displaced by the earthquakes or resulting rehabilitation, second priority to other lower income households displaced by the earthquakes or resulting rehabilitation, and third priority to other victims of the disaster who are persons and families of low or moderate income

This bill would restrict the department's authority to establish rent levels to assisted units. The bill would also delete the second and third occupancy priorities discussed above.

(3) The bill would declare that it is to take effect immediately.

Ch 1292 (SB 2232) Seymour. Traumatic head injuries.

(1) Existing law does not specifically provide for a coordinated program to meet the needs of persons who have suffered head injuries.

This bill would state specified legislative findings and declarations and state the intent of the Legislature to establish a demonstration project for a post-acute continuum-of-care model for persons with traumatic head injuries which shall demonstrate a coordinated approach designed to place persons with head injuries into supported or competitive employment.

The bill would require the State Department of Mental Health to establish demonstration projects for a post-acute continuum-of-care model for adults 18 years of age or older with acquired traumatic brain injuries, and would require that the department consult with interested parties.

The bill would require the department to report to the Legislature on November 30 of each year of the demonstration projects, and to submit a final evaluation report to the Legislature within 6 months after the completion of the projects.

(2) Existing law, with certain exceptions, makes it an infraction. (a) to operate a private passenger motor vehicle on a highway unless that person and all passengers 4 years of age or over are restrained by a safety belt, (b) for any person 16 years of age or over to be a passenger in a private passenger motor vehicle on a highway unless that person is restrained by a safety belt, and (c) for every owner of a private passenger motor vehicle operated on a highway to maintain safety belts in good working order for the use of occupants of the vehicle.

Under existing law, a fine of up to $20 may be assessed for the first violation of those provisions, and a fine of up to $50 may be assessed for a subsequent violation

Under existing law, $7 out of every $10 collected for specified offenses, including those mentioned above, is transferred to the state for deposit in the Assessment Fund. Moneys in that fund are utilized in accordance with a specified formula

This bill would, in addition, require the levying of a penalty assessment for the above-mentioned offenses of $2 for the first offense and $5 for a subsequent offense.

The bill would provide that the amount of the penalty assessments attributable to this bill deposited in the Assessment Fund would be transferred to the Traumatic Brain Injury Fund, which would be created by the bill, except that not more than $500,000 would be deposited in the Traumatic Brain Injury Fund during a fiscal year. The bill provides that the Traumatic Brain Injury Fund shall be available for expenditure for the purposes of this bill, upon appropriation by the Legislature.

The bill would provide that moneys from any fines created pursuant to the bill deposited in the Assessment Fund on or after the repeal of the demonstration project provisions would be utilized in accordance with existing law

The bill would, except for the provisions relating to the penalty assessments, and for the final evaluation report, be repealed on January 1, 1993

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(3) The bill would incorporate additional changes in Section 1464 of the Penal Code proposed by AB 3242 to be operative only if AB 3242 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last These changes would become operative on the date the amendments to Section 1464 of the Penal Code proposed by AB 3242 would otherwise become operative

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

Ch 1293 (SB 2258) C. Green. Real estate.

Existing law requires that any person who intends to offer subdivided lands within this state for sale or lease must file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department. The information required to be included in the notice of intention is prescribed by law.

This bill would require an owner, subdivider, or agent offering subdivided lands for sale or lease, within a city or county which has adopted an ordinance making the bill applicable, to supply a map, as specified, showing the location of existing and adopted freeways, as specified, and covering 2 statute miles surrounding the subdivision. This bill would require the map to be posted in a conspicuous place, as specified, and shown to each prospective purchaser or lessee The bill would require a copy of the map to be given to purchasers and lessees upon request

This bill would remain in effect only until January 1, 1994, and as of that date would be repealed, unless a later enacted statute, which is enacted before January 1, 1994, deletes or extends that date.

Ch 1294 (SB 2259) Robbins Criminal proceedings· bail.

Existing law specifies the circumstances under which a court is required to direct that a forfeiture of the undertaking, deposit or bail be discharged and specifies that the court is to direct the discharge under such terms as may be just. Existing law also provides that the district attorney or prosecuting attorney shall be given notice of any order discharging the forfeiture of the undertaking, deposit or bail, unless waived, and may request a hearing within 10 days after the receipt of the notice to be set by the court, as specified.

This bill would provide that if an assessment is made against the surety on the bond as a condition of the order to set aside the forfeiture, the clerk of the court is required to mail a notice of the assessment within 30 days to the surety or depositor at its principal office address. This bill would require that the time limit for payment of the assessment set by the court be not less than 30 days after the date of mailing of the notice, and would allow an additional 30 days for payment, as specified

This bill would impose a state-mandated local program by requiring a higher level of local governmental service.

The California Constitution requires 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 1295 (SB 2573) 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 disposal income, including a hardship deduction based on minimum basic living expenses of a parent's natural or adopted dependent minor children from other marriages or relationships who reside with the parent.

This bill would prohibit the hardship deduction for each child who resides with the parent from exceeding the support awarded each child subject to an order, except under

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specified circumstances, and would provide a formula to be used to calculate the maximum hardship deduction. This bill also would require the Judicial Council to develop tables in accordance with the formula, as specified

Existing law designates the Attorney General as the state information agency for the purpose of compiling, maintaining, forwarding, and obtaining certain information in support of the Revised Uniform Reciprocal Enforcement Act of 1968, as specified.

This bill would require that copies of all documents used to initiate enforcement of any interstate child support obligation shall be sent directly to the state information agency, thus imposing a state-mandated local program by imposing additional duties on local officials.

The California Constitution requires 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 (SB 2709) Alquist. Property taxation· exemption. leases for rental housing.

Existing property tax law provides a partial exemption from property taxation under the welfare exemption for property which is used exclusively for rental housing and related facilities, is owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations, including limited partnerships in which the managing general partner is an eligible nonprofit corporation, and, in part, is occupied by lower income households, if specified criteria are met.

This bill would provide an exemption from property taxation for property leased for a term of 35 years or more or any property transferred with a lease with a remaining term of 35 years or more during which term the property is used exclusively for rental housing and related facilities for tenants who are persons of low income, as defined, and is leased and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations, public housing authorities, public agencies, or limited partnerships in which the managing general partner has received a determination that it is a charitable organization under specified provisions of federal income tax law and is operating the property in accordance with its exempt purpose.

This bill would make a property tax exemption within the meaning of Section 2229 of the Revenue and Taxation Code, but would provide that specified requirements of that section shall not apply to this exemption

This bill would become operative for the 1988–89 fiscal year and each fiscal year thereafter

Ch 1297 (SB 2753) Royce Grand juries

(1) Existing law provides, generally, for the powers and duties of grand juries, as specified.

This bill would revise and recast the law relative to grand juries, to do, among other things, the following: The bill would require a grand jury to be charged in each county to investigate or inquire into county matters of civil concern, as specified, and to be instructed with regard to those duties, its duties with regard to the removal of local public officers for willful or corrupt misconduct in office, and the duties of the board of supervisors to provide for the investigation of applications for general relief, as well as those duties currently specified. The bill would prescribe the method and content of the rules of proceeding to be adopted by a grand jury, as specified The bill would require a specified provision in all grand jury contracts employing experts. The bill would revise the deadlines and procedures for the preparation of final reports, and to authorize the filing of final reports on any appropriate subject matter at any time, as specified. The bill would also revise provisions regulating who may be present during sessions of the

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grand jury

The bill would impose a state-mandated local program by expanding the duties of the grand jury, and those of agencies subject to investigation by the grand jury.

The bill would also incorporate additional amendments to Section 939 of the Penal Code proposed by AB 3141, contingent upon its prior enactment

(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 1298 (SB 2758) Marks Displaced homemakers.

(1) Existing law establishes the Displaced Homemaker Emergency Loan Act, which is an emergency loan program pilot project in the Counties of Marin, San Francisco, and Alameda, administered by the California Commission on the Status of Women, designed to assist displaced homemakers. Existing law provides for purposes of the act that loan guarantees be filed with the commission within 6 months from the date of displacement, as defined

This bill would, instead, require the applications for loan guarantees to be filed within 12 months from the displacement date.

(2) Under existing law, for purposes of the act there is a continuously appropriated Displaced Homemaker Emergency Loan Fund Existing law authorizes the commission to transfer unused portions of this fund to the Surplus Money Investment Fund and provides that interest earned up to a specified amount is continuously appropriated to the Displaced Homemaker Emergency Loan Fund to offset administrative costs to the commission for the loan guaranty program

This bill would clarify that the interest is available to offset annual administrative costs to the commission for the loan guaranty program.

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

Ch 1299 (SB 2824) Vuich Grade separation projects. maximum allocation

Under existing law, with specified exceptions, $5,000,000 is the maximum amount that may be allocated by the California Transportation Commission from the State Highway Account in the State Transportation Fund for a single grade separation project without specific legislative authorization

This bill would exempt from that limitation single grade separation projects meeting specified criteria, and would provide that an agency which has received an allocation for an exempt project is ineligible for an allocation for another exempt project for a period of 10 years and that not more than ½ of the allocation for grade separation projects in any year may be used for these exempt projects

Ch 1300 (SB 2838) L Greene Escrow Law

Existing law requires each licensed escrow agent to pay the Commissioner of Corporations its pro rata share of all cash and expenses incurred in administration of the Escrow Law The total assessment may not exceed the amount of the first assessment adjusted for changes in cost of living

This bill would, notwithstanding the cost-of-living adjustment limitation upon an escrow agent's assessment, authorize the commissioner to impose a one-time supplemental assessment of up to $150, as specified

Existing law provides that any person who willfully violates the Escrow Law is guilty of a misdemeanor or felony and subject to a fine, as specified

This bill would additionally make it unlawful for a person to willfully make any untrue statement of a material fact in any application, notice, or report filed with the commissioner, as specified, thus constituting a new crime.

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

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

Ch. 1301 (SB 2854) Watson AIDS: education. inmates and wards.

Existing law provides for county jails, state prisons and state penal institutions for the detention and confinement of persons convicted of crimes.

This bill would require the sheriff of each county, with respect to inmates who have been sentenced for drug-related offenses, the Director of Corrections, with respect to all inmates, as specified, and the Director of the Youth Authority, with respect to wards, as specified, to provide inmates and wards at their respective penal facilities with information, as specified, about behavior that places a person at high risk for contracting the human immunodeficiency virus (HIV), and about the prevention of transmission of acquired immune deficiency syndrome (AIDS) It would also require the county sheriff or the chief county probation officer, and the Director of Corrections or the Director of the Youth Authority to provide those persons, as specified, with information regarding testing and services relating to AIDS and to solicit information about AIDS prevention from the State Department of Health Services, the county health officer, or local agencies providing services to persons with AIDS It would require the Director of Health Services to approve protocol pertaining to this information and the training to be provided. To the extent that the bill would increase the level of services required by county sheriffs and probation officers it would constitute a state-mandated local program.

This bill would specify that the implementation of the above-described AIDS education programs for inmates and wards shall be contingent upon Budget Act appropriations for these programs in each fiscal year

Ch 1302 (SB 2871) Marks. Building standards

Existing law contains extensive provisions regulating building standards including the requirement that the Department of Housing and Community Development and the State Fire Marshal adopt and submit building standards for approval by the State Building Standards Commission and adopt other building regulations for hotels, motels, lodginghouses, apartment houses, and dwellings, in conformity with various uniform industry codes In the absence of adoption by regulation, except as specified, the most recent editions of the uniform codes are considered to be adopted after the codes are published by the adopting organization Counties and cities within 180 days from the effective date of provisions changing the state building standards or regulations are required to impose the same requirements as the state standards and regulations, except as otherwise specified

This bill would provide that amendments, additions, and deletions to the State Building Standards Code adopted by a city, county, or city and county, pursuant to provisions enacted by the bill together with all applicable portions of the State Building Standards Code, shall become effective 180 days after publication of the State Building Standards Code by the State Building Standards Commission The bill would also require that the building standards contained in specified codes published by the State Building Standards Commission apply, with certain exceptions, to all occupancies throughout the state. These changes would impose additional duties upon local enforcement agencies and constitute a state-mandated local program.

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

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

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Ch. 1303 (SB 294) Boatwright Claims against the state. appropriation. [15]

This bill would appropriate $542,116.78, including $21,297 from the General Fund to the Secretary of the State Board of Control for reimbursement to the County of Contra Costa, as specified, and $520,819 78, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

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

Ch. 1304 (AB 2818) La Follette. Solid waste· remedial actions.

Under existing law, the California Waste Management Board is authorized to make loan guarantees to solid waste landfill facility operators for, among other things, corrective actions. Also, under existing law, the Solid Waste Cleanup and Maintenance Advisory Committee is required to establish criteria for making grants and loans by the board and to make recommendations to the board thereon.

This bill would, additionally, require the committee to submit an annual report to the Legislature in 1990, 1991, and 1992 on specified activities of state agencies The bill would also designate the types of the corrective actions for which the board may make loan guarantees.

Ch 1305 (AB 3466) Hansen Mental health.

(1) 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, and except for counties with less than 100,000 in population which have no county share except for 10% of the cost of state hospital services and 15% of the cost of local hospital services Moreover, under provisions which would be repealed July 1, 1991, for counties with a population of 100,000 to 110,000, as recorded in the 1980 federal census, for the 1987–88, 1988–89, 1989–90, and 1990–91 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 eliminate the provisions establishing a reduced county share for counties with less than 100,000 in population, as well as for those with populations from 100,000 to 110,000

The bill would, instead, provide that, commencing with the 1988–89 fiscal year, county financial participation requirements shall be waived for all counties with not more than 125,000 in population, except that these counties would be required to pay 10% of the cost of state hospital services and 15% of the cost of local hospital patient services.

This bill would also permit counties of a specified population, that as of the effective date of this bill operate county hospitals which, in whole or in part, provide mental health psychiatric inpatient services as part of a local mental health program, to elect to withdraw the hospital from participation in the Short-Doyle/Medi-Cal program and to instead participate in the fee-for-service Medi-Cal program to obtain reimbursement for mental health services, provided that the fee-for-service Medi-Cal rate of reimbursement is established pursuant to contract with the California Medical Assistance Commission The bill would require a county making this election to notify the State Department of Mental Health, the State Department of Health Services, and the California Commission on Medical Assistance, and would specify that the Short-Doyle allocation for the county shall be reduced by the amount of county Short-Doyle funds used to match federal Medi-Cal reimbursements for the county hospital's inpatient services

(2) Under existing law, the purposes of the Short-Doyle Act, relating to the organization and financing of community mental health services for the mentally disordered, include allocating state mental health funds equitably among counties according to community needs This provision would be repealed on January 1, 1989, unless a later enacted statute deletes or extends that date. Existing law also provides that available funding for local programs, beyond the current base plus any cost-of-living adjustment be allocated to counties based upon relative need as defined.

This bill would require the State Department of Mental Health, by December 31 of each year, to make available information on the progress which has been made in achieving equity between counties.

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The bill would also extend the duration of these provisions, including the requirement to make information available by December 31 of each year, to January 1, 1992

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

Ch 1306 (AB 3473) Filante "On-call" physician immunity: obstetrical services.

Under existing law, specified physicians who in good faith render emergency care in a hospital emergency room in the event of a medical disaster, as defined, are not liable for civil damages as a result of any acts or omissions in rendering the emergency medical care, except as specified.

This bill would extend this immunity to negligent acts or omissions of physicians who serve on an "on-call" basis to a hospital emergency room who in good faith render emergency obstetrical services

The bill would however, provide that the immunity does not apply if, among other things, the licensee provided prior medical diagnosis or treatment to the patient for a condition having a bearing on or relevance to the treatment of the obstetrical condition which required the emergency services, the licensee had a prior contractual obligation or agreement with the patient, another licensee, or a third-party payer to provide obstetrical care for the patient; the licensee had a reasonable expectation of payment of the emergency services provided to the patient; or consideration in any form is provided to the licensee or the licensee is required to serve on an on-call basis, except as specified

Ch. 1307 (AB 3494) M. Waters Juveniles. TEAM camps

Existing law provides various programs for minors who are wards of, and dependent children of, the juvenile court, as specified

This bill would enact a pilot project under the administration of the office of Criminal Justice Planning for the establishment of TEAM sports camps, as specified The office of Criminal Justice Planning would be required to report to the Governor and to the Legislature, as specified The provisions of the bill would be repealed on January 1, 1994

The bill further would provide that programs established pursuant to the above project shall be eligible for funding under the Gang Violence Suppression Program, as specified, or under any other relevant provision of law

Ch 1308 (AB 3572) Costa Housing. security

(1) Existing law and local ordinances may authorize or require the furnishing of security in the performance of various acts or agreements with respect to improvements on real property subject to the Subdivision Map Act. Existing law specifies the types of security which may be used at the option and subject to the approval of the local agency, including an instrument of credit from financial institutions

Existing law specifies the conditions with which certain nonprofit corporations must comply when required to furnish security. One of those conditions is that the contractor installing the improvements has bonded to the nonprofit corporation and the local agency as coobligee the amount of 100% of the contract for faithful performance of the work and that the contractor meet other bonding requirements

This bill would provide that in the case of a developer which is one of these nonprofit corporations, the required security shall be subject to approval of the local agency.

This bill would add to the types of security which may be utilized an instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least 20% of the financing for the portion of the act or agreement requiring security.

This bill would permit the nonprofit corporation, instead of meeting the above bonding requirement, to provide the instruments of credit from state, federal, or local government agencies

(2) Existing law requires, as another condition on security with which the nonprofit corporations must comply, that all moneys payable to the contractor by the nonprofit corporation are deposited in a depository meeting certain requirements. Existing law imposes as one condition of the making of progress payments that final payment requires acceptance of the work by the local agency in writing

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This bill would, instead, require that all moneys under the control of the nonprofit corporation and payable to the contractor be so deposited. The bill would add as a condition for progress payments the review and approval of progress payment billings by the local government and that final payment also requires a waiver of lien rights provided by the contractor to the local agency in writing.

(3) Existing law makes one of the amounts of security to guarantee performance an amount determined by the legislative body necessary to guarantee the work for one year after completion. Existing law provides that the release of security shall not apply to any required guarantee or warranty period.

This bill would make these provisions subject to specified limitations on liability upon the security

Ch. 1309 (AB 3638) Bradley. Local agencies. fees, charges, or other forms of payment for public facilities.

Existing law imposes certain requirements upon local agencies which establish, increase, or impose fees, other than taxes or assessments, from applicants for approval of development projects.

This bill would, with certain exceptions, prohibit a fee, charge, or other form of payment for a public capital facility improvement related to a development project, as defined under specified existing provisions, from including an amount for the maintenance or operation of an improvement when the fee, charge, or other form of payment is required as a condition of the approval of the development project or development, or required to fulfill a condition of the approval.

Ch 1310 (AB 3698) Harris. Judges· senior judge status.

Existing law, which became operative July 1, 1985, authorizes a judge, upon filing a notice of retirement effective just prior to age 70, to elect senior judge status, which shall terminate either at the end of 3 years from the effective date of retirement or earlier if the judge requests termination, the judge fails to perform service as assigned, or the Commission on Judicial Performance so orders.

This bill would instead: (1) authorize a judge upon filing a notice of retirement under the Judges' Retirement Law to be effective after age 69½ but before age 70 to elect senior judge status, (2) authorize a retired judge who retired under the Judges' Retirement Law before July 1, 1985, and who has attained age 60 to apply to the Chairperson of the Judicial Council for senior judge status; (3) authorize a judge who has left office at age 60 or older on or after July 1, 1985, and who has 20 years or more of retirement service credit under the Judges' Retirement Law to apply to the Chairperson of the Judicial Council for senior judge status, (4) provide that senior judge status shall terminate either at the end of 3 years or earlier if the judge requests termination, the judge fails to perform service as assigned, the Commission on Judicial Performance so orders, or the judge attains the age of 73; and make related, nonsubstantive changes

Ch. 1311 (AB 3708) Polanco. Pasadena Unified School District: Tutoring and Homework Assistance Program.

Existing law does not require the Pasadena Unified School District to develop a model tutoring and homework assistance program for use in school districts throughout the state

This bill would impose a state-mandated local program by imposing that requirement and by requiring the district to report annually, as specified, to the Superintendent of Public Instruction on the implementation and effectiveness of its program and on its progress in developing the model program.

The bill also would express the intent of the Legislature that colleges and universities be encouraged to grant academic credit to students enrolled in a teacher training program who participate as volunteers in the program pursuant to this bill.

The bill would authorize the Pasadena Unified School District to credit for the purpose of summer school apportionments computed pursuant to specified provisions of law, specified hours of homework and tutorial assistance.

The bill would make these provisions inoperative on June 30, 1991, and would repeal

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them on January 1, 1992.

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

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

Ch. 1312 (AB 3818) Bader Public accountants.

Under existing law, the State Board of Accountancy is required by regulation to prescribe, amend, or repeal rules defining the basic requirements for the continuing education of certified public accountants and public accountants.

This bill would require that the regulations provide that a licensee who plans, directs, or approves any financial or compliance audit report on any governmental agency shall complete a minimum of 24 hours of qualifying continuing education in the area of governmental accounting and auditing or related subjects during the license renewal period.

Ch. 1313 (AB 3829) Moore. Cable television income of residents.

(1) Existing state law authorizes the governing body of a city, county, or city and county to grant a franchise or license for the construction of a cable or community antenna television system. Federal law requires the franchising authority to assure that access to cable television service is not denied to a group of potential subscribers on the basis of the income of residents of the local area.

This bill would state legislative findings relative to the failure of a franchisee to complete construction of a system as having the effect of denying service to a group of residents, and would require the franchising authority to assure that service is not denied on the basis of income of the residents of an area, and authorize it to take appropriate action, including franchise revocation, in the event of noncompliance, 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. 1314 (AB 3871) Bates. Child abuse report disclosure: multidisciplinary personnel teams.

Existing law establishes within the State Department of Social Services an Office of Child Abuse Prevention, and authorizes that office to establish pilot projects for research, prevention, identification, and treatment of child abuse, which include, among other things, the establishment of multidisciplinary family crisis teams.

Under existing law, persons who are trained and qualified to serve on multidisciplinary personnel teams are authorized to disclose to one another information and records which are relevant to the prevention, identification, management, or treatment of an abused child and his or her parents.

This bill would specify that those persons who are so qualified, whether or not they are serving on the team, may be deemed by the team to be a part of the team as necessary for the purpose of prevention, identification, management, or treatment of an abused child and his or her parents, and would specify that those persons, when deemed a member of the team, may receive and disclose information relevant to a particular case situation as though they were members of the team.

Ch. 1315 (AB 3917) Johnston Home equity loan disclosure.

Existing law provides for the regulation of mortgages on real property, as specified.

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This bill would enact the Home Equity Loan Disclosure Act, which would require a creditor, at the time that a customer makes an initial application for a home equity loan in person, or within 3 business days if the customer applies by mail or telephone, to provide disclosure information relating to the loss of a home in the event of any default by the consumer, as specified.

Ch. 1316 (AB 4066) Clute. Public educational officers: compensation.

Existing law authorizes any member of a city board of education, or the governing board of a school district or community college district, to receive compensation, based on meeting attendance. That compensation may not exceed a designated amount, which amount is determined according to the average daily attendance in the school district or community college district, respectively, for the 1982–83 school year, as specified.

This bill would, instead, determine that compensation level according to the average daily attendance in the school district or community college district for the prior school year. The bill would thus impose a state-mandated local program by requiring certain city boards of education, school district governing boards, and community college district governing boards to revise the rate of compensation that may be paid to their members.

The California Constitution requires 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 1317 (AB 4129) Hayden California State University. loan collection contracts.

Existing law provides for the use by state agencies of a procedure that requires a request for proposal prior to entering into a contract, pursuant to which procedure the contract is to be awarded to the lowest responsible bidder meeting specified standards.

This bill would grant all necessary power to the Trustees of the California State University, notwithstanding any provision of law, to award contracts to one or more contractors, at any one or more campuses, for the collection of delinquent education loans required to be paid under federal law.

Ch. 1318 (AB 4260) Quackenbush. Competitive technology

Under existing law, the Department of Commerce is the primary state agency responsible for promoting economic development in the state and providing service to visitors to this state and to California and foreign businessmen active in international trade.

This bill would create an Office of Competitive Technology within the department with prescribed functions and would create a Competitive Technology Advisory Committee to advise the department regarding specified subjects.

This bill would create in the State Treasury a California Competitive Technology Fund which would be continuously appropriated.

Ch. 1319 (AB 4292) Bronzan. State loan insurance: facilities for the developmentally disabled.

Under existing provisions entitled the Small Facility Loan Guarantee for Developmental Disability Programs, up to $15,000,000 of loans for certain facilities for the developmentally disabled may be insured, as specified, pursuant to the California Health Facility Loan Insurance Law.

This bill would require the Office of Statewide Health Planning and Development to establish a pilot program under those provisions for insuring loans to nonprofit borrowers that are not licensed to operate the facilities. Under the bill, the number of facilities in the pilot program could not exceed 30, construction of the facilities would have to be commenced by January 1, 1990, and the aggregate amount of loans insured could not

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exceed $6,000,000 However, this amount could be in addition to the existing $15,000,000 authorization.

The bill would authorize delays or program termination for reasons of inadequate staffing or unreasonable risk, as determined by the department.

This bill would require the office to report to the Legislature by January 1, 1991, identifying problems associated with insuring these loans.

Ch. 1320 (AB 4317) Connelly. Insurance: Medicare.

Existing law requires nonprofit health care service plans and disability insurance, that supplements Medicare, to provide for an examination period of 30 days, and permits the return of the contract with the parties being restored to their previous position.

This bill would require the contract or policy to have a notice to that effect, would define timely refund, and would impose penalties if a refund is not timely.

The bill would specify that certain requirements applicable to insurance policies to supplement Medicare apply to certificates, and apply to entities that provide that insurance.

Existing law requires insurance policies to supplement Medicare to return reasonable benefits, as prescribed by regulation

This bill would require individual policies to have a minimum loss ratio of 60% and group policies to have a minimum loss ratio of 75%.

Existing law requires insurers to make an annual filing of the loss ratio.

This bill would prescribe its contents.

The bill would require the policy to make a disclosure of how certain charges would be covered

The bill would provide, for that insurance, that all persons engaged in the business of insurance have a duty of honesty, good faith, and fair dealing.

The bill would require insurers to file a copy of the master policy and certificates for group or individual policies to supplement Medicare with the Insurance Commissioner.

The bill would limit the compensation of producers of insurance to supplement Medicare to renewal compensation.

The bill would authorize the Insurance Commissioner to assess penalties, and would include other sanctions, including criminal sanctions, thereby imposing a state-mandated local program

The bill would require agents who contact a consumer because of a lead generating device to disclose that fact

The bill would regulate advertising of insurance policies to supplement Medicare.

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

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

Ch. 1321 (AB 4328) La Follette. Legal representation

Existing law generally prohibits an attorney at law from taking any part in the filing, prosecution, or defense of litigation in small claims court, except as specified.

This bill would permit a corporation that is a party to an appeal from a judgment of a small claims court to appear through a director, an officer, or an employee, whether or not that person is an attorney at law.

Existing law permits the superior, municipal, and justice courts to assign counsel to certain persons who are unable to employ counsel and to compensate such assigned counsel out of county funds in a county or city and county in which there is no public defender or where the public defender because of a conflict of interest or for other reasons cannot represent the accused person, as specified.

This bill would revise the above provisions to authorize the assignment of counsel only where the public defender and contracted for criminal defense services are unavailable, as specified. It would also provide that in a county of the 1st or 2nd class, as defined, the court shall utilize in the following order. (1) the public defender; (2) where the county has contracted with responsible attorneys to provide criminal defense, those attorneys;

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then (3) other assigned private assigned counsel. A court, however, could depart from the procedure requiring appointment of a public defender or a county-contracted attorney after making a finding of good cause and stating the reasons on the record.

Ch. 1322 (AB 4329) Frazee. Group disability policies: senior citizens.

Existing law provides for the regulation of the business of insurance, including the issuance of group disability policies.

This bill would prohibit, with prescribed exceptions, a certificate of group disability insurance advertised or marketed to persons in this state from being issued or delivered on or after January 1, 1989, to any person 55 years of age or older in this state pursuant to a group master insurance policy issued or delivered in another state unless the certificate and master policy have been filed with, and approved by, the Insurance Commissioner. The bill would require the commissioner to adopt regulations necessary to interpret and implement these provisions.

Ch. 1323 (AB 4405) Killea. California Export Finance Office.

Existing law requires the California Export Finance Office, as part of the California World Trade Commission, to undertake various activities, including coordinating programs designed to provide export assistance and export-related financing.

This bill would authorize the office, in addition, to undertake other specified activities relating to export accounts receivables for California exporters.

Ch. 1324 (AB 4462) Harris. California Main Street Program.

Existing law establishes a Department of Commerce within the Business, Transportation and Housing Agency of state government to carry out specified duties and programs relating to business and economic development, and requires the department to establish a California Main Street Program to provide technical assistance and training to specified public and private entities in small cities and communities to accomplish community and economic revitalization and development of older central business districts and neighborhoods

This bill would provide, among other things, that the program be expanded to include pilot programs in medium-sized and larger cities, as specified.

Existing law specifies that the California Main Street Program shall be made available to cities and communities which have a population of under 50,000.

This bill would repeal that overall maximum population limitation and would provide for pilot programs in larger cities.

Ch. 1325 (AB 4542) Johnson. Healing arts.

Existing law authorizes the Division of Licensing of the Board of Medical Quality Assurance to issue a fictitious-name permit to any physician and surgeon or podiatrist under specified conditions.

This bill would transfer that authority to the California Board of Podiatric Medicine as it applies to podiatrists

The bill would exempt from the prohibition against using a fictitious name without a permit, any physician and surgeon or podiatrist who contracts with, is employed by, or is on the staff of, any licensed clinic, as specified, or any approved medical school or a faculty practice plan connected with a medical school, as specified.

The bill would revise the conditions for the issuance of a fictitious-name permit for physicians and surgeons and podiatrists, would require the division to provide for the renewal of fictitious-name permits every 2 years, and would provide that a fictitious-name permit shall be automatically revoked if a licensee's license is revoked

Existing law prescribes the fees for the issuance of fictitious-name permits to physicians and surgeons and podiatrists.

This bill would increase those fees.

Existing law prescribes the fees with respect to the practice of podiatric medicine.

This bill would revise and increase certain specified fees and add new fees. It would also require the California Board of Podiatric Medicine to fix the fees in amounts not to exceed the actual cost of providing the service for which the fee is collected

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Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Contingent Fund of the Board of Medical Quality Assurance and the Podiatry Fund. Because this bill would increase the amount of moneys in those funds, it would constitute an appropriation.

Ch. 1326 (AB 4649) Bronzan. Child day care centers

Existing law authorizes the State Department of Social Services to administer the day care center licensing requirements of state law pursuant to designated purposes

This bill would provide that any prerequisite established by the department for qualification as a day care center teacher with regard to coursework in early childhood education or child development, or both, may be satisfied with a valid child development associate credential, with appropriate endorsement, as specified, issued by the Child Development Associate National Credentialing Program.

The bill would require the Chancellor's office of the California Community Colleges to conduct a survey to obtain information relating to postsecondary educational institutions and training institutions offering instruction in early childhood education, child development, infant care, schoolage care, child health, or care for special needs children, as specified. The bill would require the chancellor's office, in cooperation with the Chancellor of the California State University, the State Department of Social Services, and the State Department of Education, to develop basic information for day care center licensees regarding various training options. The bill would require the State Department of Social Services to reproduce and distribute this basic information to current and future child care licensees The bill would require the chancellor's office, to the extent resources permit, to be available to refer and assist day care center licensees and prospective day care center teachers in locating appropriate courses and to respond to specific questions or concerns.

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

Ch 1327 (AB 4693) Grisham. Certified shorthand reporters.

Under existing law, an applicant for a certificate as a shorthand reporter is required to file an application with the executive officer of the Certified Shorthand Reporters Board at least 30 days before the date fixed for an examination

This bill would specify that the application is for an examination rather than certification and would require the application to be filed at least 45 days before the date fixed for the examination.

Existing law provides that a certificate may not be renewed, restored, reinstated, or reissued after its expiration if the certificate is not renewed within 5 years after its expiration. The holder of the certificate may obtain a new certificate only if he or she pays all fees and meets all of the qualifications and requirements for obtaining an original certificate

This bill would reduce the time period from 5 to 3 years and would require the holder to return the expired certificate to the board to obtain a new certificate.

Under existing law, a certificate may be suspended or revoked for, among other things, until June 30, 1991, the failure of the holder to pay required fees. On June 30, 1991, another form of the section which omits this provision would become operative

The bill would eliminate as a specific ground for the suspension or revocation of a certificate the holder's failure to pay the required fees and would instead provide that a certificate may be suspended or revoked for the violation of specified laws governing certified shorthand reporters or violation of the rules and regulations adopted by the board. The bill would repeal the form of the section which would otherwise become operative June 30, 1991.

Existing law requires a court reporting school to file a specified form, with the board for recognition The form is to be accompanied by all evidence, statements, or documents requested by the board.

This bill would require these schools to file a current school catalog with the board not later than June 30th of each year which shows all course offerings and staff and, with respect to private schools, the school's owner. The bill would require the school to file a statement with the board, signed by the responsible court reporting program manager,

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certifying that the school is in compliance with all laws and the rules and regulations of the board. The bill also would specify that the educational program of the school shall not be a correspondence program.

The bill would also make clarifying changes.

Ch. 1328 (SB 170) Mello. Long-term care insurance: standards.

Existing law provides for the regulation of the business of insurance and health plans. Existing law does not set forth standards and requirements for long-term care insurance policies or contracts.

This bill would provide for the regulation of the sale and issuance of individual and group long-term care insurance policies. The bill would define "long-term care insurance" and "long-term care coverage" for its purposes, and would set forth standards for group long-term care insurance policies and certificates The bill would require disclosure of specified information with respect to the sale or issuance of these policies or certificates.

Ch. 1329 (SB 172) Davis. Absentee voters: electioneering.

Existing statutes prohibit, among other things, soliciting a vote or speaking to a voter about marking his or her ballot, or electioneering, on election day within 100 feet of a polling place, as defined, and impose misdemeanor penalties for a violation thereof

This bill would prohibit a candidate and a candidate's representative, and a proponent, opponent, and a representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, from soliciting the vote of an absentee voter or doing any electioneering while in the residence or in the immediate presence of the voter, and during the time that person knows that the absentee voter is voting.

This bill would impose misdemeanor penalties on any person who knowingly violates its provisions.

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

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

Ch. 1330 (SB 186) Montoya. Subdivisions.

(1) Existing law generally requires a city or county to approve a final subdivision map if it substantially conforms with a tentative subdivision map previously approved by the city or county and meets the requirements and conditions for the subdivision which were in effect at the time the tentative map was approved or conditionally approved Nothing in existing law expressly requires a city that is newly incorporated and includes territory covered by a tentative subdivision map approved by the county prior to the city's incorporation, to approve a final map for the subdivision, although in situations where territory is annexed by a city, the city is required to honor final subdivision maps but not tentative subdivision maps covering annexed land.

This bill would expressly require, until January 1, 1992, that when any area in a subdivision or proposed subdivision, as to which a tentative map or vesting tentative map meeting prescribed criteria has been approved by a board of supervisors, is incorporated into a new city and a final map has not been recorded, that the newly incorporated city approve the final map if it meets the conditions of the tentative map or vesting tentative map and meets the other specified requirements under the Subdivision Map Act The bill would, however, authorize newly incorporated cities to condition or deny final maps in these cases for health and safety and other specified reasons, and would exclude from the application of these provisions those subdivisions that are conversions of residential real property (other than mobilehome parks) to condominium projects, stock cooperatives, or community apartment projects The bill would not apply these provisions to areas incorporated before January 1, 1989

(2) Under existing law, a tentative map, unless extended, expires 24 months after approval or conditional approval. However, the expiration date is extended for the

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period of any development moratorium, as defined, up to 5 additional years.

This bill would provide for a further extension of up to 3 years, not extending beyond January 1, 1992, during the pendency of specified lawsuits involving the existence or validity of a development moratorium The bill would expand the definition of development moratorium to include the refusal of a public agency, other than the city or county approving the subdivision, to convey a property interest necessary to satisfy a condition of the tentative map.

(4) This bill would incorporate additional changes in Section 66452.6 of the Government Code, proposed by SB 2158, to be operative only if SB 2158 and this bill are both chaptered and become effective January 1, 1989, each bill amends Section 66452.6, and this bill is chaptered last

Ch. 1331 (SB 2097) Petris. Community colleges.

(1) Under existing law, the governing board of a community college district may authorize a person to audit a community college course and may charge that person a fee. Existing law provides that students enrolled in classes to receive credit for 6 or more semester credit units shall not be charged a fee to audit 3 or fewer semester units per semester.

This bill would provide, instead, that a student enrolled in classes to receive 10 or more semester units, rather than 6 or more semester units, shall not be charged a fee to audit 3 or fewer semester units per semester

(2) Existing law directs the Controller to draw warrants on the State Treasury, as specified, in the amounts and manner as prescribed so as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction and the Chancellor of the California Community Colleges from the State School Fund.

This bill would delete the references to the chancellor and the community college districts.

(3) Existing law directs the chancellor to apportion state aid to community college districts according to a specified procedure. Warrants are to be drawn in favor of the treasurer of each county for the allocations certified by the chancellor for the period of July through January in accordance with a specified schedule.

This bill would provide the chancellor with discretionary authority over the remaining percent of district eligibility in the months of February to June, inclusive.

(4) Existing law requires that community college faculty teaching credit and noncredit contract education classes be compensated in the same manner as comparable faculty in the regular, noncontract education program.

This bill would make that provision inapplicable to community college faculty teaching in contract education programs conducted outside the United States for the armed forces, unless the faculty member is covered by a collective bargaining agreement

(5) Existing law requires that specified excesses withheld and deficiencies added by the chancellor to the apportionment be added to or allowed from any portion of Section B of the State School Fund except that portion reserved as allowances for basic state aid.

This bill would delete the reference to the portion reserved as allowances for basic state aid

(6) Existing law authorizes the governing body of a community college student body association to charge a student representation fee after an election is held, as specified. Existing law provides for the collection of the fee and provides that the fee shall be deposited in a separate fund established for student representation fees

This bill would require that these fees be deposited in a separate fiduciary fund established per the California Community Colleges Budget and Accounting Manual.

(7) Existing law requires community colleges to close on specified holidays.

This bill would include the 3rd Monday in January, commencing in the 1989–90 fiscal year, known as Dr Martin Luther King, Jr. Day among the enumerated holidays The bill would require that any contractual provision between any community college district and its employees in effect on the effective date of this bill prevail over any conflict regarding Dr Martin Luther King, Jr. Day until the termination date of the contract or upon termination by mutual agreement of the parties, whichever occurs first.

(8) Existing law requires the Department of Finance, in cooperation with the Auditor

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General and the board of governors, to prescribe the statements and other information to be included in the audit reports filed with the state, to develop audit procedures, and to review, by January 1, 1978, existing audit procedures, statements, and other information required to be included in the audit reports. Existing law requires updated standards to be completed by August 1, 1978, and periodically updated no less than every 2 years.

This bill would require the board of governors, in cooperation with, and upon approval by, the Department of Finance to do the above-described duties This bill would delete the reference to January 1, 1978, with respect to reviewing existing audit procedures, statements, and other information This bill would require standards to be updated periodically.

(9) Until January 1, 1988, the county auditor of each county was required to furnish to the office of the Chancellor of the California Community Colleges specified receipts to be forwarded on forms prescribed by the chancellor.

This bill would impose a state-mandated local program by requiring the county auditor to furnish specified receipts to the chancellor

(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 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 1332 (SB 2223) Garamendi. California Competitive Technology Program.

Under existing law, the Department of Commerce is the primary state agency responsible for promoting economic development in the state and providing service to visitors to this state and to California and foreign governments active in international trade.

This bill would establish within the department a California Competitive Technology Program to fund projects that transfer the results and knowledge of technology research to the private sector, and that enhance technology in industry through collaborative research.

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

Ch. 1333 (SB 2289) Garamendi Taxation.

Existing law specifies the qualifications for licensing of various businesses and professions under the Business and Professions Code It requires every board, as defined in the Business and Professions Code, to require licensees to provide specified information It also requires every board to report the failure to comply with the law to the Franchise Tax Board.

This bill would make nonsubstantive technical changes to that law.

The existing Personal Income Tax Law provides that if a taxpayer is unable to make a return, specified persons shall make the return

This bill would include a fiduciary among the specified persons and would also make nonsubstantive technical changes

The existing Personal Income Tax Law provides that the Franchise Tax Board may require any board, as defined in the Business and Professions Code, to provide specified information with respect to every licensee

This bill would make nonsubstantive technical changes to that law.

Existing law provides that an international banking facility maintained by a bank within California shall be considered located without the state, and the property, payroll, and sales which are recognized as attributable to the international banking facility shall be attributed to that facility in determining the property, payroll, and sales factors of the bank. These provisions would be repealed on January 1, 1989.

This bill would modify those provisions of the existing law to provide that an international banking facility maintained by a bank in California shall be considered doing

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business without the state, and the property, payroll, and sales which are recognized as attributable to the international banking facility shall be attributed to that facility in determining the property, payroll, and sales factors of the bank. This bill would also extend the repeal date of those provisions of the existing law, as amended by this bill, to January 1, 1991

This bill would require the Legislative Analyst to make a report, as specified, to the Legislature.

This bill would take effect immediately as a tax levy.

Ch. 1334 (SB 2304) Dills. California Waste Management Board: chairperson.

Existing law specifies that the position of Chairperson of the California Waste Management Board is a half-time position and that the chairperson receives half of a prescribed salary.

This bill would make the position of chairperson a full-time position at a lower prescribed salary.

This bill would incorporate additional changes in Section 11553 of the Government Code, proposed by SB 1764, to be operative only if SB 1764 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

This bill would incorporate additional changes in Section 11555 of the Government Code, proposed by SB 1764 or AB 2888 or both, to become operative only if SB 1764 or AB 2888 or both, and this bill are chaptered and become effective and operative January 1, 1989, and this bill is chaptered last.

Ch 1335 (SB 2316) Dills. Alcoholic beverages.

Under existing law, the members of the Alcoholic Beverage Control Appeals Board receive per diem of $100 for each day actually spent in the discharge of official duties, as well as reimbursement for traveling and other necessary expenses incurred in carrying out their duties.

Existing law also prohibits these members from receiving a salary for these duties

This bill would abolish the receipt by these members of per diem and reimbursement for traveling and other expenses, but would provide for an annual salary of $25,500 for each member, subject to annual increases, if funds are appropriated therefor, pursuant to specified provisions of law.

The bill would appropriate from the Alcoholic Beverage Control Appeals Fund to the Controller the amount necessary to pay for the salary of the members of the Alcoholic Beverage Control Appeals Board during the 6-month period commencing January 1, 1989.

Existing law, with respect to stays of license suspension, provides that an offer in compromise for nonretail licensees shall be the equivalent of 20% of the estimated gross sales of alcoholic beverages for each day of the proposed suspension, and the offer in compromise shall not exceed $10,000, as specified.

This bill would provide that the offer in compromise shall be not less than $300. The bill would also make technical changes.

Ch. 1336 (SB 2345) Lockyer. Crimes: arraignments: two-way television.

Existing law authorizes a 4-year pilot project, in specified counties, for the use of 2-way television to be used in specified arraignments of defendants held on felony charges and requires annual reports to the Legislative Analyst and Judicial Council by each county conducting a project containing certain data, as specified. The Legislative Analyst and the Judicial Council would be required to report to the Legislature on the pilot project, as specified.

This bill would authorize Alameda County to establish and conduct a similar pilot project with respect to the arraignment of defendants held on misdemeanor charges, as prescribed.

Ch. 1337 (SB 2394) Russell. Sex education.

Under existing law, the governing board of a public elementary or secondary school may include sex education in its curriculum but may not require pupils to attend any

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class in which human reproductive organs and their functions and processes are described, illustrated, or discussed.

This bill would require all public elementary, junior high, or senior high school classes that teach sex education and discuss sexual intercourse to emphasize that abstinence from sexual intercourse is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. This bill would require all sex education courses to satisfy specified criteria with respect to the content of the course material. This provision would become operative on July 1, 1989

Ch. 1338 (SB 2497) Maddy. Health facilities: licensing and regulation: seismic safety.

(1) Under existing law, the State Department of Health Services has licensing authority over several categories of clinics and other health facilities

This bill would require the department to approve, approve with conditions or modifications, or deny requests, in a form and format prescribed by the Office of Statewide Health Planning and Development, by health facilities for program flexibility, as described pursuant to existing provisions, within 60 days.

(2) Existing law, contained in the Hospital Seismic Safety Act of 1983, provides for state regulation of the design and construction of hospital buildings, as defined. Existing law requires the Office of Statewide Health Planning and Development to observe the construction of the structural elements of these buildings through a contract with the Department of General Services The State Architect and State Fire Marshal have certain duties with respect to these buildings under existing law

In addition, the bill would exempt from state seismic safety requirements, facilities owned by the federal government and operated by a city, county, or city and county for provision of services to persons with human immunodeficiency (HIV) infections. The bill would specify that these facilities are subject only to federal seismic safety standards.

Ch 1339 (SB 2578) Robbins. Corporations.

(1) Under existing law, the Commissioner of Corporations may order censure or suspend for a period not exceeding 12 months, or bar from any position of employment, management or control of any broker-dealer, any officer, director, partner, agent, employee of, or person performing similar functions for a broker-dealer if the person has been convicted of, or pled nolo contendere to, specified offenses or has been held liable, in any civil action, as specified.

This bill would require the commissioner to suspend for a period not exceeding 12 months or bar from any position of employment, management or control of any broker-dealer, any officer, director, partner, agent, employee of, or person performing similar functions for a broker-dealer, if the person has been convicted of any act or omission in violation of specified criminal offenses.

This bill would make related conforming changes to other provisions of law.

(2) Under existing law, it is unlawful for any person, who is an officer, director, or controlling person of an issuer or any other person whose relationship to the issuer gives him or her access to nonpublic material information about the issuer, to purchase or sell any security of the issuer at a time when he or she knows the information would significantly affect the market price of that security. Any person violating this provision is liable to the person who purchases a security from, or sells a security to him or her, for damages equal to the difference between the price at which the security was purchased or sold and the market value which the security would have had at the time of the purchase or sale if the information had been publicly disseminated

This bill would allow the corporation or its shareholders, by a derivative action, to bring a suit against those persons, as specified, trading issuer securities on nonpublic material information to recover in an amount up to 3 times the difference between the price at which the security was purchased or sold and the market value which the security would have had at the time of the purchase or sale, as specified. The bill would impose upon a corporation's board the duty to exercise good faith in considering an

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allegation of a violation. This bill also would provide for the reduction of amounts recoverable by any amount paid in a proceeding brought by the Securities and Exchange Commission, as specified.

This bill would limit the application of the corporation's or shareholder's derivative action to issuers who have total assets in excess of $1,000,000 and have a class of equity security held of record by 500 or more persons.

(3) Under existing law, any person who willfully violates any provision of the Corporate Securities Law or who willfully violates any rule or order promulgated under the Corporations Code, shall upon conviction be fined not more than $10,000 or imprisoned in the state prison, or in a county jail for not more than one year or both fined and imprisoned.

This bill would increase the fine to not more than $250,000 and provide for imprisonment in a state prison or in a county jail for not more than one year or punishment by both that fine and imprisonment.

(4) Existing law does not provide a specific fine or term of imprisonment for violation of specific fraudulent practices, including, among others, insider trading practices.

This bill would provide that any person who willfully violates the above provisions shall, upon conviction, be fined not more than $250,000 or be imprisoned in the state prison for 2, 3, or 5 years, or be punished by both fine and imprisonment thus imposing a state-mandated local program

(5) Existing law provides for a $10,000 fine or imprisonment in the state prison or county jail for not more than one year, or both, upon conviction of a person for willfully employing any device, scheme, or artifice to defraud in connection with the offer, purchase, or sale of any security or for willfully engaging in any act, practice, or course of business that operates as a fraud or deceit upon any person in connection with the offer, purchase, or sale of any security

This bill would increase the fine to not more than $250,000 and would provide for a 2, 3, or 5 year term of imprisonment in a state prison.

(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 1340 (SB 2640) Vuich. Real estate brokers: loan transactions.

(1) Existing law requires a real estate broker to retain for 3 years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by the broker or obtained by the broker in connection with any transaction requiring a real estate broker's license. Under this provision and upon the appearance of sufficient cause, the real estate broker is subject to an audit without further notice

This bill would require the Real Estate Commissioner to charge a real estate broker for the cost of an audit upon specified findings. The commissioner would, under the bill, be permitted to maintain an action for the recovery of the cost and would be allowed to use the estimated average hourly cost for all persons performing audits of real estate brokers to determine the cost incurred by the commissioner for the audit. Under existing law, real estate brokers intending or reasonably expecting, during a successive 12-month period, to negotiate 20 or more specified transactions in an aggregate amount of more than $2,000,000 are required to make specified reports to the Department of Real Estate, submit specified advertisements to the department for approval, and deliver prescribed disclosure statements to lenders. A real estate broker who satisfies these criteria is required by existing law to notify the department in writing of this fact within 30 days of that determination. The bill would also impose a penalty of $50 per day for each day after the 30th day written notification has not been received by the department from those brokers who are required to notify the department, up to and including the 30th day after the first day of the assessment penalty. The penalty would increase to $100 per day on and after the 31st day, not to exceed a maximum penalty of $10,000. The bill would provide that the failure of a real estate broker to pay the imposed fine is grounds for the suspension or revocation of the real estate broker's license.

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(2) The bill would also make technical, clarifying changes.

(3) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Real Estate Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch. 1341 (SB 2689) Keene. Trustees· borrowing money.

Existing law provides that the trustee has the power to borrow money for any trust purpose to be repaid from trust property.

This bill would provide that the lender may include, but is not limited to, a bank holding company, affiliate, or subsidiary of the trustee

Ch. 1342 (SB 2760) Robbins. Long-term care insurance.

Existing law provides for the regulation of the business of insurance. Existing law does not set forth standards and requirements for long-term care insurance policies.

This bill would enact the Long-Term Care Insurance Act to regulate the sale and issuance of individual and group long-term care insurance policies in this state. The bill would define "long-term care insurance" for its purposes, and would set forth qualifications for group long-term care insurance policies, as defined. The bill would require disclosure of various specified information in the sale or issuance of these policies

The bill would specify that compliance with the informational filings required to be made by this bill would also constitute compliance with certain requirements that would be imposed by Senate Bill 170.

Ch. 1343 (AB 3756) Stirling. Consumer legal remedies.

Existing law, the Consumers Legal Remedies Act, authorizes a consumer who suffers any damage, as specified, to bring an action to recover, among other things, actual damages, punitive damages, and such other relief as the court deems proper.

This bill would additionally require the court to award attorney fees and court costs, to the prevailing plaintiff in litigation filed pursuant to the above provisions. However, this bill would authorize recovery of reasonable attorney fees to a prevailing defendant upon a finding by the court that the plaintiff's prosecution of the action was not in good faith.

This bill would incorporate additional changes in Section 1780 of the Civil Code, proposed by SB 1157, to be operative only if SB 1157 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch. 1344 (AB 4290) Bronzan. Special taxes: public libraries.

Under existing law, designated local government entities are authorized to impose special taxes for a variety of public purposes, subject to specified constitutional conditions.

This bill would expressly authorize cities, counties, cities and counties, and library districts, subject to those constitutional conditions, to impose special taxes for public library facilities and services purposes, as specified.

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

Ch 1345 (AB 3596) Hauser. Local hospital district: taxes.

Existing law does not specifically authorize local hospital districts to impose special taxes.

This bill would authorize any local hospital district whose hospitals are wholly owned by the district to impose special taxes, as defined, pursuant to Article XIII A of the California Constitution and consistent with laws relating to voter approval of taxes. The bill would provide that the basis and nature of any special tax and the manner of its collection shall be determined by the board of directors of the hospital district. The bill would provide that this authorization does not apply to or affect the validity of any special tax imposed prior to January 1, 1989.

Ch 1346 (AB 857) Quackenbush. Hospital districts.

Existing law prohibits closed sessions of the governing boards of local agencies except as specified.

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This bill would amend that provision to expressly refer in the exception to laws permitting closed sessions of hospital district governing boards.

Under existing law, a local hospital district may, among other things, establish health facilities for the benefit of the district and establish, maintain, and operate free clinics, diagnostic and testing centers, and health education programs

This bill would authorize a local hospital district to establish health services, as specified, and wellness and prevention programs and other specified services The bill would define "health facilities" for the purposes of the powers of a hospital district It would also authorize a local hospital district to undertake those activities necessary to participate in, or manage capitated health care plans, health maintenance organizations, preferred provider organizations, and other managed health care systems, provided those activities do not result in or constitute the giving or lending of the district's credit, assets, surpluses, cash, or tangible goods to any person, association, or corporation in violation of provisions of the California Constitution.

This bill would state that the authorization of these activities by a hospital district does not authorize activities relating to the practice of medicine which corporations and other legal artificial entities are prohibited from conducting.

Existing law prescribes how counties may develop county owned property to provide additional revenues

This bill would state the findings of the Legislature concerning the development of hospital district property to provide additional revenue and would enact similar provisions authorizing that development which would be repealed January 1, 1991. This bill would prohibit the development of hospital district property by this procedure for districts whose hospitals have been transferred to nonprofit corporations to operate and maintain, except where the real property in question is contiguous to property on which a reorganized hospital is located.

Existing law authorizes any hospital district formed pursuant to the Local Hospital District Law to be financed by assessments on real and personal property within the district.

This bill would provide that an election on the formation of a hospital district in and around the City of Dos Palos in the County of Merced, may be combined with an election for the adoption of a special tax and presented to the voters as a single ballot proposition This bill would further specify that if both proposals are presented as a single ballot proposition, the district will not be created and the tax will not take effect unless the proposition is approved by ⅔ of the voters voting upon the proposition. The bill would make findings of unique circumstances regarding these provisions

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

Ch. 1347 (AB 2809) Speier Clinical laboratories.

Existing law defines a clinical laboratory, for regulatory purposes, as any place, establishment, or institution organized and operated for the practical application of one or more of the fundamental sciences by the use of specialized apparatus, equipment, and methods for the purpose of obtaining scientific data which may be used as an aid to ascertain the presence, progress, and source of disease in human beings.

This bill would instead specify that a clinical laboratory is any place used, or any establishment or institution organized or operated for the practical application of clinical laboratory sciences, which may include any means which applies the clinical laboratory sciences. The bill would also define the terms "clinical laboratory sciences" and "clinical laboratory practice."

Ch 1348 (SB 2174) Maddy. Health care.

Under existing law, the Medi-Cal program provides qualified categories of low-income individuals with basic health care benefits, and is administered by the State Department of Health Services

Existing law authorizes the California Medical Assistance Commission to negotiate exclusive contracts with any county which seeks to provide or arrange for the provision of Medi-Cal services, and authorizes the Boards of Supervisors of San Mateo County, San Bernardino County, and Ventura County to establish special commissions on publicly

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assisted medical care to negotiate for the provision of Medi-Cal services.

This bill would authorize the California Medical Assistance Commission to negotiate exclusive contracts with any county for implementation of county health systems and would authorize the establishment of special commissions on publicly assisted medical care in those counties.

Existing law provides that the State Department of Health Services, or a county which has entered into a contract to provide, or arrange for the provision of, Medi-Cal services to eligible persons in the county, may enter into contracts on a capitated rate or risk sharing basis with primary care providers, as specified, who agree to provide case management to Medi-Cal beneficiaries.

Under existing law, case management means responsibility for referral, consultation, ordering of therapy, admission to hospitals, followup care, and prepayment approval of referred services.

The bill would characterize existing case management requirements as primary care case management, and would establish a modified primary care case management definition, which is defined to mean primary care case management wherein capitated services are limited to primary care physician office visits only

This bill would authorize the department to establish modified primary care contracts.

Existing law authorizes a Medi-Cal recipient to disenroll from any case-management primary care provider contracting with the State Department of Health Services for good cause.

This bill would authorize Medi-Cal beneficiaries to disenroll from any of those primary care providers upon request.

The bill would also make technical revisions and delete obsolete provisions.

The bill would require the State Department of Health Services, beginning in 1991, to include in the November estimate of Medi-Cal expenditures and in the Governor's Budget an estimate of savings from the prior year which resulted from the implementation of this bill

The bill would also, beginning in 1992, require the Department of Finance, by February 1 of each year, to deposit an amount equal to those savings identified in the November estimate of Medi-Cal expenditure into the Critical Needs Health Care Fund, created in this bill, for appropriation by the Legislature for high-priority health expenditures.

Ch. 1349 (AB 352) Duplissea. Income taxes: joint custody head of household.

The existing Personal Income Tax Law allows as a credit against the net tax for taxable years beginning on or after January 1, 1987, for a qualified joint custody head of household, an amount equal to 30% (not to exceed $200) of the net tax. A "qualified joint custody head of household" is defined as an individual who (1) is not married at the close of the taxable year; (2) maintains a household that is the principal place of abode of his or her "qualifying child," as defined, for no less than 146 days but no more than 219 days of the taxable year; and (3) furnishes over ½ the cost of maintaining the household during the taxable year.

This bill would provide that for taxable years beginning on or after January 1, 1988, the credit shall be allowed against the net tax of a qualified individual. A "qualified individual" would include a joint custody head of household and a qualified taxpayer, as defined.

This bill would take effect immediately as a tax levy.

Ch. 1350 (AB 1862) N. Waters. State surplus land· housing.

Existing law, with certain exceptions, requires surplus real property of a state agency to be offered for development of low- and moderate-income housing prior to other disposition.

This bill would create a prescribed priority for disposal of this surplus property to provide affordable housing for elderly and disabled persons on low fixed incomes.

This bill would incorporate additional changes in Section 54222 of the Government Code, proposed by SB 2860, to be operative only if SB 2860 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

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Ch. 1351 (AB 3417) Hughes. Schools· audits

Existing law requires each county superintendent of schools and the governing board of each school district to provide for a financial audit annually, as specified The audits are required to be made by a certified public accountant or a public accountant, licensed by the State Board of Accountancy.

This bill would prohibit school districts and county offices of education from using the audit services of certified public accountants or public accountants listed on the Controller's annual listing of ineligible auditors, which would be required by this bill. This bill would require that, whenever the Controller determines by 2 specified consecutive quality control reviews that audits performed by a certified public accountant or public accountant, as defined, were not performed in substantial conformity with the audit guide, or that the audit reports, including amended reports, submitted by February 15 following the close of the fiscal year audited, for 2 consecutive years do not conform to the audit guide as required by existing law, the Controller notify the certified public accountant or public accountant and the State Board of Accountancy. The Controller's determination would be final if the certified public accountant or public accountant does not file an appeal in writing with the State Board of Accountancy within 30 calendar days after receipt of the Controller's notification. If an appeal is filed, the board would be required to complete an investigation of the appeal, as specified, and may take prescribed action If the Controller's determination becomes final, the certified public accountant or public accountant would be ineligible to conduct specified audits for 3 years, or, in the event of an appeal, for any period, and subject to the conditions, that may be ordered by the State Board of Accountancy.

Existing law requires the governing board of each school district and each office of the county superintendent of schools to include in their contracts for audits a provision to withhold 5% of the audit fee until the Controller certifies that the audit report conforms to the reporting provisions of the audit guide.

This bill would change that amount to 10%.

This bill also would require school districts and county superintendents of schools to include in those contracts a provision whereby 50% of the audit fee would be withheld for any subsequent year of a multiyear contract if the prior year's audit report was not certified as conforming to reporting provisions of the audit guide The bill would require this provision to include a statement that a multiyear contract will be null and void if a firm or individual is declared ineligible, as specified. The withheld amount would not be payable unless it is ordered by the State Board of Accountancy or the audit report for that subsequent year is certified by the Controller as conforming to reporting provisions of the audit guide The resulting costs of implementing this requirement are reimbursable state-mandated local program costs.

The bill would provide an appeal procedure for an auditor or audit firm having a portion of an audit fee withheld pursuant to these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims 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 1352 (AB 3730) Roybal-Allard. Earthquake safety. school procedures

Existing law requires the governing board of each private school and public school district and each county superintendent of schools to establish an earthquake emergency procedure system, to include protective measures to be taken before, during, and following an earthquake.

This bill would require the State Department of Education to prepare a report, for submission to the Legislature on or before June 30, 1989, containing recommendations for compliance with the methods of earthquake preparedness mandated by Chapter

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1659 of the Statutes of 1984, as specified.

Ch. 1353 (AB 4671) Elder. Acupuncture: licensure.

Existing law provides for the regulation and certification of persons licensed to perform acupuncture. That law is known and cited as the "Acupuncture Licensure Act." The law requires an acupuncturist to complete specified continuing education as a condition of the renewal of a license.

This bill would provide that an educational and training program approved by the Acupuncture Examining Committee shall receive approval pursuant to specified provisions of law on or before September 1, 1990, or within 5 years of initial approval, whichever is later, or the approval shall lapse, as specified

The bill would authorize the committee to renew a license even if the continuing education requirements are not completed provided the requirements are completed prior to the next renewal period.

Ch 1354 (SB 49) Mello Public social services.

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services and provides that a social day care facility or an adult day care facility meeting prescribed criteria is a community care facility

This bill would specify that the Department of Aging is responsible for the development of programs and policies for oversight of the development of adult day service programs for elderly persons and functionally impaired adults, and for the provision of other specified coordinating and informational activities

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

Ch. 1355 (SB 148) Bergeson Teacher credentialing.

(a) Existing law, contained in the Teacher Preparation and Licensing Law of 1970 (also known as the Ryan Act), establishes the Commission on Teacher Credentialing and prescribes its duties That law also establishes the credentialing system for teachers in the California public schools, including the administration of the state basic skills proficiency test

This bill would repeal the titles "The Teacher Preparation and Licensing Law of 1970" and "The Ryan Act," and would revise numerous existing provisions with regard to teacher credentialing to do, among other things, the following:

(1) Reduce the voting membership of the Commission on Teacher Credentialing (hereafter the commission) from 17 members to 15 members, as specified, change the Superintendent of Public Instruction, or his or her designee, from a nonvoting to a voting member, and reduce the nonvoting membership from 5 to 4 members. This bill would also declare the intent of the Legislature that the Governor appoint members to vacant positions, as specified, to facilitate the transition to a smaller commission. The bill would express the legislative intent that all appointees to the commission reflect the ethnic and cultural diversity of the California public schools.

(2) State legislative intent to change the requirements and standards for the granting of a preliminary credential by the commission.

(3) Require the commission and the Superintendent of Public Instruction to evaluate, as specified, alternative methods of locally supporting and assessing new teachers, and to jointly report the results of the evaluation to the Legislature and the Governor on or before March 31, 1992. The bill would provide for the formation of a specified advisory panel, of prescribed professional educators and public members, to assist in the evaluation.

The bill would provide that no funds may be expended for the evaluation conducted for these purposes until the commission and superintendent develop a joint program and expenditure plan, and the latter plan is approved by the Director of Finance.

The bill would require that the commission and the superintendent implement alternative methods of locally supporting and assessing beginning teachers, on a pilot basis, in selected school districts which would participate voluntarily. The commission and superintendent would be required to recommend new professional teacher certification requirements.

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The bill would specify legislative intent for the commission to adopt, by regulation, new teacher certification requirements, in accordance with specified standards and criteria. In this connection, the bill would state legislative intent to establish a specified program of classroom teaching experience and beginning teacher support and assessment. The bill also would specify legislative intent that the commission and the superintendent, jointly, to adopt subject matter assessment for teaching credentials after developing these teacher certification requirements

(4) Commencing January 1, 1990, establish certain requirements for the use of emergency permits. The bill would include completion of an appropriate subject matter competency examination or examinations, with authorized exceptions, among these requirements. It would require the commission, on or before December 1, 1989, to report to the Legislature, as specified, on the anticipated effect of this requirement.

In addition, this bill would increase from 60 to 80 days the period that a temporary certificate may be extended under existing provisions, to authorize salary payments to certificated employees whose certificates are being processed, or to certain other personnel whose permit applications are being processed

(5) Require the commission to reduce and streamline the credential system, review and if necessary revise the code of ethics for the teaching profession. The bill would express the intent that accreditation be accomplished through a nongovernmental entity. The bill would specify legislative intent to establish a process under which the current system of accreditation would be changed in accordance with criteria and standards developed by the commission, including those for selecting accrediting entities, and entering into agreements with those entities. This process would include the creation of a specified accrediting council to advise the commission in this regard.

(6) Prescribe criteria to be met by the commission in setting standards for the issuance and renewal of credentials and permits.

(7) Require the commission to appoint standing committees, of prescribed professional educators and public members, with authority to implement the requirements of this bill, and require that appointments to these committees reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.

(8) Provide that any existing credential, certificate, or permit remains in force so long as it is valid under laws and regulations in effect when issued, and under stated circumstances allow the issuance of credentials under existing law on or before specified dates. The bill would require the commission to continue to administer all regulations in effect on December 31, 1988, until the commission amends or repeals those regulations. In addition, the bill would require the commission to grant teaching credentials under these provisions of existing law to those in the process of meeting existing certification requirements, as specified.

(9) Establish various other duties of the commission in conjunction with the issuance of credentials, certificates, and permits, including those requiring the adoption of standards to assure that teachers demonstrate an understanding of the history and cultures of major ethnic populations of the state

(b) Under existing law, the commission is required to appoint a Committee of Credentials, composed of 7 members from specified categories, to perform certain administrative duties under the direct supervision of the commission, concerning the issuance, suspension, and revocation of credentials and life diplomas. The membership of the committee includes one past or present school board member who has not been a certificated employee.

This bill would change this membership provision to one school board member who has not been a certificated employee within the preceding 5 years In addition, the bill would require that all appointments to the Committee of Credentials reflect, to the extent feasible, the ethnic and cultural diversity of California public schools.

(c) Under existing law, in computing average daily attendance of a school district or community college district, there is included the attendance of pupils and students while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document.

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This bill would make an exception to this requirement regarding the qualifications of persons providing instruction under the California Firefighter Joint Apprenticeship Program.

Ch. 1356 (SB 275) Russell. PERS retirement allowances: adjustments.

(1) The existing Public Employees' Retirement Law establishes, for the reserve against deficiencies, a fiscal year-end maximum of 1% of the system's assets.

This bill would decrease that maximum to 0.30% of the system's assets.

(2) The Public Employees' Retirement Law requires various cost-of-living adjustments in the allowances of retired members of the Public Employees' Retirement System Existing law provides for an Investment Dividend Disbursement Account which consists of earnings of the retirement fund in excess of those necessary to pay administrative expenses and to credit interest to members' and employers' accounts and those allocated to the reserve against deficiences The Investment Dividend Disbursement Account is continuously appropriated for utilization through Purchasing Power Accounts to increase monthly allowances payable by the system to equal a maximum of 75% of the purchasing power of the initial monthly allowances that were received by retired persons and others entitled to receive retirement allowances. The provisions creating these accounts become inoperative on January 1, 1994

This bill would delete the provision making the accounts inoperative, thereby continuing their operation indefinitely and making an appropriation.

(3) The Public Employees' Retirement Law also, in a provision which becomes inoperative on January 1, 1994, requires the transfer from any funds in a Purchasing Power Account not then needed for certain purposes, for use solely for purposes of paying additional specified noncumulative quarterly increases in specified retirement allowance from October 1, 1984, through December 31, 1993, whenever the board determines that sufficient funds exist for this purpose

This bill would delete the provisions making this provision inoperative and terminating the payments, thereby continuing its operation and the noncumulative quarterly payments indefinitely and making an appropriation.

(4) This bill would require the establishment of an Extraordinary Performance Dividend Account consisting of the amount transferred from the Purchasing Power Accounts, and which would be continuously appropriated for not less than quarterly disbursement from time to time, after January 1, 1991, but only in a fiscal year in which the purchasing power of all persons receiving Purchasing Power Accounts payments is 75%, by the board as extraordinary performance dividend payments to retired persons and survivors and beneficiaries of state, school, and local members and retired persons to increase allowances to a common minimum purchasing power level, as specified. Payments would be paid by a separate identifiable warrant. Recipients would be informed that the payments are not cumulative, not part of the base retirement allowance, and may be available only as a result of extraordinary investment returns to the system.

(5) Existing law, prescribes buildup limits for each Purchasing Power Account and requires funds in excess of those limits to be transferred from the account to the appropriate retired member accounts

This bill would revise the buildup criteria, limit the annual amount transferable to the appropriate retired member accounts to not to exceed the amounts disbursed from the Purchasing Power Accounts in the immediately preceding fiscal year, and require annual transfer of any residual amounts to the Extraordinary Performance Dividend Account.

Ch. 1357 (SB 1204) McCorquodale. Parole.

Existing law provides that when certain inmates in the state prison have been released on parole and have been on parole continuously for one year since release from confinement, the Board of Prison Terms shall, within 30 days, discharge that person from parole, unless the board, for good cause, determines that the person will be retained on parole.

This bill would provide that the above-described requirement shall be applicable to a person who has not been imprisoned for committing a violent felony, as defined, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the Board of Prison Terms acts by determining, for

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good cause, that the person will be retained on parole. In addition, this bill would specify that, notwithstanding any other provision of law, when any person imprisoned for committing a violent felony, as defined, has been released on parole and has been on parole continuously for 2 years since release from confinement, the board shall, within 30 days, discharge that person from parole, unless the board, for good cause, determines that the person will be retained on parole.

This bill would specify that the additional year required to be served under parole by this bill shall not apply to persons whose eligibility for discharge from parole was fixed as of the effective date of the bill.

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

Ch. 1358 (SB 1475) Mello. Controlled substances

Existing law provides that certain personal and real property of persons convicted of specified controlled substance violations used in connection with the commission of these criminal offenses is subject to seizure and forfeiture to the state for the expenses of recovery and prosecution, and for distribution to innocent 3rd parties who have an interest in the seized or forfeited property.

This bill would expand these provisions to include any minor who has been found to be a person described in Section 602 of the Welfare and Institutions Code because of specified controlled substance violations. It would also make the provisions pertaining to forfeiture applicable in juvenile court proceedings.

This bill would specify alternative provisions, dependent on enactment of AB 4162

Ch. 1359 (SB 1580) Beverly Personal property leases

Under existing law, various provisions generally regulate the rights, duties, and liabilities of the parties to leases of personal property.

This bill would enact a single comprehensive and detailed statutory body of law governing the various aspects of leases of personal property, including their formation, construction, effect, and performance

The bill also would make technical changes.

The bill would become operative on January 1, 1990

Ch. 1360 (SB 1600) Garamendi. Securities: duty to disclose voting record

Under existing law, a corporation is required to keep and maintain specified records, some of which are open to inspection upon a written demand to the corporation by any shareholder or holder by a voting trust certificate.

This bill would require persons possessing the power to vote specified shares of stock on behalf of another, as specified, to maintain a record of the manner in which the shares are voted and to disclose the voting record with respect to any matter involving a specified security upon a reasonable written request in accordance with specified procedures.

The bill would also provide that in an action to enforce its provisions, the court may make an award of costs and reasonable attorney's fees if the court finds that the defendant willfully violated the above provisions

The bill would provide that the obligations to maintain and disclose the voting record do not commence until January 1, 1990.

Ch. 1361 (SB 1802) Mello. California Fund for Senior Citizens

(1) Under the existing Personal Income Tax Law, until January 1, 1992, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of the California Senior Legislature and other senior activities through the California Fund for Senior Citizens.

Money in that fund is allocated under existing law to the Franchise Tax Board for reimbursement of certain administrative costs, and to the California Commission on Aging, for allocation to the California Senior Legislature, for each calendar year, for the conduct of its sessions and other ongoing activities, and to the Commission on Aging for senior direct service programs.

This bill would provide that the Controller shall also be allocated money in that fund

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for reimbursement of certain administrative costs, thereby making an appropriation.

Existing law also authorizes the State Board of Control to charge funds or special accounts in the General Fund for the cost of administration of the fund by the Controller.

This bill would revise the period in which each annual allocation shall be made and would provide that from the amount allocated to the California Senior Legislature, $33,000 shall be specifically allocated annually for the conduct of elections of members of the California Senior Legislature, thereby resulting in an appropriation, and would provide for a carryover and reallocation of the unused portion.

This bill would permit the Department of Finance to make a prescribed annual adjustment of the amounts allocated to the commission for conduct of sessions and other ongoing activities of the California Senior Legislature.

(2) Under existing law, appropriated funds are generally available for encumbrance for a period of 3 years following the year in which they are appropriated, unless they are appropriated without regard to fiscal years.

This bill would specify that the funds allocated to the Commission on Aging pursuant to the continuous appropriation of the California Fund for Senior Citizens without regard to fiscal years may be carried over from the year in which they were allocated and encumbered in any following year.

(3) Under existing law, those funds are allocated to the Commission on Aging on a calendar-year basis.

This bill would instead specify that those funds shall be allocated on a state fiscal-year basis.

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

Ch. 1362 (SB 1882) Morgan. Educational programs.

(1) Existing law provides for the establishment of local staff development programs to provide in-service training programs for teachers, priority in funding being given to programs established before January 1, 1981.

This bill would delete references to staff development programs and the provision granting priority in funding to certain programs and instead, provide for the establishment of school development plans to strengthen subject matter knowledge and instruction and to improve support services and would make conforming changes to existing law. This bill would require school development plans, among other things, to promote the professional development of instructional paraprofessionals, as defined.

Each school that establishes a school development plan pursuant to this bill would be required to develop annual school improvement objectives by a specified process. This bill would require the governing boards of participating school districts, among other things, (a) to allocate to any school that is not already receiving funds for specified school improvement programs and that has an approved school development plan, (b) establish policies and identify resources necessary to the successful implementation of these provisions, and (c) provide annual certifications to the Superintendent of Public Instruction, as specified.

This bill would require the Superintendent of Public Instruction, in consultation with resource agencies or consortia, as appropriate, to annually apportion to school districts, county superintendent of schools, and other qualified entities funds appropriated for local staff development programs and would require the superintendent to facilitate cooperative agreements between school districts and institutions of higher education.

This bill would define school districts for the purposes of these provisions to include county offices of education.

(2) Existing law requires the Superintendent of Public Instruction to establish 15 or more teacher education and computer centers in the state, as specified, for the purpose of providing staff development resources to teachers, administrators, other school personnel, and other persons that provide services to schools, in all areas of the curriculum with an emphasis on mathematics, science, technology, and other areas where there is a shortage of qualified certificated teachers.

This bill would repeal those provisions.

This bill would authorize local education agencies, as defined, that have established

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a resource agency and consortium committee comprised of at least 12 members, to establish one or more resource consortia or to enter into a joint powers agreement with one or more local education agencies to establish resource agencies and consortia The resource agencies and consortia would have specified duties.

This bill would require the Superintendent of Public Instruction to (a) review applications to establish resource agencies and consortia; (b) assist school district personnel and resource agencies and consortia, upon request, and (c) facilitate communication among resource agencies and consortia

(3) Existing law requires the Regents of the University of California to establish and administer, as specified, for the times the Legislature has appropriated funds and the University of California has accepted those funds, the California Writing Project and the California Mathematics Project.

This bill would provide for the establishment and maintenance of subject matter projects by the Regents of the University of California, with the concurrence of the Trustees of the California State University, and the Superintendent of Public Instruction, as specified, to establish and maintain cooperative endeavors designed to strengthen the subject matter knowledge and enhance the instructional strategies in each subject area of teachers in the public schools This bill would specify priorities for funding subject matter projects and would declare the intent of the Legislature that a project policy board be established within each subject matter project to assist in the administration of the projects, as specified. This bill would declare the intent of the Legislature with respect to the criteria for approval of subject matter projects

These provisions governing subject matter projects would be operative, and apply to the University of California, only for those times as the Legislature has appropriated funds therefor and the regents have accepted those funds

The provisions governing subject matter projects would not apply to the University of California unless the Regents of the University of California, by resolution, makes that provision applicable

(4) This bill would require the Legislative Analyst to include, in his or her analysis of the Budget Acts of 1990, 1991, and 1992, a report on the implementation of the staff development system addressed by this act, as specified

(5) The bill would authorize schools that receive funding for purposes of specified school improvement programs to use a portion of those funds to implement the provisions of this bill, consistent with the requirements of this bill

(6) This bill would declare the intent of the Legislature that the provisions of this bill relative to instructional strategies and subject matter projects be funded annually by the Budget Act

Ch 1363 (SB 2048) Seymour. Toll facilities maintenance costs state highways· Route 241

(1) Existing law requires the California Transportation Commission to fund maintenance costs for all toll bridges under its jurisdiction from the State Highway Account in the State Transportation Fund, except that it is required to fund these costs for each bridge from the same source used in the 1980–81 fiscal year

This bill would require that maintenance costs on all toll facilities owned by the state to be classified as either Category A or Category B costs. The bill would require Category A costs to be paid from the State Highway Account and Category B costs to be paid from toll revenues, as specified.

(2) Existing law designates those highways which are included in the state highway system.

This bill would define Route 241 for inclusion in the state highway system, and would prohibit the use of state or federal funds for any purpose related to that route or Route 231 until an irrevocable offer to dedicate specified lands to the County of Orange is recorded, as specified

(3) The bill would become operative on January 31, 1989, except that the provisions including Route 241 in the state highway system would not become operative until the County of Orange, the City of Orange, and a specified landowner executes memoranda of understanding on land dedications.

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Ch. 1364 (SB 2049) Seymour. Toll facilities maintenance costs· state highways: Route 231.

(1) Existing law requires the California Transportation Commission to fund maintenance costs for all toll bridges under its jurisdiction from the State Highway Account in the State Transportation Fund, except that it is required to fund these costs for each bridge from the same source used in the 1980–81 fiscal year.

This bill would require that maintenance costs on all toll facilities owned by the state to be classified as Category A or Category B The bill would require Category A costs to be paid from the State Highway Account and Category B costs to be paid from toll revenues, as specified.

(2) Existing law designates those highways which are included in the state highway system.

This bill would define Route 231 for inclusion in the state highway system

The bill would prohibit the use of state or federal funds for any purpose related to that route or Route 241 until an irrevocable offer to dedicate specified lands to the County of Orange is recorded, as specified.

(3) The bill would become operative on January 31, 1989, except that the provisions including Route 231 in the state highway system would not become operative until the County of Orange, the City of Orange, and a specified landowner execute memoranda of understanding on land dedications.

Ch. 1365 (SB 2254) Mello Community facilities districts.

(1) The existing Mello-Roos Community Facilities Act of 1982 authorizes the formation of community facilities districts, and the issuance of bonds and levying of special taxes thereunder, to finance designated public and utility facilities and services

Existing law authorizes the collection of a special tax levied pursuant to the formation of a community facilities district in the same manner as ordinary ad valorem property taxes are collected, and the application to that special tax of the same penalties, and procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes, unless another procedure is adopted by the legislative body of the district.

This bill would, instead, require that the special tax be controlled by those collection and other ad valorem property tax procedures unless another procedure has been authorized in the resolution of formation of the community facilities district and adopted by the legislative body of the district The bill would require that, for any tax year, the legislative body specify, by resolution, the rate at which the special tax is to apply no later than the date of the first meeting of the legislative body in July of that tax year, thereby imposing a state-mandated local program.

This bill would also specify that any local agency that has no other authority to enact an ordinance may, for purposes of the Mello-Roos Community Facilities Act of 1982, adopt ordinances in the manner prescribed by law for general law cities.

(2) The bill would require an application to the Real Estate Commissioner for issuance of a subdivision public report to include the amount of existing or planned indebtedness of an existing or proposed community facilities district that encompasses the subdivision. The bill would require prescribed disclosures with respect to special taxes of community facilities districts by subdividers and their agents to purchasers of subdivision lots not subject to a requirement for a public report issued by the Real Estate Commissioner.

The bill would secure special taxes levied on behalf of a community facilities district by a continuing lien against all nonexempt property in the district, and would authorize retroactive imposition of the lien by a prescribed procedure. The bill would impose a state-mandated local program by requiring recordation of specified notice of the lien in the office of the county recorder The bill would require recordation of a Notice of Cessation of Special Tax when the special tax is to be terminated, thereby imposing a state-mandated local program as to the county recorder. The bill would make changes in the required form of the resolution of intention to establish a community facilities district, the resolution of formation establishing the district, the form for cancellation of a special tax upon prepayment, and the form of noticing the special tax.

(3) The bill would make the following additional changes to the Mello-Roos Com-

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munity Facilities Act of 1982:

(a) Delete the general requirement that the enumerated services that may be financed through the establishment of a community services district be "additional" services, and provide, instead, that only those services financed by a tax approved by vote of the landowners of the district are limited to services in addition to those provided before the district was created

(b) Specify that real property exempt from a special tax is excluded for purposes of the protest procedures of the act

(c) Revise the voting procedure with respect to imposition of a special tax within a community facilities district.

(d) Prescribe a procedure for dissolution of a community facilities district.

(e) Exempt from liability for inaccurate special tax estimates pursuant to the act, an office, department, or bureau designated by the local legislative body to make the estimates, and the legislative body making the designation.

(f) Specify that bonded indebtedness under the act may include lease payments for school facilities, rather than lease payments only for school facilities that have been relocated

(g) Revise the provisions governing the mandatory contents of a resolution calling for the issuance of bonds authorized by the act.

(h) Establish procedures for foreclosure of a taxpayer's real property where the taxpayer is delinquent in the payment of a special tax.

(i) Make various technical changes.

(4) The bill would specify that, with respect to proceedings to create a community facilities district for which a resolution of intention has been adopted to establish the district or for which a special tax was levied prior to the effective date of the bill those proceedings may be conducted pursuant to the Mello-Roos Community Facilities Act of 1982 as it read prior to or after the effective date of the bill, as determined by the local legislative body.

(5) This bill would incorporate additional changes in Section 27288 1 of the Government Code, proposed by AB 3266, to be operative only if AB 3266 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

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

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

Ch 1366 (SB 2203) Roberti State employees: emergency service volunteers

Existing law provides generally for the administration of compensation to state employees by the Department of Personnel Administration.

This bill would provide, with certain limitations, that any state employee who is called into specified service by the Office of Emergency Services may be released for duty at the discretion of the appointing power, which would also be required to establish procedures for evening and weekend release The employee would be entitled to administrative time off, and to any benefits provided by the office

Ch. 1367 (SB 2408) Kopp. Prisoners: release.

Existing law requires the Board of Prison Terms or the Department of Corrections, 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, in addition, would provide that notwithstanding any other provision of law, an inmate who is released on parole shall not be returned to within 20 miles of the actual residence of a victim of, or a witness to, a violent felony, as defined, if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness

This bill would make further conforming changes

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Ch. 1368 (SB 2492) Beverly. Commercial transactions.

(1) Under existing provisions of the Uniform Commercial Code, a contract for the sale of goods for $500 or more is not enforceable unless there is some writing sufficient to indicate a contract for sale has been made and signed by the party against whom the enforcement is sought or his or her agent A contract that does not satisfy this requirement may still be enforceable if: (a) the goods are specially made for the buyer, as specified, and the seller has made either a substantial beginning of their manufacture or commitments for their procurement, or (b) payment for the goods has been made and accepted or received and accepted.

This bill would in addition permit the contract to be enforceable if the party against whom enforcement is sought admits in his or her pleading, testimony, or otherwise in court that the contract was made

(2) Existing law allows a creditor of a seller of goods to treat a sale or identification of the goods to the contract as void if as to the creditor a retention of possession by the seller is fraudulent, as specified.

This bill would also provide for the above right if the retention of possession by the seller is void

(3) Under existing law, damages for breach may be liquidated in an agreement for the sale of goods but only in an amount that is reasonable, as specified.

This bill would provide that the above provision applies if the liquidated damage provision in the agreement does not comply with the requirements otherwise prescribed by law

(4) Under existing law, a term in any contract between an account debtor and an assignor is ineffective if it prohibits assignment of an account or prohibits creation of a security interest in a general intangible for money due or to become due.

This bill would instead provide that a term in any contract between an account debtor and an assignor is ineffective if it prohibits assignment of an account or prohibits creation of a security interest in chattel paper or a security interest in a general intangible for money due or to become due

(5) Under existing law, a financing statement used to indicate that a secured party may have a security interest in described collateral should include the debtor's trade name or style, if any, if known to the secured party, but a failure to include the trade name or style does not affect the validity of the financing statement

This bill would also provide that a financing statement should include the effective period of the financing statement, but a failure to do so or an error in any included trade name, style, or effective period would not affect the validity of the financing statement It would also set forth a statement of the effective period of the financing statement

(6) This bill would also make changes to certain provisions of SB 1580 of the 1987–88 Regular Session relating to personal property leases and to other related provisions to implement the provisions of SB 1580. The bill would state that it shall not become operative unless and until SB 1580 is enacted and becomes operative.

(7) This bill would incorporate additional changes to Section 1624 of the Civil Code, contained in SB 2789, if both bills are chaptered and amend that section and this bill is enacted last.

Ch. 1369 (SB 2639) Vuich Aviation economic impact study.

Under existing law, the Business, Transportation and Housing Agency includes the Department of Commerce and the Department of Transportation, which has various powers and duties relating to, among other things, aeronautics

This bill would require the Secretary of the Business, Transportation and Housing Agency to coordinate and direct a study and report, to be done jointly by the Office of Economic Research in the Department of Commerce and the Division of Aeronautics in the Department of Transportation, to identify, quantify, and document the role of aviation in the economic development of California

The bill would provide for the examination of the effect of airport capacity on the economy, would provide for the assistance of other state agencies in the study, and would authorize contracts for the performance of parts of the study

The bill would require a report to the Governor, Senate Committee on Rules, Speaker

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of the Assembly, and California Commission on Aviation and Airports by January 1, 1990.

Ch. 1370 (SB 2763) Marks. Aquatic instructors: certification.

Existing law does not require aquatic instructors to possess a specified certification.

This bill would require persons who provide aquatic instruction at a public swimming pool to possess a certificate, as specified, or have equivalent qualifications, as determined by the State Department of Health Services. Violation of this provision would be a misdemeanor, thus imposing a state-mandated local program.

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

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

Ch. 1371 (SB 2523) Presley. Domestic violence.

(1) Under existing law, known as the California Public Records Act, records of state and local agencies are generally required to be open to public inspection. Among other things, the act exempts from mandatory public disclosure the addresses of victims of specified sexual crimes.

This bill would extend this exemption to the address of the victim of any crime defined by Section 273.5 of the Penal Code, relating to spouse abuse.

(2) Under existing law, the executive director of the Office of Criminal Justice Planning is required to allocate funds to local centers involved in the Family Violence Prevention Program Existing law specifies that programs shall be funded for a period not to exceed 2 years.

This bill would delete the above-mentioned funding limitation and require that 60% of the state funds received be used to develop and implement model program protocols and materials and that 40% of the state funds be allocated to programs to disseminate model program protocols and materials.

The bill would also revise and recast the stated goals and functions of the Family Violence Prevention Program, as specified.

This bill would also incorporate additional changes to Section 6254 of the Government Code contingent upon the enactment of SB 2479.

Ch. 1372 (SB 2601) Garamendi. Refund actions. judicial review

Existing property tax law provides that courts shall give specified actions, relating to property taxes, precedence over all other civil actions.

This bill would exclude from that precedence specified actions to recover taxes on state-assessed property based on State Board of Equalization valuation of property

Existing property tax law makes no express provision for the scope of judicial review in actions for the refund of property taxes. However, existing law, in general, provides that the scope of review of quasi-judicial administrative agencies is limited to whether the agency acted within its jurisdiction, and whether, if it is alleged that the agency abused its discretion, the findings of the agency are not supported by substantial evidence based on the administrative record. Existing case law provides that county boards of equalization are quasi-judicial agencies and their decisions regarding the valuation of property are equivalent to the determination of a trial court which may be reviewed only for arbitrariness, abuse of discretion, or failure to follow the standards prescribed by law.

This bill would specify that in any action for a refund of state-assessed property taxes, the superior court shall not be limited to the review of the administrative record, but shall hear all evidence relating to the valuation of the property admissible under the rules of evidence. The bill would require the court to base its decision upon the preponderance of the evidence before it.

Ch. 1373 (SB 83) Presley. Interception of wire communications.

Existing provisions of Chapter 111 of the Statutes of 1988 would authorize the interception of wire communications by law enforcement officers in certain circumstances, but

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would limit the use of the contents of an intercepted communication that relates to crimes other than those specified in the judge's order of authorization. In addition, those provisions would specify that the use of the contents of an intercepted wire communication relating to crimes other than those specified in the order of authorization entitles the person named in the warrant to notice of the intercepted wire communication and a copy of the contents thereof which were used to obtain the warrant, as provided in specified code sections

This bill would delete the reference to the code sections so specified.

Existing provisions of Chapter 111 provide for the repeal of its provisions on January 1, 1995

This bill would change the repeal date to January 1, 1994 It would also repeal provisions that purport to make a section operative on the same date it would be repealed and, instead, make another section operative on that date

Ch. 1374 (AB 3273) Filante. Aging

(1) Under existing law, there are various programs established for the purpose of preventing the institutionalization of frail elderly persons and functionally impaired adults These include the Community Care Demonstration Project administered by the Multipurpose Senior Services Program

Existing law requires the Department of Aging to establish a respite care registry program for frail elderly persons and functionally impaired adults, selecting up to 5 program sites, as specified

Statutory authority for the demonstration project and respite care registry program are repealed on January 1, 1990 AB 3542 would instead make the project and the program inoperative on June 30, 1989, and repeal them on January 1, 1990

This bill would further amend one of these provisons as it would be amended by AB 3542, to make only the Community Care Demonstration Project inoperative on June 30 1989, thereby extending the respite care registry program to January 1, 1990.

This bill would declare that this provision would not become operative unless and until AB 3542 is enacted and amends Section 9396 of the Welfare and Institutions Code.

(2) Existing law provides for the Legislative Task Force on Medication Misuse to investigate and assess the effectiveness of privately and publicly funded medication education programs directed towards the elderly. The task force consists of 8 members appointed by the Joint Rules Committee who serve without compensation and are required to provide for their own expenses. The task force is required to report its findings and recommendations to the Legislature on or before June 1, 1988, and to design a model medication program and brochure. Existing law specifies the task force shall be terminated on June 1, 1988.

This bill would instead, specify that the task force shall be terminated on June 1, 1989.

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

Ch. 1375 (AB 3121) Chandler Courts San Francisco, Marin, and Sutter Counties.

(1) Existing law specifies the number, compensation, and classification of employees of the superior and municipal courts in San Francisco

This bill would revise the number, compensation, and classification of the employees of the superior and municipal courts in San Francisco, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law provides for the number, compensation, and classification of municipal court personnel for the municipal court established in the district designated as the judicial district of Marin County.

This bill would change the name of the municipal court in the judicial district of Marin County to the judicial district of the Marin County Municipal Court

Existing law provides for the appointment of one court clerk in the municipal court in Marin County, and provides that any changes in the salary of the court clerk in effect immediately prior to January 1, 1987, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature

This bill would delete the above-described provisions relating to the designation and

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expiration of any changes in the salary of the court clerk in effect immediately prior to January 1, 1987.

(3) Existing law provides for the number, compensation, and classification of municipal court personnel in Sutter County.

This bill would revise the number, compensation, and classification of municipal court personnel in Sutter 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. 1376 (AB 1196) Wright Hazardous waste fees

(1) Existing law prohibits any operator of a hazardous waste facility from accepting, treating, storing, or disposing of a hazardous waste unless the operator holds a hazardous waste facilities permit from the State Department of Health Services.

This bill would exempt those portions of a removal or remedial action conducted onsite from this requirement if the removal and remedial action is selected and carried out pursuant to an approved removal or remedial action and the remedial action plan contains specified requirements. The bill would authorize the department to enforce specified state and federal laws, regulations, and requirements regulating the removal and remedial action.

(2) Existing law requires each registered hazardous waste hauler to pay an annual $200 fee to the State Department of Health Services. Existing law authorizes the Commissioner of the California Highway Patrol to establish an inspection fee for vehicles used to transport hazardous waste, requires the fees to be deposited in the Motor Vehicle Account in the State Transportation Fund, and continuously appropriates these fees to the Department of the California Highway Patrol

This bill would require any registered hazardous waste hauler with 10 or more vehicles to pay an annual $500 fee. The bill would set the fee for the inspection of vehicles at $75 and for containers at $39 and would require ⅔ of these fees to be deposited in the Motor Vehicle Account, thereby making an appropriation, and ⅓ in the Hazardous Waste Control Account.

(3) Existing law requires that each person who disposes of hazardous waste onsite, who submits hazardous waste for disposal offsite, or who submits hazardous waste for transportation in this state for disposal outside of this state, 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 available, upon appropriation, 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 July 1, 1989. Existing law also imposes, until July 1, 1989, an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities, and an annual generator fee, and authorizes the imposition of nonroutine service fees Existing law makes violations of the hazardous waste laws crimes

This bill would extend the termination of the adjustment formula for the disposal fees and the impoundment criteria, and delete the termination for the facility fees and the generator fees, thus creating a crime in that extended period, and thereby imposing state-mandated local programs in the extended period. The bill would provide that the funds in the Hazardous Waste Control Account may also be expended by the Office of Emergency Services, upon appropriation in the annual Budget Act, to implement the federal Emergency Planning and Community Right-to-Know Act of 1986, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

The bill would revise the formulas for the disposal fees, the facility fees, and the generator fees, would specify that the disposal fees are also imposed on persons submitting hazardous waste for disposal outside the state, and would make conforming changes. The bill would make the provisions establishing the Hazardous Waste Control Account

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and the disposal fee inoperative on July 1, 1989, and would repeal these provisions on January 1, 1990. The bill would repeal provisions authorizing the department to increase these fees by emergency regulation.

The bill would repeal the authorization for nonroutine service fees and would instead require the department to establish fees for application renewals, closure, and variances.

The bill would also revise the provisions governing the collection and administration of these fees and taxes.

The bill would appropriate $475,000 from the Hazardous Waste Control Account in the General Fund to the department, for expenditure by the department and the State Board of Equalization, to carry out the changes concerning hazardous waste fees made by specified provisions of the bill.

(4) This bill makes additional changes proposed by AB 3383, to be operative only if AB 3383 and this bill are both chaptered and become effective on or before January 1, 1989, 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.

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

Ch 1377 (AB 2698) Speier. Family law: mediation.

Existing law provides that when the issue of custody or visitation with a minor child is contested, the matter shall be set for mediation, as specified.

This bill would provide that in any proceeding where there has been a history of domestic violence between the parties, the mediator shall have the authority to meet with the parties separately when a request for separate mediation is made by one of the parties This bill would also provide that in any such proceeding where there has been a history of domestic violence where an order is in effect pursuant to specified provisions which provide for enjoining specified behavior at the request of the party protected by the order, the parties shall meet with the mediator separately at separate times. This bill would repeal the latter provision as of January 1, 1992

This bill would incorporate amendments to Section 4607 of the Civil Code which conform, in some respects, to those proposed by SB 2510, if both bills are chaptered and this bill is chaptered last.

Ch. 1378 (SB 5) Deddeh. Obscene and harmful matter

(1) Existing law defines "obscene matter" to mean matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary statewide standards, is to prurient interest, as prescribed, and is matter which, taken as a whole, goes substantially beyond the customary limits of candor in description or representa tion of those matters, and is matter, which, taken as a whole, lacks significant literary, artistic, political, educational, or scientific value. Existing law also prescribes a similar definition for "obscene live conduct," and for "harmful matter" with respect to minors.

This bill would revise those definitions to conform to the federal standard for obscenity established by the United States Supreme Court decision in Miller v. California, 37 L. Ed. 2d 419 The bill would also incorporate additional changes to Sections 311 and 313 of the Penal Code proposed by AB 3568, contingent upon that bill's prior enactment.

The bill would mandate a new program or higher level of services on local government by expanding the scope of an existing 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

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Ch. 1379 (AB 1669) Johnston. Unemployment insurance.

Existing law provides that unemployment compensation benefits, extended duration benefits, and federal state extended benefits shall not be payable on the basis of services performed by an alien unless the alien meets certain requirements.

This bill would prescribe various procedures to be followed by the Employment Development Department respecting aliens who have applied for temporary resident status under the federal Immigration Reform and Control Act of 1986 and whose unemployment insurance benefits are at issue. These provisions would cease to be operative if the United States Secretary of Labor determines that they do not comply with the federal Unemployment Tax Act or on September 30, 1989, whichever occurs earlier.

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

Ch. 1380 (AB 1983) Margolin. Hazardous waste.

(1) Existing law imposes criminal and civil penalties upon persons who violate the hazardous waste control law, including the unauthorized disposal of hazardous waste or the transportation of hazardous waste to an unauthorized facility. A person who violates the hazardous waste control law is, upon conviction, guilty of a misdemeanor, except as specified.

This bill would make it a public offense for any person to knowingly, or with reckless disregard for the risk, treat, handle, transport, or store any hazardous waste in a manner which causes any reasonable risk of specified events. The bill would require that any person convicted of this offense be punished by a fine of between $5,000 and $100,000, or by imprisonment in the county jail for not more than one year or in the state prison for not more than 16, 24, or 36 months, or by both the fine and imprisonment The bill would specify that each day or partial day that a violation occurs is a separate violation

(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 a new crime concerning the treatment, handling, transportation, or storage of hazardous waste.

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

Ch. 1381 (AB 2049) Speier Highways: excess property· Golden Gate National Recreation Area.

Existing law generally requires that excess property which was acquired for state highway purposes be disposed of at fair market value, except property in the coastal zone, which may be transferred at the state's acquisition cost to specified agencies, including the Department of Fish and Game, for specified purposes

This bill would include within the coastal zone a described parcel of excess real property in the City of Pacifica which had been acquired by the Department of Transportation for state highway purposes.

The bill would require the Department of Transportation to transfer that property to the Department of Fish and Game, upon nonstate funds becoming available to the Department of Fish and Game for that purpose, for a consideration at least equal to its acquisition cost The bill would authorize the Department of Fish and Game to sell that property to a public or private entity The bill would declare the Legislature's intent that the property be made available to the Secretary of the Interior as an addition to the Golden Gate National Recreation Area. The bill would require that the property transfers be accomplished without cost to the state.

The bill's provisions would be repealed as of January 1, 1994, if the subject property has not by that date been transferred to the Secretary of the Interior.

Ch 1382 (AB 2545) Harris Minors: adoption

(1) Existing law authorizes any person desiring to adopt a child, for that purpose, to petition, as specified, the superior court of the county in which the petitioner resides

This bill, in addition, would provide that if the minor is the subject of a guardianship petition, the petition shall so state and shall include the caption and docket number or

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have attached a copy of the letters of the guardianship or temporary guardianship. In addition, the bill would provide that the court shall be notified by petitioners of any petition for guardianship or temporary guardianship filed subsequent to the adoption petition It would require the guardianship proceeding to be consolidated with the adoption proceeding

(2) Existing law provides for the dismissal of a petition for adoption upon a finding by the court that the withdrawal by the natural parents of consent to adoption is reasonable and in the best interests of the child.

This bill would provide that consideration of the best interests of the child shall include, but not be limited to, an assessment of the child's age, the extent of bonding with the prospective adoptive parent or parents, the extent of bonding or the potential to bond with the natural parent or parents, and the ability of the natural parent or parents to provide adequate and proper care and guidance to the child.

(3) Existing law provides that upon petition the court may appoint a guardian or temporary guardian for a minor child

This bill would require the petitioners to state in the guardianship petition if the petitioners have accepted or intend to accept physical care or custody of the child with intent to adopt

(4) Under existing law, notice of the proposed appointment of a temporary guardian is required to be delivered to the proposed ward if he or she is 14 years old or older

This bill would also require notice to be delivered to the natural parent or parents if the proposed ward is a minor. The bill would also make conforming changes

(5) This bill would incorporate changes in Section 2250 of the Probate Code proposed by both this bill and AB 2841, should both bills become law, as specified

Ch. 1383 (AB 2704) Clute. Vehicles· presumption: ultimate purchaser.

Under existing law, new motor vehicles sold in the state are required to meet emissions standards adopted by the State Air Resources Board prior to sale to ultimate purchasers A motor vehicle, other than a motorcycle, with an odometer reading of 7,500 miles or more is conclusively presumed to have been transferred to an ultimate purchaser. A motorcycle with an odometer reading of 1,350 miles or more is conclusively presumed to have been transferred to an ultimate purchaser

This bill would delete the provisions applicable to motorcycles, thus subjecting them to the same 7,500 mile provisions applicable to other motor vehicles.

Ch. 1384 (AB 2705) Katz Inhalation hazards.

(1) Existing law regulates the transportation of explosives, hazardous material, and radioactive materials, as specified, but does not expressly provide for the regulation of the transportation of inhalation hazards

This bill would express the intent of the Legislature with respect to inhalation hazards, as defined, and would impose specified requirements relative to equipment and personnel that would be required to accompany vehicles carrying inhalation hazards, and to the inspection and operation of those vehicles. The bill would impose misdemeanor penalties for violation of these requirements, thereby imposing a state-mandated local program by creating new crimes

The bill would require the establishment of routes by the Department of the California Highway Patrol for the transportation of those hazards. The bill would, on and after January 1, 1992, require use of those routes, as specified, and impose misdemeanor penalties for violation of these requirements, thereby imposing a state-mandated local program by creating new crimes.

The bill would make a related change by repealing, on January 1, 1992, an existing provision subjecting specified substances to the provisions regulating transportation of explosives

(2) Existing law imposes a fine of not more than $1,000 or specified imprisonment, or both, for violation of existing provisions relating to transportation of explosives, and a fine of not more than $2,000 or specified imprisonment, or both, for violation of existing provisions relating to transportation of hazardous material.

This bill would increase those fines to not less than $1,000 and not less than $2,000,

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respectively, and double those amounts for a second or subsequent offense.

(3) The bill would appropriate $410,500 from the Motor Vehicle Account in the State Transportation Fund to the department to administer the provisions concerning the transportation of inhalation hazards for the 1988–89 fiscal year.

(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. 1385 (AB 2765) M. Waters. State employees: reporting of improper governmental activity

Existing law prohibits state employees from directly or indirectly using or attempting to use their official authority or influence, as defined, for the purpose of intimidating, threatening, coercing, commanding, or attempting to do the same, for the purpose of interfering with the right of a person to disclose improper governmental activities of state agencies or employees to the Joint Legislative Audit Committee Existing law requires the Joint Legislative Audit Committee, through the Auditor General, to administer these provisions and to report improper governmental activities, as specified. Existing law requires the Auditor General to conduct an investigation audit under certain circumstances upon receiving information of improper governmental activities.

Under existing law, a state employee or applicant for state employment who files a written complaint alleging acts of reprisal or intimidation due to disclosure of improper governmental activities may file a copy of the complaint with the State Personnel Board, and the board is required to take adverse action against certain employees in specified instances. Existing law provides that failure of the board to reach a decision on the complaint, as specified, is a condition precedent to filing a civil action for damages.

This bill would specify that the University of California is a state agency for purposes of the provisions relative to the Joint Legislative Audit Committee and Auditor General investigative and reporting functions. It would also specify that "improper governmental" activities include activities of the University of California or employees or officers of the university with respect to these Joint Legislative Audit Committee and Auditor General investigative and reporting functions.

This bill would add provisions, applicable exclusively to University of California employees, including officers and faculty members, or applicants for employment, similar to the provisions administered by the State Personnel Board, as described above, except the Regents of the University of California would designate an officer to whom complaints could be filed alleging reprisal or intimidation and the regents would administer these provisions.

This bill would also add provisions, applicable exclusively to University of California employees, including officers and faculty members, prohibiting them from using their official authority or influence, as specified, for purposes of interfering with the right of any person to disclose to a designated university officer or Joint Legislative Audit Committee or the Auditor General matters concerning improper governmental activities.

This bill would provide that, if an investigative audit involves access to confidential peer review records of the University of California academic personnel, access to these records would be governed by certain agreements.

It would make other clarifying and conforming changes.

Ch 1386 (AB 2768) M Waters. Firearms.

(1) Existing law makes it a misdemeanor punishable by imprisonment in the county jail for not exceeding 6 months for a minor to possess a concealable firearm or live ammunition unless he or she has the written permission of his or her parent or guardian or is accompanied by his or her parent or guardian, with an exception in the case of live ammunition for possession while going to or from an organized lawful recreational or competitive shooting or lawful hunting activity

This bill would repeal this provision and reenact the provision as part of a statutory scheme dealing with minors and concealable weapons. This bill would also change the

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penalty in cases of 2nd or subsequent conviction by providing for a punishment as either a misdemeanor punishable by imprisonment in the county jail for not exceeding one year or a felony for any minor who possesses a concealable weapon without a parent's or legal guardian's written permission or accompaniment

(2) Existing law makes it a misdemeanor punishable by imprisonment in the county jail for not less than 6 months for any dealer to sell, deliver, or otherwise transfer any concealable firearm to any person under the age of 21 years.

This bill would, with respect to a 2nd or subsequent violation of this provision, change the penalty for these actions to a felony or a misdemeanor punishable by imprisonment in a county jail not exceeding one year and would permit the granting of probation only in those unusual cases where the interests of justice would best be served, as specified.

(3) Existing law makes it a misdemeanor punishable by imprisonment in the county jail for not exceeding 6 months to sell a firearm to a minor at least 16 but not over 18 years of age without the consent of a parent or guardian. Existing law also makes it a misdemeanor to sell a firearm or other specified weapon to a minor, or to furnish any of those weapons to a minor without consent of a parent or guardian.

This bill would make it a misdemeanor for any person or corporation to sell any pistol, revolver, or other firearm capable of being concealed upon the person, to any minor. This bill would, with respect to a 2nd and each subsequent violation of this provision, increase the penalty to a felony, or a misdemeanor punishable by imprisonment in a county jail not exceeding one year, and would permit the granting of probation in only those unusual cases where the interests of justice would best be served, as specified.

This bill would also make it a misdemeanor for any person or corporation to furnish, give, or otherwise transfer possession of any pistol, revolver, or other firearm capable of being concealed upon the person to any minor without the prior written consent or implied permission of a parent or legal guardian, as specified. The bill would require the written consent to be presented to the person or corporation at the time of the furnishing, giving, or other transfer of legal possession This bill would, with respect to a 2nd and each subsequent violation of this provision, increase the penalty to a felony, or a misdemeanor punishable by imprisonment in a county jail not exceeding one year, and would permit the granting of probation in only those unusual cases where the interests of justice would best be served, as specified

(4) This bill would define "firearm" in the above statutory scheme dealing with minors to mean any firearm except any pistol, revolver, or other firearm capable of being concealed upon the person

This bill would also make certain technical and conforming changes.

This bill would impose a state-mandated local program by changing the penalties for various crimes.

This bill would incorporate additional changes in Section 12072 of the Penal Code proposed by AB 3707, to be operative only if AB 3707 and this bill are both chaptered and this bill is chaptered last.

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

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

Ch. 1387 (AB 3005) La Follette. Hazardous waste facilities. hazardous substances. removal actions

(1) Existing law provides for the enforcement of hazardous waste laws and regulations by authorizing the State Department of Health Services to issue an order or a proposed order specifying a schedule of compliance or correction for violations or threatened violations of these laws or regulations The department is authorized to include in the order a requirement for corrective action with respect to the hazardous waste A person served with an order or proposed order is authorized to file a notice of intent to challenge the order and request a public hearing.

This bill would additionally authorize the department to issue an order for corrective action when there has been a release of hazardous waste from a hazardous waste facility.

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The department would be required to include in an order issued pursuant to these provisions a requirement for corrective action and to include, in an order for corrective action at a hazardous waste facility, a requirement that corrective action be taken beyond the facility boundary, as specified.

The bill would also delete the authority to issue a proposed order and would allow a person served with an order to instead file a notice of defense with the department requesting a hearing.

These changes would not become operative if AB 4636 is enacted and amends Section 25187 of the Health and Safety Code.

(2) Existing law authorizes the department to issue a complaint imposing administrative civil liability upon a person who has violated the hazardous waste laws or regulations, as specified. The complaint is required to inform the party that a hearing will be conducted within 60 days, unless the party waives the right to a hearing.

This bill would revise that procedure by authorizing any person served with a complaint to request a hearing by filing a notice of defense within 10 days after the service of the complaint and by requiring the hearing to be held 90 days after receipt of the notice of defense

(3) Existing law requires the owner or operator of a commercial offsite multiuser hazardous waste disposal facility to develop a plan for the monitoring of the ambient air downwind and upwind from the facility, to submit the plan to the department by October 1, 1987, for approval pursuant to a specified procedure, and to update the plan as required by the department. If the department demonstrates, pursuant to a public hearing, that the facility is the source of a substance in the ambient air which poses a significant threat to public health or affects the quality of the environment, the department is required to issue a specified order.

This bill would delete the requirement for a public hearing and would require the department to issue the order if the department determines, rather than demonstrates, that the facility is the source of such a substance.

(4) 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, except that funds appropriated for remedial action are allowed to be expended without conforming to the priority ranking, if the funds are used for specified purposes. The department 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.

The bill would revise the purposes for which the funds appropriated for remedial action may be expended without conforming to the priority ranking.

(5) The bill would incorporate additional changes in Section 25355.5 of the Health and Safety Code, proposed by AB 1453, which would become operative only if both bills are enacted and become effective on or before Janaury 1, 1988.

Ch. 1388 (AB 3081) Hauser Common interest developments.

Existing law regulates, as a common interest development, as defined, a separate interest in real property coupled with an interest in a common area or membership in the association created to manage a common interest development when specified conditions are met. Unless the declaration about the development imposes more stringent standards, the financial statement of the association is required to include within the pro forma operating budget the identification of the estimated remaining life of the major components which the obligation is obligated to maintain.

This bill would, instead, require the pro forma budget to include an estimate of the current replacement costs of the estimated remaining useful life of those major components

Existing law requires each local agency to regulate and control subdivisions for which a tentative and final or parcel map is required

This bill would also require each local agency, by ordinance, to regulate and control the initial design and improvement of common interest developments for which a

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tentative and final or parcel map is required.

By requiring each local agency to adopt ordinances to regulate and control common interest developments, 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 incorporate amendments to Section 1365 of the Civil Code which are proposed by AB 4426, if both bills are chaptered and this bill is chaptered last.

Ch. 1389 (AB 3206) Tanner. Hazardous waste: county and regional plans: facility siting.

(1) Existing law authorizes a county or a regional council of governments to adopt, by September 30, 1988, a county or regional 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 department is authorized to grant a county an extension for the review of the county plan and, if an extension is granted, the department is required to approve the plan by April 30, 1989. Prior to adoption, the county hazardous waste management plan is required to be approved by a majority of the cities within the county which contain a majority of the county's incorporated areas' population.

This bill would allow the department to extend the deadlines by which a regional hazardous waste management plan is required to be drafted, reviewed, and submitted, if the department makes a specified determination.

The bill would extend the date by which a county is required to adopt the county hazardous waste management plan to January 31, 1989, and would extend to July 31, 1989, the date by which the department is required to approve or disapprove the plan, if the department has given the county an extension

The bill would also require a city to act on the plan within 90 days of receipt and would provide that if a city does not act within that time period, the city will have been deemed to approve the plan, thereby imposing a state-mandated local program.

(2) Existing law establishes procedures for the approval and review of applications for a land use decision concerning a hazardous waste facility project, as defined, by a local agency. A responsible agency for a hazardous waste facility project that is a land disposal facility is required to approve or disapprove all permits for the project within a specified amount of time Existing law applies the requirements concerning public agency approval of development projects to land use decisions for hazardous waste facility projects

A person applying to a local agency for a land use decision concerning an offsite hazardous waste facility is required to pay a fee, as established by the Office of Permit Assistance, and the office is required to deposit these fees in the Local Agency Technical Assistance Account in the General Fund, which is available for expenditure by the office, upon appropriation by the Legislature, to make technical assistance grants to local agencies.

This bill would revise the definition of "hazardous waste facility project" for purposes of these siting procedures to specify that the facility will require a hazardous waste facilities permit.

The bill would require a public agency which is a responsible agency to instead approve or disapprove the hazardous waste facility project which is a land disposal facility within the amount of time provided by existing law. The bill would also require a public agency which is a responsible agency to approve or disapprove a hazardous waste facility which is not a land disposal facility within 180 days after the lead agency approves the project or the completed project application is received and accepted, whichever is longer

The bill would delete the authority for the Office of Permit Assistance to establish the fee amount and would instead allow a local agency to establish the fee. The local agency would be required to create an account to receive the fees paid by a project proponent,

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and to use the fees for review of the project The local agency would be required to return unused funds and interest to the project proponent after the project review is completed.

(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 1390 (AB 3269) Filante Emergency medical services

(1) Under existing law, the Emergency Medical Service Authority in the Health and Welfare Agency has been assigned various responsibilities with respect to the methods employed in providing emergency medical services, and these services are provided at the local level through local emergency services (EMS) agencies.

This bill would authorize for these purposes the establishment of alternative base stations, in lieu of base hospitals, under specified conditions, to provide medical direction to prehospital emergency care personnel Violation of these provisions would constitute a misdemeanor pursuant to an existing provision, and this bill would therefore impose a state-mandated local program.

(2) Existing law provides that the authority shall establish the minimum standards for the policies and procedures necessary for medical control of limited advanced life support and advanced life support activities, as defined.

This bill would instead require the authority to establish minimum standards for the policies and procedures necessary for medical control of an emergency medical services system.

(3) Existing law requires the local EMS agency, using the minimum standards adopted by the authority, to establish policies and procedures to assure medical control of limited advanced life support and advanced life support personnel.

This bill would expand this requirement to apply to the EMS system, but would require these policies and procedures to be approved by the medical director of the EMS system It would also permit these policies and procedures to require basic life support emergency medical transportation services, as defined, to meet any medical control requirements.

(4) Existing law requires each emergency medical services agency to have a medical director. Existing law in accordance with qualifications established for these positions, requires the medical director of the EMS agency to recertify emergency medical technician-I's (EMT-I's), emergency medical technician-II's (EMT-II's), and emergency medical services technician paramedic's (EMT-P's) through passage of a competency examination at least every 2 years.

This bill would instead require this recertification through passage of an examination at an interval specified by the authority

(5) Existing law permits an EMS agency medical director to place on probation any certificate holder or suspend or revoke any certificate issued under the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, if in accordance with guidelines established by the authority, upon a finding of an imminent threat to the public health and safety due to the occurrence of specified actions

This bill would include within the actions permitting placement on probation, suspension, or revocation, demonstration of irrational behavior or occurrence of a physical disability to the extent that a reasonable and prudent person would have reasonable cause to believe that the ability to perform the duties normally expected of the certificate holder would be impaired.

(6) Existing law requires that whenever voice contact with a base hospital cannot be

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established and whenever a delay in care would jeopardize the life of a patient, the initiation of limited advanced life support or advanced life support procedures must be authorized by the written standing orders approved by the medical director of the EMS agency

This bill would repeal this requirement.

(7) Existing law permits an EMS agency to designate and contract with base hospitals for the provision of advanced or limited advanced life support services.

This bill would permit the EMS system, with the approval of its medical director to designate and contract with hospitals or other entities to be base hospitals or alternative base stations, for the provision of medical direction of prehosptial emergency medical care personnel.

(8) Existing law permits an EMS agency, in rural areas determined by the authority, where the use of a base hospital having a basic emergency medical special permit is precluded because of geographic or other extenuating circumstances, to utilize other hospitals which do not have this permit.

This bill would, instead, allow facilities to be utilized as base hospitals only upon approval by the medical director of the EMS agency. It would, however, require the emergency medical services authority to determine whether the circumstances referred to above exist permitting this utilization.

Since the bill would impose various requirements upon EMS agencies, it would create a state-mandated local program.

(9) Since a violation of the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act is punishable as a misdemeanor, this bill would impose additional duties upon local law enforcement agencies, thereby imposing a state-mandated local program.

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

This bill would provide that 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. 1391 (AB 3462) Cortese. Solid waste management plans.

(1) Under existing law, the Legislature has declared the policy of the state that solid waste management plans, as specified, be consistent with specified general plans and accomplish the identification and reservation of sites for establishment or expansion of solid waste facilities and ensure that land uses adjacent or near those sites are compatible with the solid waste facilities. Chapter 754 of the Statutes of 1987 required the identification and reservation of areas for those purposes

This bill would make conforming changes to the declaration of the policy of the state.

The bill would also rephrase the requirement for the 3-year revisions of the solid waste management plans. The bill would redefine solid waste landfill for purposes of the provisions of law relating to solid waste disposal site cleanup and maintenance.

(2) AB 3298 of the 1987–88 Regular Session requires local agencies, as defined, to establish a landfill depletion surcharge or special disposal fees on generators of solid wastes for specified purposes.

This bill would redesignate the surcharge and special disposal fees as special fees.

Ch. 1392 (AB 3568) Polanco. Pornography. definitions.

(1) Existing law defines, among other terms, "matter" and "obscene live conduct" for purposes of prohibiting various acts relating to obscene matter, harmful matter, and obscene live conduct.

This bill would impose a state-mandated local program by changing the definition of

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"matter," as used under the provisions prohibiting various acts with regards to obscene matter and those provisions with respect to harmful matter by including live or recorded telephone messages when transmitted, disseminated, or distributed as part of a commercial transaction

(2) 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 specify that the prohibited distribution of harmful matter includes, but is not limited to, live or recorded telephone messages, as specified

The bill would specify that it does not constitute a violation of these provisions for a telephone corporation, as defined, to carry or transmit these messages or perform related activities in providing telephone services.

This bill would also specify 2 defenses to any prosecution under these provisions against any person on the basis of knowing distribution of harmful matter to a minor through the use of the telephone or telephone facilities

(3) Under existing law, it is a crime to knowingly send or cause to be sent, or to bring into this state for sale or distribution, or in this state to possess, prepare, publish, or print with intent to distribute or exhibit to others, or to offer to distribute, distribute, or exhibit to others any obscene matter, as defined, and as specified

This bill would specify that it does not constitute a violation of this provision for a telephone corporation, as defined, to carry or transmit messages described above or perform related activities in providing telephone services

(4) To the extent that this bill would expand the scope of existing crimes, it constitutes a state-mandated local program

(5) This bill would include further changes in Sections 311 and 313 of the Penal Code as proposed by SB 5 to become operative only if this bill and SB 5 are both chaptered and this bill is chaptered last.

In addition, this bill would include further changes in Section 313 1 of the Penal Code as proposed by AB 2093 to become operative only if this bill and AB 2093 are both chaptered and this bill is chaptered last

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

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

Ch. 1393 (AB 3606) N Waters. City of Folsom· courtroom facilities

Existing law does not provide financing for the construction of courtroom facilities adjacent to Folsom State Prison.

This bill would authorize the Department of Corrections to contract with the City of Folsom for the construction of courtroom facilities for the trial of state prison inmates, as specified, and would declare the intent of the Legislature in this regard.

Ch. 1394 (AB 3625) Zeltner Firearms and destructive devices.

(1) Under existing law, every defendant convicted of a misdemeanor and not granted probation may, as specified, be permitted by the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not guilty or the court may set aside the verdict of guilty Under these cases, the existing law requires the court to dismiss the accusatory pleading against the defendant who is thus released from all penalties and disabilities resulting from the conviction except with respect to the revocation or suspension of a driver's license.

This bill would provide an additional exception to the release from all penalties and disabilities with respect to conviction of certain concealed weapon offenses

(2) Existing law sets forth the form of the register of dealer's record of sale of revolvers or pistols

This bill would recast the law by providing that the Department of Justice shall prescribe the form of the register setting forth prescribed information which shall be contained in the form. The bill would, among other things, specify the procedure for handling the original documents, specify that dealers shall use ink to complete each

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document, specify that the dealers or salespersons shall ensure that all information is provided legibly, require each original to contain instructions on completion of the form and routing of the form, specify that one concealable firearm transaction be reported on each record of sale document, and require a statement to be included on the form stating that any person signing a fictitious name or address or knowingly affixing an incorrect date is guilty of a misdemeanor, as provided under existing law.

(3) Existing law sets forth a procedure governing the purchase of concealable firearms by persons, other than dealers, manufacturers, or wholesalers, through mail orders

This bill would repeal that provision The bill would provide that the Legislature does not intend by repealing that provision to prohibit an individual from ordering a firearm through the mail.

(4) Existing law requires the Department of General Services to offer copies of the summary of California firearms laws, as provided

This bill would impose that duty on the Department of Justice, rather than the Department of General Services.

(5) Existing law contains separate provisions governing the issuance of permits associated with dealers, manufacturers, importers, exporters, and motion picture and television studios and separate provisions governing the issuance of permits associated with all other persons involved in the possession, transportation, and use of destructive devices

This bill would consolidate those provisions in one section of the Penal Code

This bill would provide that its provisions shall only become operative if AB 3707 is also chaptered.

The bill would make certain clarifying changes

Ch. 1395 (AB 3699) Harris Family law· child support: health insurance

Existing law, the Agnos Child Support Standards Act of 1984, provides that the court shall require that health insurance coverage for supported children be maintained by a parent if that insurance is available at no or at nominal cost to the parent, as specified

This bill would provide that upon application by a party in any proceeding where the court has ordered either or both parents to maintain health insurance, the court may order the employer of the obligor parent or the person providing health insurance to the obligor, to enroll the supported child in the health insurance plan, as specified. The order would be called a health insurance coverage assignment.

The bill also would provide a procedure for an obligor to move to quash a health insurance assignment order, as specified, and would require the court to quash the assignment under specified circumstances The bill would require the clerk of the court to deliver a copy of the notice of motion to quash to specified persons, as specified, thus creating a state-mandated local program The bill would provide for a termination of an order of assignment in specified circumstances.

This bill also would provide that an employer or other person providing health insurance who willfully fails to comply with a valid order for a health insurance coverage assignment shall be liable to the applicant for the order for specified health care costs and would specify that such a willful failure is also punishable as contempt.

This bill further would prohibit an employer from using a health insurance coverage assignment as grounds for refusing to hire a person or for discharging or taking disciplinary action against an employee and would provide that an employer who violates that prohibition may be assessed a civil penalty of $500

This bill would require the Judicial Council to adopt forms for the orders for health insurance coverage assignments required or authorized by this 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, 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.

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Ch. 1396 (AB 3703) Tucker. Respiratory care practitioners.

(1) Existing law authorizes the State Department of Health Services to authorize unlicensed persons who are employed as technicians in respiratory services, clinical, or cardiopulmonary laboratories in licensed clinics or hospitals to withdraw blood under specified conditions, including, among other things, meeting certain training and supervision requirements.

This bill would instead require those unlicensed personnel to be employed in clinical laboratories in licensed clinics or hospitals. It would also specifically authorize respiratory care practitioners to withdraw blood upon authorization of any licensed physician and surgeon

(2) Existing law provides that certificates for the practice of respiratory care shall be issued by the Division of Allied Health Professions of the Board of Medical Quality Assurance upon the recommendation and direction of the Respiratory Care Examining Committee

This bill would transfer that power and duty to the committee

(3) Existing law does provide for an inactive license for a respiratory care practitioner.

This bill would provide for the application and renewal fee for those practitioners.

(4) Existing law specifies the grounds for disciplinary action against a respiratory care practitioner by the Respiratory Care Examining Committee, including until January 1, 1989, unprofessional conduct, as defined.

This bill would extend this date to January 1, 1991.

(5) Under existing law, operative until January 1, 1989, the Respiratory Care Examining Committee is authorized to require a practitioner to undergo a competency examination when there is reasonable cause, as specified, to believe that the person is unable or unwilling to practice respiratory care with reasonable skill and patient safety. Failure to obey the order is grounds for disciplinary action and failure to pass the examination results in suspension or revocation of the person's certificate at the discretion of the committee.

This bill would extend the duration of the above-described provisions to January 1, 1991

(6) This bill would also specify that respiratory care may be performed in hospitals, ambulatory or in-home care, and other settings where respiratory care is performed under the supervision of a medical director, as specified, and would specify that respiratory care may be provided during the transportation of a patient, and under any circumstances where an emergency necessitates respiratory care.

(7) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Respiratory Care Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

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

Ch. 1397 (AB 3771) Leslie Elderly persons dental care. [16]

Under existing law, dental services are one of the types of services covered by the Medi-Cal program.

This bill would state legislative findings concerning dental services for seniors in care facilities and those who are homebound

This bill would require the Department of Aging to establish a pilot project in a rural area of the state meeting certain requirements for the provision of dental services for elderly persons who are in certain kinds of care facilities or who are homebound.

The bill would require the Medi-Cal dental fiscal intermediary to screen Medi-Cal patients.

The bill would require the Department of Aging to report on the effectiveness of the methodology of the program, and other aspects of the pilot project.

The bill would appropriate $149,000 to the Department of Aging, for the 1988–89 fiscal year, for purposes of the bill.

The provisions of the bill would remain in effect until January 1, 1992, and as of that

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date would be repealed, unless a later enacted statute which is chaptered on or before January 1, 1992, deletes or extends that date

Ch 1398 (AB 3835) N. Waters. Sex offenses· child victim.

Existing law makes it a felony, punishable by imprisonment in the state prison for a term of 3, 6, or 8 years for any person to willfully and lewdly commit any lewd or lascivious act including any of the acts constituting other crimes 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 the person or of that child

This bill would make it a misdemeanor or a felony for any person to engage in the above-described conduct when the victim is a child of 14 or 15 years and the defendant is at least 10 years older than the child, thereby constituting a state-mandated local program by creating a new crime

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 own choosing at the preliminary hearing and at the trial

This bill would delete reference to the 16 year or under age limitation on the above-described right, and would authorize any prosecuting witness in prosecutions for specified sex offenses to be entitled to the support of up to 2 persons, rather than 2 family members, of his or her own choosing at the preliminary hearing and at the trial The bill would also specify that nothing in this provision shall preclude a court from exercising its discretion to remove a person from the courtroom whom it believes is prompting, swaying, or influencing a witness

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

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

Ch 1399 (AB 3844) Frizzelle. Driving schools motortrucks

Under existing law, no postsecondary educational institution may offer courses of education leading to educational, professional, technological, or vocational objectives unless the institution has been approved or authorized by the Superintendent of Public Instruction as having met one or more of specified qualifications. One manner in which those qualifications are met is the accreditation, approval, or licensure of the institution as a school by a state board or agency, as specified.

Existing law also requires that any person who owns or operates a driving school, or gives driving instruction for compensation, obtain a license from the Department of Motor Vehicles for that purpose.

This bill would exempt, from this requirement of licensure by the Department of Motor Vehicles, the ownership or operation of any school, or the giving of instruction, for the driving of certain motortrucks, as specified, and would, instead, require those schools to be approved by the State Department of Education and to meet standards for instruction established by the Department of Motor Vehicles.

Ch. 1400 (AB 3886) Wyman Superior courts: sessions and facilities

(1) Existing law specifies the places in which superior court sessions shall be held.

This bill would add a provision authorizing at least one session of the superior court in a county of the 14th class to be held at a location designated by the board of supervisors which is not less than 40 miles, nor more than 50 miles, from the site of the county courthouse The bill would further provide that at such time as the board of supervisors finds there are sufficient funds for this purpose, the board of supervisors shall designate a location in a specified judicial district.

(2) Existing law does not provide financing for the construction of a courthouse and related facilities within the proximity of the California Correctional Facility in Tehachapi

This bill would authorize the Department of Corrections to contract with Kern Coun-

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ty for the construction and financing of the above-described courtroom facilities and related facilities, and would specify that these sums shall be paid to the county from savings realized by the department from the location of the courtroom facilities near the correctional facility, as specified.

Ch. 1401 (AB 3946) La Follette. Hazardous substance releases: liability

Existing law authorizes any person found liable under the Carpenter-Presley-Tanner Hazardous Substance Account Act ("California Superfund") who did not engage in specified activities to seek indemnity or contribution from any person found liable, unless the person seeking indemnity is a potentially responsible party who has not submitted to binding arbitration.

This bill would repeal that provision and would instead allow any person who has incurred removal or remedial action costs to seek contribution or indemnity from any other person liable under the act, except as specified.

Ch. 1402 (AB 4096) Hill. Retail installment accounts: terms. delinquency· notice.

Existing law provides that if any change is to be made in terms of a retail installment account previously disclosed to the buyer, the seller shall mail or deliver to the buyer written disclosure of the proposed change not less than 30 days prior to the effective date of the change or 30 days prior to the beginning of the billing cycle within which the change will become effective, whichever is the earlier date.

This bill would provide that when the change involves a reduction of any component of a finance charge or other charge, the notice shall be sufficient if it appears on or accompanies the periodic statements mailed or delivered to buyers receiving periodic statements in the ordinary course of business.

Existing law provides that a seller or holder of a retail installment account may provide that a delinquency charge, as specified, shall be assessed for installments which are in default as specified, provided there is an agreement to that effect which is signed by the buyer and of which a copy is given or furnished to the buyer.

This bill would, instead, permit this assessment of a delinquency charge for installments in default to be made if a written notice of the assessment is mailed or delivered to the buyer by the creditor, as specified. The bill would, however, prohibit the imposition of a delinquency charge by the seller or holder of a retail installment account for any default of payment on any purchase made prior to the mailing or delivery to the buyer of the required written disclosure, as specified.

Existing law provides that nothing in the provisions regulating retail installment accounts shall be construed to affect the validity of any agreement or contractual relationship entered into prior to January 1, 1960, except that any rate in excess of that allowed by those provisions shall be reduced to the permissible rate on or before January 1, 1960.

This bill would repeal this provision.

Existing law provides that a willful violation of the provisions regulating retail installment accounts is a misdemeanor.

This bill would impose a state-mandated local program by revising the definition of an existing crime with respect to the disclosure of an assessment for an installment in default.

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

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

Ch. 1403 (AB 4112) Bradley. Driving under the influence: treatment programs.

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, may, as a condition of probation be referred to an alcohol or drug education program approved by the county. If the person has had a

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separate conviction within 7 years the person may, as a condition of probation, be referred by the court to a alcohol service program for problem drinkers licensed by the State Department of Alcohol and Drug Programs. The court is required to require periodic reports concerning the performance of each person referred to and participating in a program, and the program is required to report failure to comply with program's rules and policies.

This bill would, instead, authorize the court to impose the periodic reporting requirements. The bill would also authorize the court to refer a person convicted of a first offense to a licensed program and would make conforming changes.

Ch. 1404 (AB 4138) Polanco. Redevelopment· project area committees.

(1) Existing law requires the city council or board of supervisors of a city or county proposing a redevelopment project to provide for the formation of a project area committee by residents and existing community organizations in the redevelopment project area if the redevelopment project would displace a substantial number of low- and moderate-income families. With respect to redevelopment projects that will not displace a substantial number of low- and moderate-income families, existing law requires alternatively the formation of a project area committee or consultation by the redevelopment agency with project area residents and community organizations prior to submission of the redevelopment plan to the city council or board of supervisors Existing law requires the redevelopment agency to consult with the project area committee, as specified, in preparing the redevelopment plan and for 3 years thereafter, subject to one-year extensions by the city council or board of supervisors, as the case may be

This bill would impose a state-mandated local program by requiring the city council or board of supervisors to adopt a prescribed procedure for the formation of a project area committee, including prescribed notice requirements, would revise the required composition of the project area committee, would prohibit merger of other committees with the project area committee, and would preclude voting by members of these other committees in meetings of the project area committee The bill would specify that failure to give notice pursuant to the bill to residents or businesses unknown to the redevelopment agency, or whose addresses cannot be obtained at reasonable costs, will not invalidate the formation or actions of the project area committee if the redevelopment agency acted in good faith. The bill would authorize redevelopment agencies to charge fees to purchasers and lessees of property from it and participants under owner participation agreements to defray specified costs with respect to project area committees

(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 1405 (AB 4213) M. Waters Real property. unlawful detainer.

(1) Existing law provides that a judgment creditor, after entry of a judgment for possession or sale of property, may apply for a writ of possession or sale to be issued by the clerk of the court to enforce the judgment, as specified.

This bill would require that the judgment creditor's application for the writ shall include a declaration under penalty of perjury stating the daily rental value of the property as of the date the complaint for unlawful detainer was filed

(2) Existing law provides that a writ of possession or sale of real property shall direct the levying officer to enforce the judgment for possession or sale and shall include certain information, as specified.

This bill would add the daily rental value of the real property to the information required to be included in the particular writ

(3) Existing law provides that the tenant prevails in an unlawful detainer action if (1) the tenant raises as an affirmative defense, and the court determines, that the landlord has committed a substantial breach of the landlord's statutory obligations respecting habitability or the implied warranty of habitability and (2) the tenant pays the reason-

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able rental value of the premises up to the date of trial, as determined by the court If the tenant fails to pay this reduced rent within a reasonable time not exceeding 5 days or as specified, the court is required to enter judgment in favor of the landlord.

This bill would make technical changes in existing law. This bill would also state that existing law is not intended to deny the tenant the right to a trial by jury.

(4) 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 and detainer, authorizes any occupant 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 which is effected by presenting a prescribed form to the levying officer and transmitting or mailing the appropriate fee or forms for proceeding in forma pauperis to the court, as specified.

This bill would instead provide that the occupant do one of the following: (1) present to the levying officer the prescribed form and deliver to the court within 48 hours after presentation of the form an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis; (2) present the form to the levying officer and deliver to the court within 48 hours after its presentation the appropriate fee or form for proceeding in forma pauperis without delivering the equivalent of 15 days' rent, (3) file the prescribed form and fee or form for proceeding in forma pauperis with the court and deposit an amount equal to 15 days' rent directly with the court; or (4) file with the court the form and fee or form for proceeding in forma pauperis without the equivalent of 15 days' rent.

This bill would require the court to notify both the claimant and the plaintiff of the hearing date, as specified. It would also require the court to order the immediate denial of a claim of right to possession, as specified, if the appropriate filing fee or form for proceeding in forma pauperis is not delivered to the court, as specified.

This bill would also provide that if the court determines that the claim of right to possession is invalid, the court shall order the return to the claimant of the amount equal to 15 days' rent paid by the claimant, less a pro rata amount to be paid over to the landlord, as specified If the court determines the claim to be valid, then the court shall return immediately the amount paid by the claimant to the claimant.

This bill would also make conforming, technical changes to the prescribed form required to be filed by an occupant when he or she asserts a claim of right to possession of real property

Ch. 1406 (AB 4252) Sher Shared appreciation loans for seniors

Existing law provides for shared appreciation loans for senior citizens in the form of a fixed monthly annuity payment to the homeowner offered at a below-market rate of interest and secured by the refinancing of the owner-occupied real property in connection with which the lender has a right to receive a share of the future appreciation in the value of the property Repayment of the total loan, including accrued principal, interest, and a share of the future appreciation of the home is deferred until a "maturity event" which could be the borrower's death, or when the property is sold or refinanced.

This bill would provide that if the maturity event is either cessation of occupancy of the property by the borrower or the death of the borrower, the term shall be extended until the earlier of the sale or refinancing of the property or 12 months after the occurrence of the maturity event The bill would also allow a shared appreciation loan to be called if the home is rented to a 3rd party or is abandoned as a residence by all coborrowers. It would also provide that the projected loan amount may not be less than 75% of the estimated fair market value of the borrower's home at the end of the borrower's life expectancy, as specified, and would provide that the lender may impose a minimum cap of $2,500 on the amount of the monthly annuity payment in the calendar year 1989 to be adjusted by the Consumer Price Index thereafter annually, as specified. If the calculated monthly annuity exceeds the cap, the bill would permit the lender to limit the actual monthly annuity payment to an amount not less than the cap The bill would provide that the total loan obligation includes not only the net original loan, total monthly annuity payments received by the borrower, interest on all outstanding amounts, as specified, and actual contingent interest but also interest at the prevailing

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rate, as disclosed to the borrower on all of these amounts from the date of the maturity event until the outstanding loan obligation is repaid in full, as specified The bill would specify, and declare as existing law, a lender's ability to provide a shared appreciation loan based solely on the value of the real property upon which the borrower's dwelling is situated, secured only by the real property and not the improvements with the lender's actual contingent interest based on the land value alone.

The bill would also make a number of clarifying and technical changes to these provisions.

Ch. 1407 (AB 4283) Stirling Motor vehicles. insurance policy notices.

(1) Under existing law, if a transferee of a new or used motor vehicle is required by a dealer or lending agency to insure the vehicle, and if the required insurance policy is obtained by the dealer or lending agency and the policy contains specified coverage limitations, the dealer or lending agency is required to notify the transferee of that fact in writing, on a document other than the insurance policy A signed copy of the document is required to be kept for 2 years as a permanent record by the dealer or lending agency.

Existing law does not require the notice to be given if the dealer or lending agency obtains the insurance policy because the transferee fails or refuses to obtain the insurance in accordance with the terms of the sales contract or security agreement.

This bill would repeal the requirement that the notice be kept as a permanent record for 2 years, and would require the notice to also be given if the dealer or lending agency obtains the insurance policy because the transferee fails or refuses to do so in accordance with the terms of the sales contract or the security agreement. The bill would require that the notice be given in a specified manner. A violation of this provision would be an infraction, 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. 1408 (AB 4351) Cortese. State and local governments· public contracts: land use.

Existing provisions of the Government Code authorize certain public works contracts to include a provision for arbitration and require inclusion in invitations for public agency bids and in public agency contracts, of provisions providing for the substitution of equivalent securities for moneys withheld to ensure performance.

This bill would make a nonsubstantive change by transferring those provisions to the Public Contract Code.

Existing law operative until January 1, 1989, provides procedures for a city or county to adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal.

This bill would delete the repeal date of January 1, 1989, with respect to these procedures.

Existing law requires that certain certificates and acknowledgments appear on a final subdivision map before it is filed, but local agencies may require them to be filed by separate instruments recorded separately and may require final maps to contain other certificates and acknowledgments by local ordinance.

This bill would add other statements which are required to be made to be included with the certificates and acknowledgments with respect to filing of the final map

Existing law permits the appeal of any action of the advisory agency with respect to a tentative map to the appeal board or legislative body and permits any interested person adversely affected by a decision of the advisory agency or appeal board to file a complaint with the governing body, if a local ordinance so provides

This bill would delete the condition that a local ordinance must provide for the filing of the complaint.

By requiring local governing bodies to hear these complaints this bill would impose

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a state-mandated local program.

Existing law provides for the making and hearing of various appeals and authorizes collection from the subdivider of fees for the related expenses

This bill would also authorize the collection of those fees from persons appealing or filing a complaint

Existing law permits a local ordinance to 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 actual or estimated cost of constructing bridges or major thoroughfares. Existing law defines "construction" among other terms for the purposes of these provisions.

This bill would add another definition of "construction" with respect to the unincorporated area of San Diego 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

Ch. 1409 (AB 4426) Ferguson. Common interest developments

Existing law provides for the amendment of the declaration of a common interest development and specifies when that amendment is effective.

This bill would provide that a declaration which fails to include provisions permitting its amendment may be amended at anytime, as specified This provision would be operative until January 1, 1990

Existing law requires a common interest subdivision to prepare and distribute certain financial statements to its members, including a pro forma operating budget, and a review of the financial statement by an accountant if the association's gross income exceeds $75,000

This bill would permit the directors of the association to elect to distribute a summary in lieu of the statement, along with a notice as to where the statement is available and that copies will be provided. This bill also would require the association to provide a member with a copy of the statement at the association's expense, as specified, if requested by a member.

This bill would incorporate amendments to Sections 1365 of the Civil Code which are proposed by AB 3081, if both bills are chaptered and this bill is chaptered last.

Ch 1410 (SB 1) Doolittle. Punitive damages. religious organization

Existing law provides 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.

This bill would enact a similar provision with respect to a complaint or pleading against a religious corporation or a religious corporation sole

The bill would also declare the intent of the Legislature in this regard.

Ch. 1411 (SB 704) Lockyer Abstract of judgment

Existing law requires an abstract of judgment or decree requiring payment of money to contain the social security number and driver's license number of the judgment debtor, if known.

This bill would allow an abstract of judgment recorded after January 1, 1979, that does not contain the social security number and driver's license number to be amended by the recording of an Amendment to Abstract of Judgment, as specified.

The bill would also provide that the Amendment to Abstract of Judgment has priority as of the date of the recordation of the original abstract of judgment, except as specified. It would provide that for an abstract recorded between January 1, 1979, and July 10, 1985, the defense of noncompliance with certain formal requirements may not be asserted by the holder of another abstract of judgment or involuntary lien obtained without actual notice of the prior abstract, except as specified The bill would state legislative intent.

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Ch. 1412 (SB 957) Presley. Air pollution.

(1) Under existing law, a statement of legislative intent regarding the need for the South Coast Air Quality Management District to assist the public and small businesses is to be repealed on January 1, 1989, and a statement of intent regarding the need for the district to assist small businesses is to become operative on that date

This bill would repeal the provision which is to become operative on January 1, 1989.

(2) Existing law in effect only until January 1, 1989, requires the south coast district to establish an office of public adviser and small business assistance. Provisions enacted to become operative on that date require the establishment of an office of small business assistance.

This bill would extend indefinitely the provision for an office of public adviser and small business assistance, and would repeal the provision that is to become operative on January 1, 1989.

(3) Under existing law, operative July 1, 1988, any member of the board or employee or officer of the south coast district is prohibited, for 24 months following separation from the district, from participating in any contract of the south coast district in which he or she was involved, as specified, before separation from the district. In addition, for 12 months following separation, a former member, employee, or officer is prohibited from entering into any contract with the south coast district involving any matter that he or she participated in, as specified, prior to separation, unless the board, by a ⅔ vote, makes a specified finding and determination. In addition, a former employee or officer previously holding a position designated in the south coast 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, is prohibited 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.

This bill would specify that these prohibitions apply only to employees or officers who are in the employment of the south coast district on or after July 1, 1988, and only to members serving on the board of directors of the south coast district on or after July 1, 1988.

(4) Under existing law, each air pollution control or air quality management district is authorized to appoint one or more hearing boards consisting of 5 members each, and if 3 or more members conduct a hearing, the concurrence of 3 members is necessary for a decision.

This bill would repeal the provision requiring concurrence of 3 members for a decision if 3 or more conduct a hearing, and would instead require 3 members to constitute a quorum except in specified cases, and any action would require the affirmative vote of a majority of the hearing board.

(5) Existing law allows matters decided by a hearing board of 3 members or less to be reheard within 30 days by a hearing board of not less than 4 members.

This bill would recast that provision to allow the rehearing of any matter, within 30 days of the effective date of a decision, by a hearing board of not fewer than 4 members

The bill would also allow the designation of a hearing board as a district hearing panel.

(6) Existing law provides civil and criminal penalties for violation of specified provisions of law relating to the control of air pollution, or the violation of any rule, regulation, or order of an air pollution control or air quality management district.

This bill would require a district, city, or county, as specified, to pay a reward of not to exceed 10% of the civil penalty or criminal fine collected, not to exceed $5,000, for the provision of information which materially contributes to the imposition of the penalty or fine in cases of violations by mobile sources. The districts would be required to adopt regulations relating to the review and payment of claims. These requirements would impose a state-mandated local program.

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

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

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Ch. 1413 (SB 1374) Seymour Student financial aid.

Existing law authorizes the Student Aid Commission to select an organization to provide financial need analysis and related services and to act as the sole processor of specified financial aid application forms. Existing law contains various provisions relating to the appointment and duties of the sole processor.

This bill would repeal those provisions. The bill would authorize the Student Aid Commission to authorize the use of standardized student financial aid application forms for California The forms would be required to be utilized for the Cal Grant Program, all other programs funded by the state or a public institution of postsecondary education, except as specified, and all federal programs administered by a public postsecondary education institution.

The bill would authorize the Student Aid Commission to enter into contracts with a public agency or a private entity to improve the processing and distribution of grants, fellowships, and loans through the use of electronic networks and unified data bases.

The bill would require the Student Aid Commission, commencing September 1, 1989, to prepare an annual report to the Legislature and other specified entities regarding the multiple processing environment, as specified

The bill would require the Student Aid Commission to submit a report to the Legislature and the Governor, every 2 years commencing January 1, 1990, which compares the multiple processor environment in effect subsequent to the enactment of this bill to the sole processor environment in effect prior to the enactment of this bill and which includes a recommendation to the Legislature as to the success or failure of the new multiple processor system

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

Ch. 1414 (SB 1884) Morgan Private postsecondary institutions.

(1) Existing law requires all authorized or approved private postsecondary institutions to be maintained and operated in compliance with specified minimum requirements. Existing law requires the Superintendent of Public Instruction to accept accreditation by a national or applicable regional accrediting agency recognized by the United States Department of Education as evidence of compliance with the minimum requirements established by the accrediting or licensing agency Existing law authorizes the superintendent to require further evidence and to make investigations as may be necessary if there is substantial evidence of violation by a private postsecondary institution of the established standards.

This bill would require, rather than authorize, the superintendent to require further evidence and make further investigation, as may be necessary, if there is substantial evidence of violation by a college or university accredited by a national accrediting agency of the standards established by the responsible national accrediting agency. This bill would require the superintendent to notify the appropriate national accrediting agency of his or her findings The superintendent would be authorized to take further action, if after 4 months the superintendent determines that the accrediting agency has not taken appropriate action and substantial evidence remains that the institution is not meeting minimum standards. The action taken may include the revocation of the institution's license to offer and to award degrees and diplomas

(2) The bill would require the State Board of Cosmetology, in conjunction with the Private Postsecondary Education Division of the State Department of Education and the Student Aid Commission, to report and make recommendations to the Legislature on or before March 1, 1989, concerning the feasibility of establishing a tuition recovery fund for students attending schools of cosmetology.

The bill would require the board to submit a report to the education policy committees of the Legislature not later than March 1, 1989, describing efforts of the board to reduce student default and institutional abuses of student loan programs for schools under its jurisdiction.

Ch. 1415 (SB 1902) Davis. Driving offenses

(1) Under existing law, the court or the Department of Motor Vehicles is authorized to revoke or suspend the privilege of a person to drive a motor vehicle for certain

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violations of the Vehicle Code. If the court suspends the person's driving privilege, the court is required to have the person surrender his or her license and, unless the violation is for a specified offense, retain the license for the period of suspension. For convictions that the department is required to revoke or suspend the privilege, the court is required to forward the license to the department The department is required to suspend or revoke the person's driving privileges for certain offenses and may suspend or revoke the privilege for persons who are found to be a reckless, negligent, or incompetent driver, among other reasons.

This bill would impose a state-mandated local program by requiring the court, at the time of surrender of the license, to require a person convicted of a 3rd or subsequent violation 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 while addicted to any drug (hereafter DUI) to sign an affidavit acknowledging specified revocation requirements and his or her designation as an habitual traffic offender, as prescribed in the bill, and to forward the affidavit to the department with the license

The bill would also require the department to record court administered suspensions or revocations.

This provision, for 4th and subsequent offenders, would not become operative if SB 2651, AB 2751, or AB 3134 is enacted, and as enacted amends Section 23175 of the Vehicle Code

(2) Existing law prohibits driving a motor vehicle when the person's driving privilege is suspended or revoked and when the person knows of the suspension or revocation. Existing law also prescribes different penalties for that violation if the person is convicted of that offense when the suspension or revocation was a result of convictions of DUI or if the person has accummulated a driving record during the suspension or revocation. In the latter case, the person is designated an habitual traffic offender.

This bill would impose a state-mandated local program by increasing the penalty, as specified, for driving with a suspended or revoked driving privilege as a result of a conviction of DUI if the person is designated an habitual driving offender under (1)

(3) Existing law creates an implied consent to chemical testing of a person's blood, breath, or urine if the person is lawfully arrested for a violation of DUI The department is required to suspend or revoke a person's driving privilege for refusal or failure to submit to or complete the testing, as specified

This bill would prohibit the department from issuing or renewing a person's driver's license unless the person consents in writing to submit to chemical tests of the person's blood, breath, or urine when requested to do so by a peace officer, as specified.

(4) The bill would incorporate additional changes in Section 13352 of the Vehicle Code, proposed by SB 1964 or SB 2233, or both, to become operative only if SB 1964 or SB 2233, or both, and this bill are enacted and become effective January 1, 1989, and this bill is enacted last.

(5) The bill would incorporate additional changes in Section 23170 of the Vehicle Code, proposed by SB 2073, to be operative only if SB 2073 and this bill are both enacted and become effective January 1, 1989, and this bill is enacted last.

(6) The bill would incorporate additional changes in Section 23175 of the Vehicle Code, proposed by SB 2073, to be operative only if SB 2073 and this bill are both enacted and become operative January 1, 1989, SB 2651, AB 2751, or AB 3134 is not enacted or as enacted does not amend that Section, and this bill is enacted 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.

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

Ch 1416 (SB 2090) Mello Mental health funding.

Existing law requires each county to have a community mental health service pursuant to a county plan approved by the State Department of Mental Health. The Short-Doyle Act permits a county, subject to the approval of the department, to retain, at the end of a fiscal year, unexpended funds allocated to it for 12 months for expenditure for

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mental health services, as specified.

This provision does not, however, apply to amounts allocated to the county for care of persons in state hospitals.

This bill would provide that, each fiscal year, counties using state hospitals in excess of their annual state hospital day allocations shall receive an assessment against their local assistance allocation for that year. The assessment would be based on the statewide variable per diem cost of care times the number of days used in excess of the annual allocation The State Department of Mental Health would be required to execute the assessments within 180 days after the end of each fiscal year by deducting the assessment amount from the following year's advance monthly payments. Funds accruing from the assessments would be allocated to underusing counties, as specified.

Ch. 1417 (SB 2093) Torres Residuals repositories

(1) Existing law requires operators of hazardous waste facilities to obtain a hazardous waste facilities permit from the State Department of Health Services.

This bill would make a statement of legislative intent and would require the department, in consultation with the State Water Resources Control Board, to adopt, by regulation, standards by May 1, 1990, for residuals repositories, as defined. The bill would specify the subjects to be included in these regulations

The bill would define the term "federal act" as meaning the federal Resource Conservation and Recovery Act of 1976 (RCRA), but this definition would not become operative if AB 3188 is enacted and adds the same definition.

(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 a new crime regarding residuals repositories since the violation of a regulation of the department is 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 1418 (SB 2201) C Green Schools· child nutrition program: reimbursement rate

Existing law allows reimbursement at a specified rate to child nutrition programs for breakfast or snack, for lunch, or for a morning supplement, as specified.

This bill would increase those rates for the period of July 1, 1988, to June 30, 1989, as specified

Ch 1419 (SB 2233) Seymour. Driving offenses. alcohol rehabilitation facilities.

(1) Until January 1, 1988, existing law provided for pilot programs in 4 counties for custodial treatment in alcohol rehabilitation facilities of persons 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 when the person also had convictions of separate offenses The pilot program was repealed on January 1, 1988

The bill would delete obsolete cross-references to that pilot program and would make other conforming changes.

(2) Existing law provides for a one-year or a 30-month alcohol rehabilitation program which may be ordered as a condition of probation for persons convicted of those driving offenses who also had convictions of separate offenses. Existing law provides, with exceptions, that the maximum size of classes, group discussion, or counseling activities shall not exceed 15 persons. Existing law also provides for compilation by the program of evidence of, among other things, voluntary community services of 10 hours per month by participants

This bill would change the community service requirement of 10 hours per month to a specified total time served. The bill would make other changes to group size and program contents The bill also would expressly require that completion of the program, which is required for reinstatement of the driving privilege, be subsequent to the most

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recent underlying conviction.

(3) This bill would incorporate additional changes in Section 11837.4 of the Health and Safety Code, proposed by SB 2859, to become operative only if SB 2859 and this bill are both enacted and become effective January 1, 1989, and this bill is enacted last.

(4) This bill would incorporate additional changes in Section 13352 of the Vehicle Code, proposed by SB 1902 and SB 1964, or both, to become operative only if SB 1902 or SB 1964, or both, and this bill are enacted and become effective January 1, 1989, and this bill is enacted last.

(5) This bill would incorporate additional changes in Section 23176 of the Vehicle Code, proposed by AB 2751, to become operative only if AB 2751 and this bill are both enacted and become effective January 1, 1989, and this bill is enacted last

Ch 1420 (SB 2555) Hart Student loans: withholding of services for persons in default

Existing law authorizes various financial aid programs for students attending postsecondary educational institutions.

This bill would require the governing board of every community college district and the governing authority of other specified public and private postsecondary educational institutions to adopt regulations providing for the withholding of designated institutional services from students or former students who are in default on a loan or loans under either of 2 specified student loan programs and have been notified in writing at their last known address that they are in default The regulations would be required to provide that the services may be provided during a period when the facts are in dispute or when the student or former student demonstrates that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay, as specified.

The bill would require the Student Aid Commission, when it has been determined that an individual is in default on a loan or loans under either of 2 specified loan programs, to give notice of the default to all institutions through which that individual acquired the loan

The bill would provide that no requirement would be imposed by certain provisions in this bill upon the Regents of the University of California or the Board of Directors of the Hastings College of the Law unless the regents or the board of directors, respectively, by resolution, make it applicable

Ch. 1421 (SB 2755) Royce Registered nursing.

Existing law does not provide for a study on a shortage of registered nurses in this state.

This bill would authorize the Board of Registered Nursing to appoint a special advisory committee, as specified, to study the nursing shortage in this state and would require the committee to report to the Legislature and the board on its recommendations and solutions to resolve any shortage

The bill would appropriate $280,000 from the Board of Registered Nursing Fund to the board to carry out the act

Ch 1422 (SB 2775) Roberti. Cemeteries

Existing law specifies the grounds for the revocation or suspension of a license issued pursuant to the Cemetery Act.

This bill would specify that unprofessional conduct constitutes grounds for disciplinary action against a licensee of that act and would define unprofessional conduct for those purposes.

Ch. 1423 (SB 2895) Roberti Urban growth [17]

Existing law does not require the Commission on California State Government Organization and Economy to contract for an analysis of, and to develop recommendations concerning, the effects of growth control measures on the availability and affordability of housing

This bill would require the commission, not later than December 31, 1988, to contract with an institution or organization with demonstrated experience in the analysis of

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urban growth and community development related issues to analyze and develop recommendations concerning the effects of growth control measures on the availability and affordability of housing. The bill would require that the report include prescribed matters and be submitted to the Legislature and the Governor no later than December 31, 1989, and require the contractor to provide a progress report to the commission by June 30, 1989.

The bill would require the Senate Office of Research to seek the advice of specified organizations concerned with the broad effects of growth and the relevant state departments in reviewing a request for proposal to implement Senate Resolution 39 of the 1987–88 Regular Session.

The bill would appropriate $150,000 to the commission for consulting contracts and services as prescribed by the bill and would appropriate $100,000 to the Senate Office of Research for the request for proposal provided for in Senate Resolution 39 of the 1987–88 Regular Session.

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

Ch. 1424 (SB 2213) Craven Pharmacy.

Under existing law, it is unlawful for any person to, among other things, sell or dispense any prescription of a medical practitioner unless the person is a registered pharmacist under specified provisions of the Business and Professions Code The law requires an out-of-state pharmacy which conducts the business of selling or distributing drugs in this state to be licensed by the Board of Pharmacy

This bill would require any pharmacy, as specified, located outside this state which ships, mails, or delivers any controlled substances or dangerous drugs or devices into this state to register with the board, disclose specified information to the board, and meet other conditions

The bill would authorize the board to deny, revoke, or suspend a nonresident pharmacy registration for failure to comply with specified provisions of California law and, until January 1, 1992, for conduct which causes serious bodily or psychological injury to a resident of this state if the regulatory agency in the state where the pharmacy is located fails to initiate an investigation into the matter within 45 days of being notified by the board

The bill also would prohibit specified advertisements with regard to unregistered, nonresident pharmacies

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

A violation of those provisions of the Business and Professions Code constitutes a misdemeanor

This bill would impose a state-mandated local program by creating or revising a crime

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

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

Ch 1425 (SB 2670) Doolittle The Lake Shastina Community Services District. powers of the district.

(1) Existing law does not generally authorize community services districts, with certain express exceptions, to enforce convenants, 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 Lake Shastina Community Services District, upon approval of a majority of the voters voting on the proposition, to enforce those convenants, 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 convenants, conditions, and restrictions applicable to the tract.

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

(2) Under existing law, community services districts are generally authorized, with specified exceptions, to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than an acre, within the district to which 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 Shastina Community Services District only, to $40 per year for each acre or $40 per year for a parcel less than an acre and would require those limits to be included in the specified proposition if the district proposes to adopt the additional purpose of supplying water

(3) The bill would make legislative findings with regard to (1) and (2) above as to the need for a special law.

This bill would incorporate changes in Section 61601.10 of the Government Code proposed by AB 4673 if both this bill and AB 4673 are chaptered and this bill is chaptered last.

Ch 1426 (AB 35) Katz. Schoolbuses: replacement.

(1) Under existing law, school districts and county offices of education are authorized to purchase and operate schoolbuses.

This bill would enact the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program and create the Katz Schoolbus Fund to provide funds for the purchase of replacement schoolbuses, as specified, for local educational agencies, as defined. The bill would appropriate $60,000,000 from the Federal Trust Fund received by the state from federal oil overcharge funds in the petroleum violation escrow account for allocation to the Katz Schoolbus Fund and for specified costs of the State Energy Resources Conservation and Development Commission and the Department of the California Highway Patrol

The bill would declare legislative intent to appropriate federal oil overcharge funds in the future for purposes of the program.

(2) Chapter 11 of the Statutes of 1986 appropriated $300,000 from the Driver Training Penalty Assessment Fund to the Department of the California Highway Patrol for an engineering study and economic analysis relating to schoolbuses to provide information for use by the State Department of Education for specified purposes.

This bill would change one of the specified uses that the State Department of Education may use that information for.

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

Ch. 1427 (AB 1239) Moore. Transportation: appropriation.

Under existing law, the Department of Transportation is authorized to establish ridesharing programs and to establish preferential lanes for buses and carpool vehicles as pilot projects.

This bill would specify the elements of a Smart Corridor Telecommunications Demonstration Project and would require the Los Angeles County Transportation Commission to coordinate the project from any funds appropriated by the state for that purpose on a specified portion of the Santa Monica Freeway, thereby imposing a state-mandated local program. The bill would require the commission to consult with local and state traffic and law enforcement agencies to coordinate the project with existing plans and programs.

The bill would require the department to conduct feasibility studies of, and to provide preliminary costs for, application of smart corridor technologies to other specified geographic areas and for an in-vehicle motorist information and navigation system.

The department would be required to report to the Legislature by June 1990, on the feasibility studies and demonstrations.

The bill would, to the extent permitted by federal law, appropriate $5,000,000 of petroleum violation escrow funds received by the state to the department for allocation to the commission to carry out the project.

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. 1428 (AB 1649) Sher. Transportation: appropriation· petroleum violation escrow funds.

Under existing law, funds in the petroleum violation escrow account, as defined in federal law, have been disbursed to the State of California and are deposited in the Federal Trust Fund, which is a continuously appropriated fund, in the State Treasury.

This bill would, to the extent permitted by federal law, appropriate $6,300,000 of the petroleum violation escrow account funds to the State Energy Resources Conservation and Development Commission, with $2,300,000 for allocation to the County of Santa Clara for expenditure for expressway signalization projects on specified expressways, $750,000 for allocation to the Department of Transportation for transportation management purposes on State Highway Route 82 and for traffic system management on other state highways in San Mateo County, $350,000 for allocation to the City of San Diego for specified traffic system management projects, $250,000 for allocation to the City of Oxnard for expenditure for a specified traffic signal synchronization program, $150,000 for allocation to the City of Santa Barbara for expenditure for replacing equipment for the city traffic signal synchronization program, $500,000 for allocation to the County of San Diego to implement a specified peak hour traffic management plan, $1,000,000 to the Department of Transportation for acquisition of rail cars and equipment, and $1,000,000 to the Department of Transportation for traffic projects on State Highway Route 39

Ch 1429 (AB 2487) Hauser Energy resources conservation training housing energy conservation rehabilitation

Existing law requires deposit into the Federal Trust Fund of funds received by the state from specified federal petroleum violation escrow funds.

This bill would appropriate $9,700,000 of these funds, with $2,000,000 to the Department of Housing and Community Development for energy conservation rehabilitation of housing for defined lower and very low income households in accordance with a prescribed schedule, $2,365,000 to the Department of Economic Opportunity to provide weatherization funding to local public or private nonprofit agencies providing weatherization assistance, $4,000,000 for weatherization projects, and $1,335,000 to the State Energy Resources Conservation and Development Commission, in consultation with the Energy Extension Service, for regional training centers. The bill also would reappropriate $4,000,000, which was appropriated to the Department of Economic Opportunity for a specified weatherization program, to that department for weatherization services specified in other provisions of law.

Ch 1430 (AB 2983) La Follette. Probation payment of cost

Existing law authorizes counties to adopt an ordinance effectuating a procedure whereby a court, after a hearing, may make a determination of the ability of the defendant to pay all or a portion of the reasonable cost of probation and of conducting the presentence investigation and preparing the presentence report

This bill would, with the consent of the defendant, authorize the court to require the probation officer to set the amount of payments, which shall not exceed the maximum amount set by the court, and the manner in which the payments shall be made to the county and would require the probation officer to take into account the amount of any fine or restitution payable by the defendant, thereby constituting a state-mandated local program by increasing the level of services required by probation officers The bill would also make technical 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, 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 bill pursuant to the California Constitution because the bill does not mandate a new program or higher level of service on local government, but it would recognize that a local agency or school district may pursue any remedies to obtain reimbursement available to it under the statutes.

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Ch 1431 (AB 4613) Sher. Hazardous substances· underground storage tanks

Existing law requires the State Water Resources Control Board, in cooperation with the State Department of Health Services, 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 authorizes the board and California regional water control 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 Any local agency which performs these actions is immune from liability to the same extent the board or a California regional water quality control board is immune, if the board or regional board had performed these actions Existing law makes these provisions inoperative on July 1, 1988, and repeals them as of January 1, 1989.

Existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984, provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund. The bond act requires that the hazardous substance release site be listed on the departments' priority ranking of sites and a final remedial action plan be prepared for a removal or remedial action paid for from the fund

This bill would delete the July 1, 1988, inoperative date and extend the repeal date of the pilot program provision to January 1, 1990, except that the local agency immunity provision would not be subject to this repeal.

The bill would provide that the requirements that a site be listed on the priority ranking of sites and that a specified order or agreement be issued or entered into by the department do not apply to the expenditure of funds from the Hazardous Substance Cleanup Fund for the oversight of abatement of releases as part of the pilot program A local agency would be required to notify the responsible party of the party's liability for a site subject to cleanup under the pilot program. The bill would authorize any aggrieved person to petition the board to review the action or failure to act of a local agency under the pilot program

The bill would require the board to submit a report to the Legislature by March 1, 1990, analyzing the results of the pilot program.

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

Ch 1432 (SB 257) Watson Public social services. demonstration projects.

(1) Existing law provides for the Aid to Families with Dependent Children program, administered by the State Department of Social Services, pursuant to which, in addition to aid for basic care, recipients may receive special assistance for nonrecurring needs, including homeless assistance.

This bill would authorize the director to establish the Emergency Housing Apartment Program Demonstration Project within the department, to operate in San Francisco or Contra Costa Counties, or both. The director would be authorized to waive the operation of specific provisions of the existing law regarding the AFDC allowance for nonrecurring special needs for homeless assistance, as required for participation in the demonstration project, subject to meeting certain specified conditions. The order establishing the waiver would not be for more than 5 years in duration

This bill would require the department to submit, within 9 months of the termination of the demonstration project, a report to the Legislature evaluating the effectiveness of the demonstration project, and addressing specified criteria.

This bill would impose a state-mandated local program by requiring the participating county or counties to submit an annual report on the demonstration program to the department and to assist in the collection and evaluation of data for purposes of the department's report to the Legislature.

(2) Existing law provides for the Food Stamp Program, administered locally pursuant to regulations promulgated by the State Department of Social Services.

This bill would authorize the establishment, within the program, of the Food Stamps Cash Out Demonstration Project, to be conducted within San Diego County. The director of the department would be authorized to waive the enforcement of specific provisions of law, regulations, and standards regarding the implementation of the program to enable the county to conduct the demonstration project, subject to specified condi-

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tions.

This bill would require the department to submit, within 9 months of the termination of the demonstration project, a report to the Legislature evaluating the effectiveness of the demonstration project, and addressing specified criteria.

This bill would impose a state-mandated local program by requiring San Diego County to submit an annual report on the demonstration project to the department and to assist in the collection and evaluation of data for the department's report to the Legislature

(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. 1433 (SB 2015) Deddeh. Courts.

(1) Existing law specifies the compensation of court reporters, and the number, compensation, and classification of municipal court personnel in Santa Clara and San Diego Counties

This bill would revise the compensation of court reporters, and the number, compensation, and classification of municipal court personnel in Santa Clara and San Diego Counties, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(2) Existing law provides for justice court districts to be established and named by the county board of supervisors.

This bill would consolidate the Ukiah Justice Court District and the Little Lake Justice Court District to form the Ukiah-Little Lake Justice Court District, consisting of 2 judges, thereby imposing a state-mandated local program by revising an existing program

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

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

Ch. 1434 (SB 2628) Morgan Rail service: San Francisco Peninsula.

(1) Existing law authorizes the Department of Transportation to contract for passenger rail service between San Francisco, Monterey, and Santa Cruz, and authorizes a transit district or county to contract with the appropriate railroad corporation to provide passenger rail service which is to be primarily operated within its jurisdiction

This bill would delete that authorization.

(2) Existing law authorizes 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 known as the Peninsula Corridor Study Joint Powers Board.

This bill would redesignate that joint powers agency as the Peninsula Rail Transit District The bill would prescribe the powers of that district, including the power, after the satisfaction of specified conditions, to own, operate, manage, and maintain rights-of-way, stations, facilities, and equipment necessary for the operation of rail passenger service between San Francisco and Alma and points in between, and to contract with any railroad corporation for the purchase of, or to subsidize, that service. The bill would authorize the district to establish or change rates, charges, and services, and would declare that the Public Utilities Commission has no jurisdiction over the district or any of its activities except as to matters of public safety. The bill would authorize the joint powers board to acquire from the Department of Transportation the air rights above the Transbay Terminal The bill would impose a state-mandated local program by requiring the joint powers board to appoint an executive officer not later than March 1, 1989, and to provide for the compensation of its members

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(3) The Bay Area County Traffic and Transportation Funding Act authorizes the levy of a retail transactions and use tax for transportation purposes in any of the 9 San Francisco Bay area counties upon approval by voters of the county of a tax ordinance and a county transportation expenditure plan Under that act, proceeds of the tax may only be expended in the county of origin.

This bill would authorize the tax proceeds generated in the County of San Mateo to be expended outside the county of origin if so provided for in the adopted county transportation expenditure plan and in accordance with the terms of a joint powers agency agreement for operation of the peninsula commuter rail service

(4) Under existing law, for purposes of determining the eligibility of existing commuter rail services for state subsidization, the service is required to maintain a specified ratio of fare revenues to operating costs. "Operating costs" means all costs, exclusive of capital costs, amortization and depreciation costs, and lease-with-an-option-to-purchase costs, associated with a particular service which would be incurred only if the service were provided

This bill would define "operating costs" to include the revenues of a specified demonstration program

(5) The bill would specify the conditions upon which, and the times at which, its provisions become operative.

(6) The bill would, to the extent permitted by federal law, appropriate $29,945,000 received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account to the Department of Transportation for transit capital improvements

(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. 1435 (SB 2723) Seymour. Transportation management.

(1) Existing law makes various provisions for parking and flextime for state employees and for ridesharing, carpooling, and vanpooling.

This bill would require each state agency to establish clear flextime policies and encourage the use of flextime and to enroll in local or regional transportation management associations where appropriate

(2) Under existing law, funds in the petroleum violation escrow account, as defined in federal law, have been disbursed to the State of California by the federal government and are deposited in the Federal Trust Fund, which is a continuously appropriated fund in the State Treasury. The bill would, to the extent permitted by federal law, appropriate $10,000,000 of the petroleum violation escrow account funds to the Department of Transportation, $4,000,000 for vanpool loans and $6,000,000 for grants to cover all or part of the leasing of or making a down payment on, vanpool vehicles purchased under the department's loan program.

The bill would also, to the extent permitted by federal law, appropriate $1,000,000 of the petroleum violation escrow account funds to the department for the purpose of matching or augmenting federal funds made available for financing transportation demonstration projects to conserve gasoline and diesel fuel by improving transportation flow as specified, but the allocation of funds to any specific program would be contingent upon the receipt of federal funds.

The bill would also appropriate, to the extent permitted by federal law, $5,115,000 of the petroleum violation escrow funds to the State Energy Resources Conservation and Development Commission for an alternative fuels demonstration program

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Ch. 1436 (SB 283) Rosenthal. Petroleum violation escrow funds: appropriation.

(1) Under existing law, the Department of Economic Opportunity is required to receive and administer the federal Low-Income Home Energy Assistance Programs Block Grant pursuant to a specified allocation formula.

This bill would, to the extent permitted by federal law, appropriate $20,000,000 received by the state from the petroleum violation escrow account funds, as defined by federal law, (hereafter PVEA funds) to the department with $10,000,000 for the Energy Crisis Intervention Program, and $10,000,000 for the home energy assistance program.

(2) Under existing law, the State Energy Resources Conservation and Development Commission is authorized to make energy conservation assistance loans to schools, hospitals, public care institutions, or units of local government.

This bill would appropriate $5,285,000 of PVEA funds to the commission, with $4,000,000 for 50% matching grant funds for technical assistance studies and installation of energy efficiency measures in schools and hospitals, $1,000,000 of the funds for deposit in the Energy Technologies Research, Development, and Demonstration Account in the General Fund to carry out new energy technology demonstration projects, and $285,000 to establish an intervenor award program administered by the commission's Public Advisor.

Ch. 1437 (SB 1904) Morgan. Income taxes· bank and corporation taxes· ridesharing.

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize specified deductions in computing taxable income and provide for various exclusions from gross incomes.

This bill would provide, under the Personal Income Tax Law, an exclusion from gross income for compensation or the fair market value of any other benefit, except salary or wages, received by an employee from an employer for participation in various specified ridesharing arrangements in California.

This bill would allow, under the Bank and Corporation Tax Law, a business deduction for employers for expenses involved in providing company commuter vans or bus service to employees, for subsidizing employee commuting expenses in 3rd-party vanpools, private commuter buses, or subscription taxipools; and for subsidizing employee purchases of monthly transit passes

This bill would also allow, under the Bank and Corporation Tax Law, a deduction for the expenses of providing free or preferential parking to carpools and vanpools, or for offering the cash equivalent of these parking privileges to those employees who do not require parking. It would also allow a depreciation deduction over a 36-month period for the employer's cost of making facility improvements, as specified, to encourage ridesharing, bicycling, and walking.

This bill would take effect immediately as a tax levy

Ch. 1438 (SB 2016) C Green. Residential housing foundation deterioration study.

(1) Under existing law, the Department of Conservation is the state agency responsible for geologic hazard reviews and investigation

This bill would make legislative findings regarding the deterioration of residential housing foundations in the Cities of La Palma, Lakewood, and Cypress. The bill would require the Division of Mines and Geology of the department to contract with a university or college to conduct a study of the causes of that deterioration, and to report its findings and recommendations to the Legislature, as specified

(2) The bill would appropriate $350,000 to the Division of Mines and Geology from the Special Account for Capital Outlay in the General Fund for purposes of the bill

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

Ch. 1439 (AB 2827) Leslie. Judges. appropriation.

Under the California Constitution, a judge is disqualified from acting as a judge, without loss of salary, while there is pending a recommendation to the California Supreme Court by the Commission on Judicial Performance for removal or retirement of the judge.

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This bill would appropriate $90,000 to the Controller for disbursement to Placer County for reimbursement of the cost of substitute judges who presided over municipal court proceedings while the Supreme Court decided whether a specified, suspended judge should be removed from the bench.

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

Ch 1440 (AB 2866) La Follette Cemeteries

Existing law does not require local agencies to provide notice to the public and specified organizations and individuals and hold a public hearing when the owners of a cemetery apply for permission for a change in use of a cemetery for other than cemetery purposes

This bill would require local agencies to provide that notice, 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 1441 (SB 175) Maddy Medi-Cal. aliens.

Existing law provides for the Medi-Cal program pursuant to which public assistance recipients and other low-income persons are eligible for health care benefits, including specified outpatient services, and specifies otherwise eligible aliens may receive Medi-Cal services upon certifying they are in the country legally and allowed to remain indefinitely.

This bill would, instead, specify that all aliens shall be eligible for Medi-Cal benefits, whether federally funded or state funded, to the same extent as permitted under a specified federal law. It would provide certain limited Medi-Cal emergency services to aliens who do not meet certain requirements, as specified, under the Medi-Cal program, provided they are otherwise eligible for Medi-Cal services. It would make various statements of intent concerning the provision of Medi-Cal services, including pregnancy-related services, to aliens under recently enacted federal law.

Under existing law, each county is required to determine the eligibility of persons for Medi-Cal.

This bill, by revising the criteria for those determinations and by adding new administrative responsibilities, would impose a state-mandated local program

Existing law provides that the California Medical Assistance Commission shall negotiate contracts with hospitals for the provision of inpatient hospital services under the Medi-Cal program, with these contracts to be binding upon the State Department of Health Services

Existing law further provides that the commission shall consider various factors in negotiating these contracts

This bill would, in addition, require the commission to take into consideration, when negotiating these contracts, the cost of providing complex emergency services, as specified.

This bill would require the Director of Health Services to adopt emergency regulations to implement this bill

This bill would also require, as a condition of eligibility for Medi-Cal benefits, a declaration in writing, under penalty of perjury, stating whether or not the individual is a citizen or national of the United States or an alien By establishing a crime, this requirement would result in a state-mandated local program

This bill would require the State Department of Health Services to administer a county reimbursement program for certain losses of Medi-Cal revenue due to the initial implementation of its provisions It would specify that payment by the department to a county under these provisions be made from the General Fund upon appropriation by the Legislature

This bill would also prohibit the State Department of Social Services and State Department of Health Services from taking certain sanctions in specified instances against a county for errors in eligibility determinations under the AFDC, Food Stamps, or Medi-

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Cal programs based on citizenship or immigration status

The California Constitution requires 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

This bill would appropriate $10,000,000 from the General Fund to the State Department of Health Services for disproportionate share hospitals, and would appropriate $5,000,000 to the department for distribution to primary care clinics which serve persons who will be transferred from the Medi-Cal program pursuant to this bill.

The bill would appropriate $37,500 from the General Fund and $112,500 in federal matching funds from the Federal Trust Fund to the State Department of Health Services for the 1987–88 fiscal year for the purposes of the provisions of this bill.

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

Ch. 1442 (SB 1306) Morgan. Custody.

Existing law provides that custody of a child should be awarded in a specified order of preferences according to the best interests of the child. The first order of preference is to both parents jointly or to either parent.

This bill would state that the above-mentioned preferences establish neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody, but allow the court and the family the widest discretion to choose a parenting plan which is in the best interests of the child or children

Ch. 1443 (AB 610) M Waters Developmental disabilities regional centers

Under the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with regional centers to provide services for persons with developmental disabilities.

Until January 1, 1989, existing law prohibits an employee or member of the governing board of any entity, including a community care facility, from which a regional center for the developmentally disabled purchases client services, from being on the governing board or program policy committee of a regional center.

Until January 1, 1989, existing law requires the governing board of a regional center for the developmentally disabled to appoint an advisory committee comprised of a variety of persons representing the various categories of providers from which the regional center purchases services and to designate one of its members to serve as a member of the regional center board

Until January 1, 1989, existing law also prohibits a member of a regional center governing board or a regional center program policy committee, who is an employee or member of the governing board of a provider from which the regional center purchases client services, (1) from serving as an officer of the regional center board or program policy committee or (2) from voting on any fiscal matter affecting the purchase of services from any regional center provider or (3) from voting on any issue other than as described in (2) in which the member has a financial interest, as defined, and requires this member to report his or her financial interest to the regional center board or program policy committee

This bill would delete the January 1, 1989, termination date for these existing provisions of law.

Ch. 1444 (AB 2205) Speier Medi-Cal payments

Existing law provides basic health services to qualified low-income persons pursuant to the Medi-Cal program which is administered by the State Department of Health

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Services.

Under existing law, the State Director of Health Services is required to establish a monthly schedule of anticipated payments for Medi-Cal health services at the beginning of the fiscal year, and to revise it quarterly. At any time, during the fiscal year, if the director has reason to believe that the total cost of the program will exceed available funds, the director, may, among other things, modify the amount of payment in a prescribed manner. If, during the fiscal year, payments exceed the amounts scheduled by 10%, with certain exceptions, the director is required to, among other things, modify the amount of payment to assure the payment for any category of Medi-Cal service that does not exceed the scheduled amount by 10%

This bill would provide that notwithstanding the above-described provisions the director shall not reduce the amount of payment in those instances for the ingredient cost component of pharmaceutical services rendered by pharmacist providers in California

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

Ch. 1445 (AB 3286) La Follette. Hazardous substances. incident response training.

(1) Existing law requires the Office of Emergency Services to develop a curriculum for classes in the California Hazardous Substances Incident Response Training and Education Program. The law requires this curriculum to include specified aspects of hazardous substance incident response actions

This bill would require this curriculum to include hazardous materials specialist training that equals or exceeds the standards of the National Fire Protection Association.

(2) The curriculum development advisory committee established by the office consists of representatives of specified agencies and organizations, including the Federated Firefighters of California.

This bill would substitute for that organization the California Professional Firefighters.

(3) Existing law requires the curriculum development advisory committee to advise the Office of Emergency Services on the development of course curricula to be used in classes which meet certain program requirements and to adopt standards and procedures for training instructors at the California Specialized Training Institute. The committee is also required to assist and cooperate with representatives of the Board of Governors of the California Community Colleges in developing these course curricula and is required to ensure that these curricula are accredited by the State Board of Fire Services.

This bill would also require the curriculum development advisory committee to define equivalent training and experience which existing employees might already have received which would qualify as meeting the initial program requirements.

Ch 1446 (AB 3344) Tanner. Solid waste management plans· thermal powerplants

(1) Existing law requires that any person operating or proposing to operate a solid waste facility acquire a solid waste facilities permit from the enforcement agency, as designated by each county

This bill would impose a state-mandated local program by requiring the enforcement agency, prior to the issuance of a permit for a thermal powerplant project or a solid waste-to-energy conversion project, to make specified findings The bill would require any revision of a solid waste management plan for a thermal powerplant using solid waste as fuel, to be submitted to the State Energy Resources Conservation and Development Commission before or at the same time that it is submitted to the California Waste Management Board if the thermal powerplant project will generate 50 or more megawatts from one or more generating units or if the thermal powerplant project has an undefined generating capacity. The bill would prohibit the board from approving the revision until the commission reviews and makes specified comments on the revision, unless the commission does not comment within 30 days.

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

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

Ch. 1447 (AB 3695) Harris Decedent's estates

Existing law provides a procedure for determining succession to real property with a value of less than $60,000, by court order. Under that procedure, the successor to the property is required to file a petition setting forth specified information.

This bill would require the petition to set forth the names and addresses of any guardian or conservator of the estate of the decedent, so far as known to the petitioner.

Existing law provides a procedure for a person claiming as successor to real property with a value not in excess of $10,000 to be designated as the grantee with respect to that property by filing an affidavit with the superior court. Existing law requires the affidavit to set forth specified information.

This bill would also require the affidavit to set forth the names and addresses of any guardian or conservator of the estate of the decedent, so far as known to the affiant, and would require the affiant to personally serve or mail a copy of the affidavit and attachments to the conservator or guardian.

The bill would incorporate additional amendments proposed by AB 2841 contingent upon the prior enactment of that bill.

This bill would amend Section 904.1 of the Code of Civil Procedure to consolidate amendments to that section proposed by AB 2841 and AB 3897, to become operative only if this bill and those 2 bills are enacted and this bill is enacted last

This bill would add Section 97.5 to the Labor Code to consolidate changes proposed by AB 2841 and SB 890, to become operative only if those 2 bills and this bill are enacted.

This bill would amend Section 2250 of the Probate Code to consolidate amendments to that section proposed by AB 2841 and AB 2545, to become operative only if this bill and those 2 bills are enacted and this bill is enacted last.

This bill would incorporate an amendment to Section 1142 of the Probate Code made by Chapter 280 of the Statutes of 1988 into a section of general law, to become operative only if AB 2841 is enacted and repeals Section 1142 of the Probate Code, and this bill is also enacted.

Ch 1448 (AB 4007) Lancaster Consumer affairs

(1) Existing law authorizes the Director of Consumer Affairs to enter into contracts on behalf of boards within the department under specified conditions and for specified purposes.

This bill would authorize the director to execute contracts for examination or meeting purposes, including rental agreements for short-term hiring of space and furnishings, as specified, which include provisions that hold harmless a contractor or provider of the space from liability under specified conditions

(1.3) Existing law provides for the licensing and regulation of physician assistants

This bill would make technical, conforming changes in those provisions

(1.4) Under existing law, it is unlawful for any person to, among other things, sell or dispense any prescription of a medical practitioner unless the person is a registered pharmacist under specified provisions of the Business and Professions Code. The law requires an out-of-state pharmacy which conducts the business of selling or distributing drugs in this state to be licensed by the Board of Pharmacy

This bill would require any pharmacy, as specified, located outside this state which ships, mails, or delivers any controlled substances or dangerous drugs or devices into this state to register with the board, disclose specified information to the board, and meet other conditions. This provision would become operative only if SB 2213 is enacted and becomes operative on January 1, 1989

(1.5) Existing law specifies the qualifications for licensure as a marriage, family, and child counselor.

This bill would change an obsolete code reference in that provision

(2) Existing law prescribes the fees for licensed educational psychologists

This bill would make a technical change in that provision

(3) Existing law defines an alarm company operator for purposes of licensing and

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regulation and exempts from that definition a telephone answering service that does not engage in specified activities performed by an alarm company operator.

This bill would include in the prohibited activities of the answering service, the maintaining, and altering of alarm systems.

(4) Existing law requires upholstered furniture or bedding sold or offered for sale in the state to be sterilized and requires those persons engaged in the business of sterilizing to be licensed by the Bureau of Home Furnishings and Thermal Insulation.

This bill would delete upholstered furniture from those requirements and would delete the sterilization requirement and instead would require those materials to be sanitized by licensed sanitizers

(5) Existing law provides that if a licensee of the Home Furnishings and Thermal Insulation Act fails to renew his or her license before its expiration a specified delinquency fee shall be added to the renewal fee and if the renewal fee and delinquency fee are not paid within 30 days after expiration, the licensee is subject to other penalties.

This bill would specify that if the renewal and delinquency fee are not paid within 90 days, the licensee shall be assessed a fee equal to 5% of the renewal fee for each month or fraction thereof that the license is delinquent. The bill would also provide that if a license is not renewed within one year of its expiration it shall be canceled and may only be renewed under specified conditions.

(6) The bill would make other technical nonsubstantive changes.

(7) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Bureau of Home Furnishings and Thermal Insulation Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

(8) Existing law authorizes an administrative committee for public accountants to meet in closed session to consider disciplinary action against a public accountant prior to filing an accusation against that person.

This bill would extend that authorization to an administrative committee for certified public accountants

Ch 1449 (AB 4280) Bronzan Mentally disabled community vocational treatment system. funds.

Existing law authorizes the implementation of the community support system for homeless mentally disabled persons and authorizes counties to utilize specified state funds to implement a community vocational treatment system

This bill would declare the intent of the Legislature that on an annual basis $500,000, or 17%, whichever is less, of specified federal funds shall be used for these services pursuant to this system.

This bill would prohibit the use of vocational treatment system funds by counties for the purpose of providing service which could be funded by the Department of Rehabilitation.

The bill would make these provisions operative on July 1, 1989

Ch 1450 (AB 4554) Roybal-Allard. Foreign labor contractors.

Existing federal law permits certain aliens to engage in employment in the United States under specified conditions

This bill would regulate the services of foreign labor contractors, as defined, with regard to contracts, recruitment procedures and representations and information as to terms and conditions of employment.

The bill would provide that any person who violates the above provisions is guilty of a misdemeanor punishable by a fine of not more than $1,000, or imprisonment in the county jail for no more than 6 months, or both The creation of a new crime would impose a state-mandated local program

This bill would also permit any person aggrieved by a violation of these provisions to bring an action for injunctive relief or damages, or both. It would authorize recovery of damages, costs, and reasonable attorney's fees, in an amount not less than $500, if the person aggrieved prevails on the action

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Ch. 1451 (SB 1390) Morgan. Income taxes· bank and corporation taxes.

The existing Personal Income Tax Law provides that owners and transferors of an interest in real property or a mobilehome shall file a return upon written request by the Franchise Tax Board which includes their social security number (or the federal employer identification number, if not an individual), identification of the property interest, and any other pertinent information about the interest prescribed by regulation.

This bill would provide under that law that owners and transferors of an interest in real property or a mobilehome shall file a return upon written request by the Franchise Tax Board which includes a social security number or other identification number prescribed by the Franchise Tax Board, identification of the property interest, and any other pertinent information about the interest requested by the Franchise Tax Board

This bill would also make those provisions applicable under the Bank and Corporation Tax Law.

The existing Personal Income Tax Law provides that every person doing business as a broker shall, when required by the Franchise Tax Board, make a return, as specified. That law also provides that in lieu of making that return, a copy of a similar return filed with the Internal Revenue Service may be filed with the Franchise Tax Board.

This bill would provide that the similar return filed with the Internal Revenue Service shall be filed with the Franchise Tax Board and would provide penalties for failure to do so It would also require the Franchise Tax Board to submit a report, as specified, to the Legislature no later than January 1, 1994.

Ch 1452 (SB 1809) Morgan. Transportation bikeways: preferential lanes.

(1) Existing law prohibits impeding or blocking bicycle movement on bicycle lanes and class I, II, and III bikeways, as defined

This bill would limit that prohibition to class I bikeways

(2) Existing law, generally, requires the Commissioner of the California Highway Patrol to enforce laws regulating the operation of vehicles and the use of state highways.

This bill would require the commissioner to enforce laws regulating the operation of vehicles and the use of specified expressways in Santa Clara County if requested by affected cities or the county and a contract, as specified, is entered into. The bill would also require that fine and forfeiture revenue realized from convictions or forfeiture of bail for a violation of those laws on specified expressways be expended by the counties or cities or other local agencies for law enforcement on those expressways.

(3) Under existing law, the Department of the California Highway Patrol is authorized to inspect various logs and records of drivers of specified vehicles.

This bill would require the employers of those drivers to register with the department the address where those logs and records are available for inspection Under other provisions of law, a violation of this requirement is a crime, thereby imposing a state-mandated local program

(4) Existing law specifies a 55 miles-per-hour speed limit for any passenger vehicle or bus towing another vehicle, a schoolbus transporting pupils, a farm labor vehicle transporting passengers, and any vehicle transporting explosives.

This bill would authorize a member of the California Highway Patrol to remove from the highway and place in storage any of those vehicles which is in an unsafe condition, and would require the towing and storage charges to be paid by the owner.

(5) Existing law prescribes a maximum outside width of 102 inches for any vehicle.

This bill would provide that the requirement is met by 2 6 meters, the metric equivalent of 102 inches

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

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

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reason

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

Ch 1453 (SB 1964) Robbins. Driving offenses license suspensions.

Under existing law, if a person is convicted of driving while under the influence of alcohol, any drug, or a combination of alcohol and any drug, driving with an excessive blood alcohol concentration, or driving while addicted, the Department of Motor Vehicles is required to suspend or revoke the person's driving privilege (1) on a first offense misdemeanor, if the court orders the suspension or if the court does not grant probation, (2) on a second offense misdemeanor, unless the court grants probation on specified conditions that include a requirement for a specified alcohol rehabilitation program, and (3) in all other cases, as specified If the driving privilege is suspended or revoked, or for second offense misdemeanors restricted, existing law requires proof of ability to respond in damages, as specified, for reinstatement

This bill would also require proof of ability to respond in damages, for restricted licenses for first offense misdemeanors granted as a condition of probation by the court The bill would also require the proof of ability to respond in damages when required for any of those offenses to be maintained for 3 years and would require suspension of the driving privileges for failure to maintain the proof

The bill would also incorporate additional changes in Section 13352 of the Vehicle Code, proposed by SB 1902 and SB 2233, or both, to become operative only if SB 1902 or SB 2233, or both, and this bill are enacted and become effective January 1, 1989, and this bill is enacted last

Ch. 1454 (SB 2195) C. Green Minors state park violations

(1) Existing law authorizes a traffic hearing officer to hear and dispose of certain cases involving public offenses committed by minors, as specified.

This bill would expand that authority of a traffic hearing officer to include cases involving violations of specified state park rules and regulations

(2) Existing law authorizes a minor who admits or who is found to have committed a traffic violation to be reprimanded, be subject to a petition to be made a ward of the court, to have his or her driving privilege suspended or restricted, to attend traffic school, to pay a sum to the county general fund and a specified penalty assessment, to be subject to the supervision of the probation officer, to provide correction of vehicle equipment irregularities, or to work in a park or recreational facility, as specified

This bill would expand this provision to apply to all violations of law committed by minors which are triable before a traffic hearing officer The bill would also authorize assignment of a minor to work in a state park as well as a city, county, or regional park and would authorize assignment of a minor to work in a special district park or recreational facility

Ch 1455 (SB 2255) McCorquodale Fish and game

(1) Existing law requires the Department of Fish and Game to submit to the fiscal committee of each house of the Legislature and to the Fish and Game Commission an annual specified report concerning its deer tag program Existing law also requires the department to submit a report biennially to the Legislature regarding the progress in restoring and maintaining the state's deer herds

This bill would repeal the requirement that the department submit the annual report, would require the biennial report to contain specified information relating to deer tags, and would include in the Fish and Game Code the prohibition, as contained in existing general law, on the department's recommendations to the Fish and Game Commission on changes to the deer hunting regulations unless the recommendations are consistent with adopted deer herd management plans The bill would require that the biennial report also be submitted to the commission

(2) Existing law creates the Bighorn Sheep Account and the Aquaculture Account in the Fish and Game Preservation Fund

This bill would abolish those accounts and instead require the department to maintain internal accountability necessary to ensure that all restrictions on the expenditure of the

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moneys deposited in the fund on behalf of bighorn sheep and aquaculture, as specified, are met.

Ch. 1456 (SB 2282) Presley. Missing persons.

Existing law contains various provisions relating to missing persons and missing children, including requiring all local police and sheriffs' departments to accept any report, including any telephonic report, of a missing person, including runaways, without delay. Existing law prescribes the requirements applicable to the handling of these reports

Existing law requires the Department of Justice to operate a statewide toll-free hotline to give and relay information on missing children and to provide local reporting agencies with a list of persons listed as missing who are under 18 years of age, to distribute a missing children bulletin on a quarterly basis, and to undertake certain other measures relating to missing persons.

Existing law requires 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 the name and telephone number of the police or sheriff's department having jurisdiction of the place where the person was last seen It also requires the Department of the California Highway Patrol, by June 30, 1988, to develop, adopt, and implement a related policy concerning missing persons, and to report to the Legislature on or before June 30, 1989, regarding that policy.

This bill would repeal the existing specific statutory provisions referred to above and instead would add a new title to the Penal Code which would revise and recast the law relating to missing persons to, among other things, do all of the following:

(1) Require the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of missing persons, as defined, particularly children and dependent adults; require the establishment and maintenance within the center of an online, automated computer system designed to effect an immediate law enforcement response to reports of missing persons, as specified; and continue the requirement of the distribution of missing children bulletins (expanded to include missing dependent adults, as defined), as specified The provisions of this paragraph would become operative on July 1, 1989.

(2) Provide that the online missing persons registry within the center shall accept and generate complete information, as specified, on missing persons. It would require the Attorney General to undertake specific tasks with respect to developing and maintaining the registry. It would require the center to supply information about specific cases to local law enforcement agencies if those agencies are investigating a missing person or specified sex crime. The provisions of this paragraph would become operative on July 1, 1989.

(3) Require the Attorney General to establish and maintain within the center an investigative support unit and an automated violent crime method of operation system to facilitate the identification and apprehension of persons responsible for violent felonies, as defined. The provisions of this paragraph would become operative on July 1, 1989.

(4) Require the Attorney General to provide training on the services provided by the center, as specified The provisions of this paragraph would become operative on July 1, 1989.

(5) Require all local police and sheriffs' departments to accept any report regarding missing persons as required by existing law, as well as imposing certain new and increased duties on local officials regarding the handling of missing person reports, thus establishing state-mandated local programs.

(6) Continue the requirements of existing law concerning prescription of forms for missing person reports, maintenance of a 24-hour toll-free telephone line regarding missing children (expanded to include missing dependent adults, as defined), production of posters and photographs regarding missing children, and various other functions regarding missing persons.

(7) Continue the requirement of the implementation of the California Highway

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Patrol policy noted above as well as the report thereon

The California Constitution requires 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 express legislative intent that as the provisions of the bill relate to activities of the Department of Justice, they should be mandatory only to the extent funds are appropriated for the purposes of the bill and that funding for the bill shall be included in the annual Budget Act.

Ch. 1457 (SB 2431) Garamendi. Electric utility transmission line rights-of-way: study.

Under existing law, the State Energy Resources Conservation and Development Commission prepares, every 2 years, a report of its 5- and 12-year forecasts of demand and capacity for electricity, including specified matters

This bill would require the commission, in consultation with the Public Utilities Commission, to prepare, adopt at a public hearing, and submit, by November 30, 1990, a report to the Legislature on the projected need for additional electrical transmission rights-of-way for the next 5, 12, and 20 years, including specified studies, analyses, and recommendations regarding public and private ownership and control

Ch. 1458 (SB 2450) Vuich. Escrow Agents' Fidelity Corporation.

Existing law provides for the creation of the Escrow Agents' Fidelity Corporation for the purpose of indemnification of a member against loss of trust obligations as a result of fraud or dishonesty by an officer, director, trustee, stockholder, manager, or employee of a member, subject to specified limitations.

This bill would revise and recast those provisions to, among other things, (1) permit indemnification by a fidelity fund established by Fidelity Corporation, a bond or insurance policy approved by the Commissioner of Corporations, or a combination of the fidelity fund and the bond, (2) provide that Fidelity Corporation shall pay or deny a claim within 90 days of receipt of proof of loss, (3) provide specified schedules for escrow agent fidelity corporation coverage in relation to monthly average escrow liability, except as specified, (4) require a deductible of $5,000 plus 5% of the amount by which the loss exceeds $5,000, as specified, for each loss suffered by a member, (5) establish a membership fund and operations fund and revise the fidelity fund, as specified, and (6) require each licensee to maintain separate escrow trust accounts for each of its licensed locations.

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

Ch. 1459 (SB 2687) Campbell. The Department of Motor Vehicles· information access: commercial use

Under existing law, the Department of Motor Vehicles may sell copies of all or any part of its records which are not otherwise confidential, at a cost to be determined by the director.

This bill would, on and after July 1, 1989, authorize the department to issue special permits, for a specified fee, to allow any person to obtain vehicle registration files by direct computer access, for commercial use The bill would require the department to establish financial and security safeguards, as specified, to ensure the integrity of the department's confidentiality of records, and would authorize the department to limit the issuance of those permits, as it deems necessary to carry on normal operations, or as it deems is in the best public interest.

The bill would require the department to continue its existing automated vehicle lienholder verification pilot program until the above provisions become operative.

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The bill would require the director, on and after January 1, 1990, to report to the Legislature annually on the implementation of these provisions.

Ch 1460 (SB 2696) Dills. State officers and employees: health benefits coverage.

Under existing law, the Board of Administration of the Public Employees' Retirement System is required to provide health benefits plans to state officers and employees and annuitants.

This bill would authorize any inactive member of the Legislators' Retirement System (LRS) with at least 8 years of service credit, upon assuming payment of all employee and employer contributions and a specified administrative fee, to enroll, subject to specified time and reenrollment limitations, in the health benefits plan provided to LRS members and would require the member, upon retirement, to be deemed an annuitant

Ch 1461 (AB 3403) O'Connell. Education

(1) Certain provisions of existing law relating to the county school service fund are applicable in a county only upon the adoption of a resolution to that effect by the appropriate county board of supervisors, thereby making those provisions applicable in each county

This bill would repeal this provision.

(2) Existing law establishes and prescribes the membership of various boards, commissions, and other statutorily created bodies.

The bill would authorize the State Board of Education to appoint a student member to a board, commission, or other statutorily created body whenever by any law the board is authorized to appoint members to that body

(3) Existing law prescribes the duties of the Superintendent of Public Instruction

This bill, in addition, would require the superintendent to designate and appoint, or terminate the designation and appointment of, any officer or employee of the department to have the powers and liabilities of a deputy, as specified This bill would express legislative intent relative to this provision

(4) Existing law authorizes the governing board of a school district or a county board of education, after a public hearing on the matter, to request the State Board of Education to waive all or part of the Education Code, except as otherwise specified

This bill would authorize the governing board of a school district or a county board of education, in addition, to waive any regulation adopted by the State Board of Education that implements a provision of the Education Code that may be waived

(5) Existing law requires the Superintendent of Public Instruction to submit 2 reports each fiscal year to each county office of education regarding the financial and budgetary status of the county office of education Existing law also requires the governing board of each school district to certify in writing whether or not the school district is able to meet its financial obligations for the remainder of the fiscal year and to prepare and keep on file a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of estimated total expenses for the current fiscal year.

This bill would require all reports and certifications required by the above-described sections to be in a format or on forms prescribed by the Superintendent of Public Instruction. This bill would require the governing board of each school district to prepare a statement of all receipts and expenditures of the district for the preceding fiscal year and to file it with the county superintendent of schools This bill would require the county superintendent of schools to verify the mathematical accuracy of the statement and to transmit a copy to the Superintendent of Public Instruction. This bill would also require the county superintendent of schools to prepare and file with the Superintendent of Public Instruction an annual statement, in a format or on forms prescribed by the Superintendent of Public Instruction, of all receipts and expenditures of the county office of education These requirements on governing boards of school districts and county offices of education would impose a state-mandated local program.

This bill would authorize the Superintendent of Public Instruction to waive for up to 3 consecutive fiscal years the requirements of current law and regulations that are in conflict with improving the financial management and reporting practices of school districts and county offices of education that meet specified requirements.

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(6) Existing law permits any school district or county board of education to sell and leaseback any electronic data-processing equipment or other major items of equipment owned or to be owned by the district or board if the board determines that the sale and leaseback is the most economical means of providing this equipment.

This bill would expand this authority to include the sale and leaseback of relocatable buildings owned or to be owned by a school district or county board of education The bill would require that, for purposes of determining the area of existing adequate school construction under specified provisions of existing law, any portable relocatable classroom acquired under these provisions and used for classroom purposes be considered owned by the district

(7) Existing law provides that a waiver is deemed approved for one year, if formal action is not taken by the State Board of Education later than the second regular meeting of the board following receipt of a complete and documented waiver request by the State Department of Education

This bill would provide that a waiver is deemed approved for one year, if formal action is not taken by the State Board of Education by the second regular meeting of the board, as described in the preceding paragraph.

(8) Existing law authorizes school districts and county superintendents of schools to establish a pupil transportation equipment fund. Funds deposited in that fund are required to be used exclusively for specified purposes.

This bill would correct an erroneous cross-reference in those provisions.

(9) Existing law requires that any order drawn against the funds of a school district in the county treasury, if drawn for any purpose other than the payment of employee salaries or wages, be accompanied by an itemized bill showing the separate items and the price of each.

This bill would require that, if the county superintendent of schools determines that inclusion to be impractical under the system of payment utilized, the itemized bill instead be retained by the school district and available for audit as directed by the county auditor. This bill would thereby impose a state-mandated local program.

(10) *Existing law requires the State Department of Education to adopt regulations* regarding (a) specified school district and county offices of education applications for an apportionment for transportation equipment; (b) implementation of the allocation of funds for schoolbus replacement or reconditioning for vehicles used in special education; and (c) implementation of local staff development and teacher education and computer centers Existing law also requires the State Board of Education, with the advice of the Superintendent of Public Instruction to adopt rules and regulations governing the distribution of funds provided for the agricultural vocational education incentive program

The bill would authorize, rather than require, the State Department of Education and the State Board of Education to adopt rules and regulations for these purposes

(10 5) Existing law requires that, effective July 1, 1970, each person employed by a district in a position requiring certification qualifications, except a person employed in a position requiring administrative or supervisory credentials, be classified on the salary schedule on the basis of uniform allowance for years of training and years of experience.

This bill would specify that it is not a violation of the uniformity requirement of these provisions for a district to grant any employee hired after a locally specified date differential credit for prior years of experience or prior units of credit for purposes of initial placement on the district's salary schedule. The bill would state that this is declaratory of existing law.

(11) Existing law establishes a program for the improvement of elementary and secondary education, the School-Based Program Coordination Act, and the School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act Each of these programs requires the establishment of a schoolsite council.

This bill would make changes in the composition of the schoolsite councils.

(12) Existing law requires the State Department of Education to establish minimum standards and criteria for the State Bilingual Teacher Training Assistance Program and to conduct appropriate training programs, or provide for training services by contract

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with specified agencies

This bill would require the department to provide for training services instead by allocation to those agencies

(13) Existing law with respect to regional occupational centers or programs and adult education requires for the 1988–89 fiscal year only the net ending balance of the prior fiscal year to be carried forward to the 1988–89 fiscal year with no limit applied if the balance is in excess of 15% of the amount expended in the prior year and is the result of specified accrual policies.

This bill would specify that this exception shall not apply to school districts for which the new financial reporting system became effective prior to the 1988–89 fiscal year.

(13.5) Existing law requires the Superintendent of Public Instruction to calculate the number of units of average daily attendance in specified regional occupational centers and programs funded in 1987–88 which are in excess of the statewide total number of "annual units of funded average daily attendance for the prior fiscal year" pursuant to specified provisions

This bill would change the formula for allocation of these excess units

(14) Existing law authorizes local agencies, including school districts, to enter into joint powers agreements

This bill would generally require agencies organized under a joint powers agreement, wherein the parties consist solely of educational entities, to be subject to the same requirements applicable to school districts and would thereby impose a state-mandated local program.

(15) Existing law prescribes the manner in which the Superintendent of Public Instruction shall calculate a revenue limit per unit of average daily attendance

This bill would prescribe a formula to be used by the Superintendent of Public Instruction in calculating the revenue limit per unit of average daily attendance for the 1988–89 fiscal year only.

(16) The bill would make other technical changes

(17) This bill would declare the intent of the Legislature that any requirement imposed, or authority granted pursuant to this bill be applicable for the entire 1988–89 fiscal year, notwithstanding the January 1, 1989, effective date of this bill.

(18) This bill would require that 4 of the public members appointed for full 4-year terms to the Curriculum Development and Supplemental Materials Commission by the State Board of Education in 1988, pursuant to specified provisions, as determined by the State Board of Education, each serve for a term of 5 years The bill would prohibit any of the commission members appointed by the State Board of Education whose terms expire in 1988 from being eligible for reappointment The bill would state that the latter provision is declaratory of existing law.

(19) The California Constitution requires 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 provide that no reimbursement is required by a specified section of this act for a specified reason

Ch 1462 (SB 1677) Presley. Education.

(1) Existing law requires county superintendents of schools and school district governing boards to submit fiscal status reports twice each fiscal year for review, as specified. This bill would impose certain reporting requirements upon county offices of education and school districts. Certain fiscal reports of the county boards of education would be required to be in a format or on forms prescribed by the Superintendent of Public Instruction, and based on undefined standards and criteria for fiscal stability to be developed by the Superintendent of Public Instruction, the Controller, and the

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Director of the Department of Finance, and reviewed and adopted by the State Board of Education.

Existing law requires each county board of education to file a tentative budget, as specified, with the Superintendent of Public Instruction.

This bill would require the Superintendent of Public Instruction to review that budget and, if he or she determines that the budget does not comply with undefined fiscal standards and criteria to be developed by the Superintendent of Public Instruction, the Controller, and the Director of the Department of Finance, and reviewed and adopted by the State Board of Education, to return the budget, together with his or her comments, to the county board of education no later than 30 days after the date the budget was filed.

Existing law requires the Superintendent of Public Instruction to approve or disapprove the budget of each county office of education, after examining it and suggesting any necessary technical corrections

This bill, instead, would require the Superintendent of Public Instruction to approve or disapprove the budgets on the basis of undefined standards and criteria for fiscal stability developed by the Superintendent of Public Instruction, the Controller, and the Director of the Department of Finance and reviewed and adopted by the State Board of Education. If the superintendent disapproves the budget, he or she would be required to call for the formation of a budget review committee composed of persons selected from a list of persons to be provided by the county superintendent The county superintendent and county board of education would be required to select and convene a review committee which would review the proposed budget and underlying fiscal policies of the district and would either recommend the approval of the budget or an alternative budget. If approval is recommended, the Superintendent of Public Instruction would be required to accept this recommendation and approve the budget If an alternative budget is recommended, the county superintendent of schools and county board of education would be required to adopt or appeal the review committee's recommendations at a public meeting. If an appeal is made, the appeal would be determined by the Superintendent of Public Instruction who would be required to approve the budget or prepare an alternative budget This bill would thereby impose a state-mandated local program

Under existing law, the governing board of each school district is required to certify in writing whether it is able to meet its financial obligations for the remainder of the fiscal year A copy of the certification is sent to the county superintendent of schools. In certain circumstances, the county superintendent is authorized to conduct a comprehensive review of the financial and budgetary conditions of the district.

This bill would require that these certifications be based on the board's assessment of the district budget on the basis of undefined standards and criteria for fiscal stability to be developed by the Superintendent of Public Instruction, the Controller, and the Director of the Department of Finance, and reviewed and adopted by the State Board of Education

If the county office of education receives a positive certification when it determines that a negative or qualified certification should have been filed, or if the county superintendent of schools concludes that the budget does not comply with the undefined standards and criteria to be developed by the Superintendent of Public Instruction, the Controller, and the Director of the Department of Finance, the county superintendent would be required to notify the Superintendent of Public Instruction and would be authorized to conduct a comprehensive review of the financial and budgetary conditions of the district, thereby imposing a state-mandated local program.

This bill would also revise the process for approving or disapproving the annual budgets for school districts If the tentative budget of the school district is disapproved by the county superintendent of schools, he or she is required to call for the formation of a budget review committee that would be selected and convened and that would have duties similar to those of the budget review committee in the context of the county offices of education discussed above These provisions would impose a state-mandated local program

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The Superintendent of Public Instruction would also be authorized to require the district to prepare a detailed plan for achieving fiscal stability and to direct the county auditor to withhold compensation of the district superintendent or governing board and the county superintendent until these and other provisions are met, thereby imposing a state-mandated local program

(2) This bill would authorize the Superintendent of Public Instruction to administer grants for the development of programs of ethics and civic values in the schools, as defined, with any available resources The bill would require the Legislative Analyst to report on the implementation of any ethics and civic values pilot programs in the Analysis of the Budget Bill, as specified These provisions would be repealed on January 1, 1993 This bill also would appropriate $435,000 to the Superintendent of Public Instruction for the 1988–89 fiscal year for purposes of carrying out specified duties of the State Department of Education. The bill would express the intent of the Legislature that, for the 1989–90 fiscal year and each year thereafter, funds be provided to the State Department of Education through the annual Budget Act for the purposes of carrying out specified duties of the department.

(3) The bill would delay the operative date of designated provisions of the bill until July 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, 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. 1463 (AB 2785) Nolan. Income taxes. bank and corporation taxes.

Two special programs, known as the Employment and Economic Incentive Act and the Enterprise Zone Act provided various exemptions, deductions, and credits under the Personal Income Tax Law and the Bank and Corporation Tax Law to encourage investment in enterprise zones and program areas.

The 1987 tax conformity legislation (Chs. 1138 and 1139, Stats 1987) amended or repealed many of those provisions. Chapter 32 of the Statutes of 1988 reinstated some of those provisions as they existed prior to the 1987 tax conformity legislation.

This bill would further reinstate those provisions in substantially the same form as they existed prior to the 1987 tax conformity legislation

This bill would incorporate additional changes in Sections 17052 13, 17053 8, 17053.9, 17231, 17252.5, 17276 2, 23612, 24331, and 24416 2 of the Revenue and Taxation Code, proposed by SB 368, to be operative only if SB 368 and this bill are both chaptered and become operative on or before January 1, 1989, and this bill is chaptered last.

This bill would take effect immediately as a tax levy, but would be applied in the computation of taxes for taxable or income years beginning on or after January 1, 1988.

Ch 1464 (AB 2764) Nolan Economic development.

(1) Under existing law, the Enterprise Zone Act provides for the designation of geographical areas as enterprise zones based on specified findings that the areas are depressed and in need of private sector investment. The act authorizes the establishment of nonprofit neighborhood enterprise association corporations within the zones to provide technical and financial assistance to private sector investors within the zones. The act also requires the lease of specified state and local government land to these corporations and provides various income tax benefits for certain taxpayers who do business in the zones.

This bill would make technical, clarifying changes in this law

(2) Under existing law, the Employment and Economic Incentive Act provides for a demonstration program for the economic development of certain distressed communities within the state, as defined. Businesses meeting specified criteria qualify for partici-

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pation in the program. Businesses which abandon operations elsewhere in the state or relocate existing operations within the state would not be designated as qualifying businesses unless written approval for relocation is obtained, as specified.

This bill would delete this provision regarding abandonment, relocation, and approval with respect to the designation of qualifying businesses.

(3) The Employment and Economic Incentive Act also provides for certain preferences on state contracts for bidders certifying the use of worksites and workers located in high density unemployment areas.

This bill would include enterprise zone qualified employees, as defined, in this preference category.

(4) Existing law provides that the purposes of the California Economic Development Grant and Loan Fund are, among other things, to receive public entity moneys for allocation by the Department of Commerce as grants or loans to public agencies and private entities for economic development purposes. All money deposited in the fund is available and is continuously appropriated to the department without regard to fiscal years

This bill would create within the fund a Grant and Loan Collection Account solely for the purposes of receiving charges, fees, income, and collections, and paying costs necessary to protect the state's interests, as specified. It would provide that the funds in the account shall be continuously appropriated to the department without regard to fiscal years.

Existing law provides that the department may impose reasonable charges on applications, approved grants, and approved loans in order to defray administrative costs.

This bill would authorize the department to also recover collection costs from the borrower and to earn income on any asset recovered pursuant to a loan default It would revise the type of costs which the department may pay to protect the state's position as a lender-creditor.

This bill would authorize the department, with the approval of the Department of General Services, to sell real property acquired by the department which constitutes the exercise of a security interest in real property securing repayment of a loan or performance under a grant by the department

(5) This bill would incorporate additional changes in Section 15327 of the Government Code, proposed by AB 1810, to be operative only if AB 1810 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last. These changes would become operative on the operative date of AB 1810.

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

Ch. 1465 (SB 1801) Morgan Income taxes. bank and corporation taxes.

The existing Personal Income Tax Law and the Bank and Corporation Tax Law impose taxes, as specified

This bill would make numerous technical corrections, clarifying changes, and supplemental changes to those laws including, among other things, changes effective for income and taxable years beginning on or after January 1, 1987, which would support tax forms, instructions, and interpretations of law that were applied by the Franchise Tax Board to returns for 1987 that were filed in early 1988, changes effective for income and taxable years beginning on or after January 1, 1988, changes relating to computation of the credit for taxes paid to other states by nonresidents, changes relating to the minimum tax credit, and changes to simplify or improve the administration of taxes

This bill would provide conformity to federal income tax laws relating to credits and treatment of credit carryovers, rules for recovery of basis with respect to pension plans, property transferred in exchange for services, and treatment of certain foreign currency transactions It would provide that specified federal income tax provisions relating to limitation on capital losses shall not be applicable. It would also increase threshold levels for filing specified returns

Specified sections of this bill would or would not become operative contingent on whether or not SB 368, SB 1904, SB 2405, AB 2305, or AB 2785 are enacted and become operative

This bill would take effect immediately as a tax levy.

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Ch. 1466 (AB 243) Bane. Uniform Liquidation Act.

Existing law requires insurers doing business in this state to be members of the California Insurance Guarantee Association. That association provides, among other things, procedures for the liquidation and insolvency of member insurers

This bill would enact the Uniform Liquidation Act which would, among other things, principally provide that whenever a receiver is to be appointed in delinquency proceedings for an insurer domiciled in this state, the court shall appoint the Insurance Commissioner as receiver. The receiver would be directed to take possession of the assets of the insurer and to administer them under the orders of the court. The bill would provide procedures for the conduct of delinquency proceedings against insurers which are domiciled in this state and insurers which are not domiciled in this state, as specified, to include procedures for the filing and proving of claims of nonresidents against delinquent insurers domiciled in this state and those insurers domiciled in reciprocal states.

Existing law authorizes the Insurance Commissioner upon a finding that money or securities maintained by deposit outside the state are in excess of certain requirements, to order an insurer to transfer to, or maintain in, this state those moneys and securities to the extent of the excess and to cease, pending the transfer, from unnecessary transfers of moneys and securities from this state to any place outside this state.

This bill would provide, notwithstanding those provisions, that a domestic admitted insurer may maintain its securities in a custodian account with a qualified custodian and that qualified custodian may maintain those securities in a qualified depository or qualified subcustodian which is located outside of this state, as specified. The bill would also authorize an admitted workers' compensation insurer to maintain other deposits, as specified, outside of this state.

Existing law provides that all investments and deposits of the assets of an insurer, all purchases on behalf of an insurer, and all sales made of the property and effects of an insurer shall be made in its own name or in that of the corporation authorized to act as the trustee, as specified.

This bill would additionally provide that those activities may be performed in the name of a qualified custodian, qualified subcustodian, or qualified depository or in the name of a nominee of a qualified custodian, qualified subcustodian, or qualified depository, as specified.

Existing law provides that an insurer may invest in, purchase, or hold a mortgage or a 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 that provision.

The bill would also provide for payment of specified fees to the Insurance Commissioner for approval of various designated entities that may hold securities of insurers and for approval of agreements between qualified custodians and insurers. Those fees would be deposited into the Insurance Fund, a portion of which is continuously appropriated, thus, this bill would make an appropriation

Ch. 1467 (AB 3945) Hauser. Wild animals permits.

(1) Under existing law, it is a misdemeanor to import, transport, possess, or release alive specified species of wild animals except under a permit issued by the Department of Fish and Game

This bill would include live nonindigenous Atlantic salmon or its roe in the Smith River watershed, which are not expressly authorized in the Fish and Game Code, in the list of wild animals prohibited, thus imposing a state-mandated local program by creating a new crime.

(2) Existing law prohibits a registered aquaculturist from importing live aquatic plants or animals unless authorized by the department pursuant to regulations adopted by the Fish and Game Commission.

The bill would also prohibit the department from approving the importation into the Smith River watershed of any anadromous fish or its roe listed as prohibited by a person who did not have a permit or authorization approved before February 22, 1988, and

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would except Atlantic salmon and roe therefrom lawfully imported into, or possessed on or before February 22, 1988, in, the Smith River watershed from the regulations on registered aquaculturists, as specified.

The bill would also prohibit, except for specified research, construction or expansion of new or expanded facilities for those fish unless the person had a permit or authorization on or before February 22, 1988, until a specified study by the department is conducted, thus imposing a state-mandated local program by creating a new crime. The results of the study would be required to be reported to the Legislature, on or before January 1, 1994.

The bill would expressly provide that those facilities are not exempt from the California Environmental Quality Act.

(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. 1468 (AB 4154) McClintock. 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

Existing law authorizes 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 is required to sublet the property to a nonprofit organization for the purpose of constructing and operating a 70-bed childrens' crisis care center

This bill would authorize a similar lease to Ventura County, which may sublet the property to a responsible bidder which complies with specified statutory provisions and regulations, for not less than 40, and not more than 99, years for the purpose of constructing housing and operating residential care programs designed to meet the identified treatment and rehabilitation needs of mentally disordered persons from Ventura County. This bill would authorize Los Angeles, San Luis Obispo, and Santa Barbara Counties to place mentally disordered persons at the center pursuant to an agreement with Ventura County, as specified

Ch. 1469 (SB 1685) Keene Prisons

Existing law authorizes the construction of a prison facility in Del Norte County Under existing law, the facility is to be known as the Prison of the Redwoods.

This bill would change the designation to "Pelican Bay State Prison " It would also set forth legislative declarations

This bill would also authorize the Department of Corrections to contract with Del Norte County for the financing of the remodeling of existing court facilities, including the construction of an additional courtroom and related facilities The bill would authorize the Department of Corrections to make annual payments for the reimbursement of construction related costs to Del Norte County from savings realized by the department due to a reduction in security costs resulting from that construction.

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

Ch. 1470 (SB 2186) Morgan Desegregation costs.

Existing law authorizes the governing board of any school district maintaining a court-ordered desegregation program to file a claim for reimbursement of the costs of those programs, as specified.

This bill would, notwithstanding any other provision of law, require that school districts and county offices of education that are subject to the same initial court order be reimbursed for 100% of the costs incurred by them during the first year of full implementation of the initial court order and for 100% of the costs incurred by them for planning, startup, and implementation of the court-ordered voluntary pupil transfer program between the date of the initial court order and the first year of full implementa-

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tion of the court order if the initial court order was issued in 1986

The bill would limit the amount of reimbursement for costs incurred after the first year of full implementation pursuant to a prescribed formula.

Ch. 1471 (SB 2269) Mello. Vehicles: uninsured motorists.

Existing law provides for the repeal, on January 1, 1989, of provisions relating to reductions of judgments or settlements by uninsured motor vehicle owners or operators against or with the owner or operator of an insured motor vehicle and provisions relating to uninsured motorist coverage in automobile insurance contracts.

This bill would delete the repeal provisions, thus continuing those laws beyond that date The bill would also authorize specified alternative provisions in agreements for coverage on and after April 1, 1989.

The bill would also, on and after January 1, 1989, require that notice of a suit against an uninsured motorist be given to an insurer of the insured plaintiff in a reasonable time, but would prohibit a requirement for that notice be provided in less than a year after the date the cause of action accrues The bill would declare that this provision is declarative of existing law, and would declare that the decisions of the court inconsistent with the bill are abrogated and shall not apply to any matters not final

The bill would incorporate changes to Section 11580 2 of the Insurance Code enacted by Chapter 158 of the Statutes of 1988 (SB 2382)

Ch 1472 (SB 2381) Deddeh. Department of General Services: state offices. Department of Transportation.

Under existing law, the Director of General Services is authorized to acquire real property in the name of the state.

This bill would authorize the director to purchase, lease-purchase, or lease with an option to purchase in the amount of up to $100,000,000, real property in the San Francisco Bay area for the purpose of financing, refinancing, and acquiring office and parking facilities

The bill would require the Department of Transportation, following acquisition and occupation of the building and facilities, to sell an office building used by the department in San Francisco, and would make an appropriation by requiring the department to apply the net proceeds from the sale of that building toward any obligations incurred to acquire office and parking facilities The bill would limit the total cost, to the Department of General Services, of financing the "net cost", as defined, of the acquisition of the buildings and facilities, to an amount not exceeding the total "avoided cost", as defined The bill would authorize the Treasurer to sell certificates of participation, revenue bonds, and other obligations for that purpose.

The bill would appropriate $10,000,000 from the State Highway Account in the State Transportation Fund to the Department of General Services to pay all costs incurred during the 1st fiscal year.

The bill would authorize the Department of General Services to enter into joint exercise of powers agreements, under specified conditions, with other public entities to accomplish the bill's purposes.

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

Ch 1473 (SB 2768) Robbins Life insurance. seniors.

Existing law provides for the regulation of life insurance. Existing law requires that specified advertisements designed to produce leads with respect to disability insurance shall contain a prescribed statement

This bill would require any advertisement for term life insurance directed to individuals 55 years of age or older to contain certain prescribed information. The bill would specify that if the benefits of the advertised policy or certificate decrease with the insured's age or with policy or certificate duration, while the premium remains approximately constant, that fact shall, in a print or broadcast advertisement, be disclosed, as prescribed. The bill would require television or radio advertisements for term life insurance to contain a specified statement directing the examination of benefits and limitations of the policy prior to its purchase The bill would authorize the Insurance

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Commissioner to develop, as specified, and adopt a term life insurance monetary value index, as prescribed, to be disclosed in all advertisements of term life insurance for individuals 55 years of age or older, and on all policies and certificates of insurance. The bill also would provide for the suspension of an insurer's certificate of authority to transact life insurance, as specified, for a violation of the foregoing provisions.

Ch. 1474 (AB 2620) Duplissea School districts. interest earned on proceeds received from sale or lease of real property.

Existing law requires that funds derived from the sale of surplus property and proceeds from a lease be used for certain capital outlay and maintenance costs, as specified. Existing law, however, authorizes deposit of the proceeds in the general fund of the district for any general fund purpose if the school district governing board and the State Allocation Board determine that the district has no anticipated need for additional sites or building construction for the 5-year period following the sale or lease, and the district has no major deferred maintenance requirements.

This bill would authorize a school district that sold or leased real property pursuant to specified provisions of current law, and that deposited the interest earned on those proceeds in the general fund of the school district in the 1986–87 or the 1987–88 fiscal years, to continue to deposit the interest into the general fund for operating expenses through June 30, 1991.

This bill would require that in the 1991–92 fiscal year, and each fiscal year thereafter for 5 fiscal years, the school district reduce the deposit of interest by 20% and use the reduction in interest for capital outlay or for costs of deferred maintenance of school district property.

This bill would authorize the State Allocation Board to grant a school district permission to change the 5-year and 20% requirement to 10 years and 10%, if the board determines that the individual circumstances of the district warrant the change.

Ch 1475 (AB 3673) Clute AIDS· study

Existing law does not require the State Department of Health Services to conduct a study regarding various methods which should be used to protect persons employed in occupations, including law enforcement personnel, health care professionals, fire service personnel, and emergency medical services personnel, which involve a possible exposure to, and transmission of, the human immunodeficiency virus (HIV) or of antibodies to HIV, from the exposure and transmission to HIV or HIV antibodies

This bill would so require, and would require the department to report to the Legislature by January 1, 1990, regarding the results of the study

This requirement would be repealed January 1, 1990.

Ch 1476 (AB 3804) Mountjoy Solid waste.

Under existing law, the operator of a solid waste facility, as defined, which includes a disposal site, as defined, is required to obtain a permit to operate the facility unless exempted. Any person who operates a solid waste facility except as permitted is subject to civil penalties and cease and desist and cleanup orders, as specified. For these purposes, existing law defines solid waste and disposal sites, among other terms Existing law also provides civil and criminal penalties for pollution of water, including groundwater.

This bill would prohibit a regional water pollution control board from issuing a waste discharge permit for a new landfill, or a lateral expansion, as defined, of an existing landfill, for the disposal of nonhazardous solid waste if the land has been used at any time for the mining or excavation of gravel or sand. The bill would authorize a regional board to grant a variance to that prohibition under specified conditions.

Ch. 1477 (AB 4463) Harris. Commission on Uniform State Laws.

Existing law requires that one of the members of the Commission on Uniform State Laws be any person, not otherwise a member of the commission, who served as a member of the commission, other than as an appointee of the Governor, for a period of at least 10 years.

This bill would reduce that period of time to 8 years.

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Existing law provides that members of the commission shall serve without compensation for services performed as a commissioner

This bill would provide that members of the commission shall receive $100 for each day while on official business of the commission

Ch 1478 (AB 4536) Polanco. Congregate living health facilities.

Existing law defines "congregate living health facility," a type of health care facility, as a residential home with a capacity of no more than 6 beds, which provides inpatient care to mentally alert, physically disabled residents.

This bill would state the Legislature's findings and declarations concerning the need to make congregate living health facilities available to more persons and would revise the definition of congregate living health facility to establish a separate category of facility to provide 24-hour inpatient care to persons whose primary need is for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis and to limit the number of beds in that type of facility to 15 beds. The bill would permit any congregate living health facility of that category which is located in a county of 500,000 or more persons, to accommodate 25 beds and would permit any facility of that type owned by the government of the United States which is operated by a city and county to have a capacity of 59 beds.

The bill would require the State Department of Health Services to adopt regulations for licensure of these facilities, would establish license fees and would specify other conditions imposed on these facilities

Existing law, with respect to certain health facilities, specifies that there is an overconcentration of those facilities if they are separated from another facility by a distance of less than 300 feet

This bill would specify that there is overconcentration of congregate living health facilities if they are separated from each other by less than 1,000 feet

Existing law provides that the violation of laws relating to health care facilities is a misdemeanor

This bill by establishing a new category of health care facility and imposing conditions on the operation and licensure of those facilities would create new crimes and 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

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

This bill would incorporate additional amendments to Section 443 21 of the Health and Safety Code proposed by SB 2207, contingent upon the prior enactment of SB 2207.

The bill would incorporate additional amendments to Section 1250 of the Health and Safety Code proposed by SB 2207 and SB 2100, contingent upon the prior enactment of one or more of those bills

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

Ch 1479 (SB 1782) Presley. Correctional facilities

Existing law requires the Department of Corrections to perform site suitability studies and prepare an environmental impact report for constructing a correctional facility in western Kern County

This bill would authorize the department to construct and establish a combination 1,750-bed reception center and 500-bed Level III prison together with a 200-bed service facility in Kern County in the vicinity of Wasco

This bill would also authorize the department to construct and establish a combination 1,750-bed reception center and 500-bed Level III prison together with a 200-bed service facility in Kern County in the vicinity of Delano.

This bill would appropriate $439,200,000 to the department. Of that amount, $182,200,000 would be for the facility in the vicinity of Wasco, $185,800,000 would be for the facility in the vicinity of Delano, $50,300,000 would be for a prison in Los Angeles County, $2,600,000 would be for site studies, planning, and related activities for new medical or

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psychiatric facilities or a combination thereof, $4,300,000 would be for site studies, planning, and related activities for new correctional facilities, and $14,000,000 would be for augmentation of new prison projects. Except for the augmentation money, the funds would be appropriated from the 1986 and 1988 prison construction funds The augmentation money would be appropriated from the General Fund, to be repaid as specified

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

Ch. 1480 (SB 2295) Garamendi. Property taxation: assessment unitary real property

Under existing property tax law, real property which is operated as a unit in the primary function of the assessee (unitary property) where the assessee is not a state assessee, is locally assessed. If that unitary property is located in more than one county, it is separately assessed by the assessor in each county in which it is located. The portion of the total value determined by each assessor for the entire property is then apportioned by each assessor to his or her county.

This bill would provide that an assessee of mining or mineral property located in more than one county and alleged to be unitary property, as defined, may request a hearing before a panel comprised of one hearing officer from each county in which the unitary property is located by filing in each county concerned a multicounty application for reduction of assessment in each county concerned The bill would require the panel of hearing officers to prepare a summary report of the proceedings and make specified recommendations Any determination by a majority of the hearing officers shall constitute a determination by the panel. The bill would require the clerk of the board of supervisors of each county in which the unitary property is located to transmit to the assessee and to the assessor of the county a copy of the report and recommendation within 14 days of receipt thereof.

This bill would provide that if the assessee or the assessor of any county concerned, within 30 days after receipt of the panel's report and recommendation by the county board of equalization or the assessment appeals board requests the board to reject the recommendation of the panel, the board shall, without further testimony, accept the panel's recommendation and change the assessed values for that county in accordance therewith or reject the panel's recommendation and set the request for hearing before the board as an application for reduction of assessment. This bill would require the board, within 60 days after its receipt of the report and recommendation, to take either of the above actions on its own initiative if neither the assessee nor the assessor makes a request for rejection of the panel's recommendation In any hearing set by the board on this subject, there shall be a rebuttable presumption that the recommendation of the panel of hearing officers is correct

This bill would impose a state-mandated local program by requiring local governments to perform new duties with respect to the hearings before assessment hearing officers for unitary property located in more than one 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, 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 be applicable to property taxes levied for the 1989–90 fiscal year and fiscal years thereafter.

Ch. 1481 (SB 2515) Roberti. County health officer· food donations.

Existing law does not authorize county health officers to administer a program involving donations of food to nonprofit organizations.

This bill would authorize county health officers to designate a nonprofit food distribution agency to coordinate and facilitate the donation of food and food products to

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nonprofit, charitable corporations, from available sources, including restaurants, grocery stores, or food distributors.

Ch. 1482 (SB 2667) Doolittle Peace officers' deputies.

(1) Existing law requires generally that employees be covered by workers' compensation. Existing law also provides workers' compensation benefits to certain volunteers

This bill would exclude from the workers' compensation coverage any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to the proposed authority described under paragraph (2) below

(2) Existing law enumerates persons who may be deputized as peace officers.

This bill would include in that listing, with limited exceptions, persons assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer of an agency in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state. This training would fully satisfy any other training required by law of that person, as specified

(3) Existing law authorizes the Attorney General to make emergency appointments to the Campaign Against Marijuana Planting.

This bill would provide that when certain local police officers or deputy sheriffs or reserve peace officers are so appointed, they shall be a peace officer of the Department of Justice, as specified.

Ch 1483 (AB 2412) Filante Children's services [18]

Under existing law, the State Department of Education administers various types of programs of privately provided child care Pursuant to those programs, existing law sets forth designated services that child care resource and referral programs, established to serve a defined geographic area, are required to provide

This bill would, in addition, authorize child care resource and referral programs to provide short-term respite child care services, as defined, pursuant to specified priorities.

This bill would require the State Department of Education to report to the Legislature by October 1, 1989, on the number of children served, and the number of children served who were referred by providers of child protective agencies in each county.

The bill would also appropriate $250,000 to fund those services for the 1988–89 fiscal year and express the intent of the Legislature that funding for this purpose in subsequent fiscal years be contained in the annual Budget Act.

Ch. 1484 (AB 2760) M. Waters. Sentencing.

(1) 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, 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 for one of the violent felonies. Existing law defines "violent felony" for purposes of these provisions by listing certain felonies, including any felony in which the defendant uses a firearm, the use of which, has been charged and proved, resulting in the imposition of a 2-year enhanced prison sentence.

This bill would include in the listing under the definition of "violent felony" any offense which results in a 5-year enhanced prison sentence because the defendant, possessing the intent to inflict great bodily injury 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

The bill would include additional changes in Section 667 5 of the Penal Code, as proposed by AB 1724 (Ch. 70, Stats. 1988) and AB 2454 (Ch. 89, Stats 1988)

(2) Under existing law, when a person is committed to prison on a life sentence

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ordered to run consecutively to a determinate term of imprisonment imposed under specified provisions, the determinate term, including certain enhanced prison terms, is served first and is not credited to parole eligibility under a specified section.

This bill would make those provisions, requiring the determinate term to be served first, applicable to the 5-year enhanced prison term described under paragraph (1)

(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 listed enhancements imposed under specfied provisions

This bill would include in the list of enhancements which are included in calculating the principal term, the 5-year enhanced prison term described under paragraph (1).

(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 the 5-year enhancement described under paragraph (1)

(5) Under existing law, the subordinate term for each subsequent kidnapping conviction consists of, among other things, ⅓ of any enhancement imposed pursuant to specified sections of law.

This bill would include within the subordinate term ⅓ of the 5-year enhancement described under paragraph (1).

(6) Existing law provides that when a court imposes a prison term for a felony, the court shall also impose certain listed enhancements

This bill would include within those listed enhancements the 5-year enhancement referred to under paragraph (1).

(7) Existing law limits the number of enhancements which may be imposed for any single offense to the greatest enhancement where 2 or more specified listed enhancements are applicable, except that in cases involving certain sex offenses, robbery, or burglary, or attempts at the same, the court may impose specified weapon enhancements and specified great bodily injury enhancements Under existing law, one of the specified weapon enhancements which may be imposed in conjunction with a great bodily injury enhancement, notwithstanding the limitation, is a 5-year enhancement where the defendant commits a felony or attempted felony and in which the defendant discharged a firearm at an occupied motor vehicle which caused great bodily injury or death

This bill would delete the authorization for the imposition of the 5-year enhancement described above in conjunction with a specified great bodily injury enhancement.

(8) Under existing law, certain listed enhancements must be pleaded and proven as provided by law

This bill would include within that listing the 5-year enhancement described under paragraph (1)

(9) 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 excepted instances cases involving the imposition of consecutive sentences where the 5-year enhancement under paragraph (1) is imposed

(10) Existing law authorizes the court to strike the additional punishment for certain listed enhancements under specified provisions

This bill would authorize the court to strike the additional punishment for the 5-year enhancement described under paragraph (1).

(11) The bill would incorporate additional changes in Section 1170 1 of the Penal Code, proposed by SB 1445 and AB 3423 to become operative only if SB 1445 and AB 3423, or a combination, and this bill are enacted, and this bill is enacted last

Ch. 1485 (AB 2763) Vasconcellos Claims against the state· appropriation [19]

This bill would appropriate $160,906,448 from the General Fund to the Controller for the payment of claims for reimbursement of state-mandated local costs

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

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Ch. 1486 (AB 3220) Katz. Vehicle loads. aggregate

(1) Existing law requires any person who deposits, or causes or permits to be deposited, upon any highway any material likely to injure or cause damage to traffic using the highway, to remove the material from the highway, or be subject to a civil action for the cost of the removal and any other damages authorized by law

This bill would include, among those materials, aggregate materials, as specified The bill would authorize members of the Department of the California Highway Patrol to direct a responsible party to remove that material from a highway when it has escaped or been released from a vehicle.

(2) Existing law prohibits the movement of any vehicle on a highway unless it is constructed, covered, or loaded so as to prevent any of its contents, except water or feathers from live birds, from escaping A violation of this provision is an infraction.

This bill would, in addition, prohibit a vehicle from transporting aggregate material, as defined, unless the material is carried in the cargo area and, on and after September 1, 1990, covered Moreover, the cargo area may not generally contain any openings through which the material may escape The bill would also require any vehicle used to transport that material, regardless of the degree to which the vehicle is loaded, to be equipped, as specified, to prevent spillage of the material. The bill would exempt from the cover requirements a load composed entirely of asphalt and, under specified conditions, a load composed entirely of petroleum coke material or of aggregate materials The bill would make a violation of these requirements a misdemeanor, thereby imposing a state-mandated local program by creating a new crime

(3) Existing law prohibits a vehicle transporting anything to a dump site for disposal from being driven or moved upon a highway unless the load is totally covered, as specified. Existing law exempts from that requirement highway maintenance vehicles operated by, or under contract with, any local authority or the state, which transport specified material to a dump site for disposal

This bill would delete the exemption for these highway maintenance vehicles, thereby imposing a state-mandated local program by making a violation of the covering requirement a new crime as to those vehicles previously exempted and by requiring local agencies to provide and use vehicle covers.

(4) The bill would require the Public Utilities Commission, prior to September 1, 1990, and annually thereafter, to review dump truck carrier rates in view of these load requirements.

(5) The bill would require the Public Utilities Commission to conduct a study funded by existing resources of the commission, relating to equipment requirements in the bill, as specified, and to report the results to specified committees of the Legislature on or before April 1, 1990. The bill would make legislative declarations relating to the study.

(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 specified reasons.

Ch. 1487 (AB 3423) Costa. Crimes. sentencing.

(1) Existing law (Section 667.5, Penal Code) requires the enhancement of prison terms in varying number of years because of prior separate prison terms when certain new offenses are committed.

This bill would include an additional technical change in Section 667 5 of the Penal Code proposed by AB 1724 (Ch 70, Stats. 1988) and AB 2454 (Ch. 89, Stats. 1988).

The bill would incorporate further additional changes in Section 667 5 of the Penal Code, proposed by AB 2760 to become operative only if AB 2760 and this bill are enacted, and this bill is enacted last.

(2) Existing law provides that whenever 2 or more sentence enhancements under specified provisions of current law may be imposed for any single offense, only the greatest enhancement shall apply, subject, however, to the requirement that in cases of penetration of a genital or anal opening by a foreign object, oral copulation, and sodomy, robbery, rape, or burglary, or attempted penetration of a genital or anal opening by a

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foreign object, oral copulation, sodomy, murder, robbery, rape, or burglary, the court may impose both (1) one enhancement for weapons, and (2) an enhancement for great bodily injury, as prescribed.

This bill would also authorize a court to impose both an enhancement for weapons and an enhancement for great bodily injury in cases involving the commission and attempted commission of (1) lewd or lascivious acts upon or with a child under the age of 14 years accomplished by means of force or fear and (2) kidnapping.

The bill would incorporate additional changes in Section 1170 1 of the Penal Code, proposed by SB 1445 and AB 2760 to become operative only if SB 1445 and AB 2760, or both, and this bill are enacted, and this bill is enacted last.

Ch 1488 (AB 3654) Johnston. Flood protection Reclamation Board

(1) Under existing law, the Reclamation Board is vested with management and control of the Sacramento and San Joaquin Drainage District and exercises various specific and general powers relating to flood control within the district.

This bill would require the board to offer to lease, as specified, to the Department of Fish and Game, or to a public entity approved by the department, any lands it acquires as replacement habitat as mitigation for adverse environmental impacts of its projects. The bill would direct the board to annually report to the Legislature on the amount of funds, if any, it has budgeted for maintenance of these mitigation lands.

The bill would also require the board, prior to construction of a flood control, channel clearance, or bank stabilization project, to prepare, in consultation with the Department of Fish and Game, a mitigation plan, as specified, to be implemented as part of the project, and would specify related matters

(2) Existing law adopts and authorizes a project for specified flood control work on the San Joaquin River, substantially in accordance with specified congressional action at a federal cost of approximately $5,000,000, and requires the Department of Water Resources to maintain and operate the work on behalf of the state

This bill would revise that amount to $8,000,000.

Ch 1489 (AB 3901) Roos Long-term care insurance.

Existing law provides for the regulation of the business of insurance in this state.

This bill would require the Insurance Commissioner, with the advice of the Department of Corporations, to prepare a guide that explains the factors to be considered in selecting long-term care insurance and the conveniences of particular clauses and exclusions The bill would require the guide to be made available to the public and interested organizations. The bill would define "long-term care insurance" for its purposes

The bill would appropriate $27,000 from the Insurance Fund to the commissioner for purposes of carrying out its provisions.

Ch 1490 (AB 3962) Friedman. Taxation: relocation assistance.

Existing law provides that where a person is displaced from real property by a public entity, relocation payments received from a public entity are excludable from income for purposes of the Personal Income Tax Law and the Bank and Corporation Tax Law, and shall not be considered income or resources for public assistance purposes

This bill would provide that a payment received as tenant relocation assistance required by any state statute or local ordinance shall not be considered income for purposes of the Personal Income Tax Law and the Bank and Corporation Tax Law.

Ch 1491 (AB 3969) Hauser. Property inspections asbestos hazards.

Existing law does not prohibit persons who inspect property for the presence of asbestos hazards from thereafter undertaking corrective work.

The bill would require a contractor who inspects property for the purpose of determining the presence of asbestos or for remedial action with knowledge that the report is required by a lender or by a public agency for a permit, to disclose if it is owned by, or has any financial relationship with, the business or entity performing the corrective work.

The bill would prohibit an asbestos consultant, as defined, who inspects property for

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the purpose of determining the presence of asbestos with knowledge that the report is required by a lender, or by a public agency for a permit, from requiring as a condition of performing the inspection, that the consultant also perform subsequent corrective work. A violation would be grounds for discipline, and also a misdemeanor thereby imposing a state-mandated local program

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

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

Ch 1492 (AB 4162) Katz Controlled substance offenses· forfeiture proceedings

(1) Existing law provides for the forfeiture of certain property involved in certain controlled substance offenses. Under that law, excluded from properties which are subject to forfeiture involving certain controlled substance offenses are specified interests in vehicles which may be lawfully driven with a class 3 or class 4 license if there is certain community property interest in the vehicle and the vehicle is the sole vehicle within those classes available to the defendant's immediate family Existing law also excludes from the forfeiture provisions, involving certain controlled substance offenses, real property which is used as a family residence or for other lawful purposes or which is owned by 2 or more other persons one of whom has no knowledge of its unlawful use

This bill would revise and recast the offenses to which the forfeiture provisions apply, and would make them applicable to any computers and to any real property related to a violation, whether charged or not, rather than real property owned by a person convicted of specified controlled substance violations The bill would also revise and recast the 2 exemptions set forth above to provide instead that (1) an interest not to exceed $10,000 in a vehicle which may be lawfully driven on the highway with a class 3 or class 4 license which is a community property asset of a person who is a registered owner, other than the person whose conduct renders the vehicle subject to forfeiture, and the vehicle is the sole class 3 or 4 vehicle available to that person's immediate family shall not be subject to forfeiture and (2) an interest not to exceed $100,000 in real property which is used as a family residence and which is owned by 2 or more persons, shall not be subject to forfeiture Those exceptions from forfeiture would not apply if a court determines that the person claiming the exemption knew or should have known of the unlawful use of the property.

(2) Existing law provides that all seizures under the controlled substance forfeiture proceedings shall be ordered destroyed by the court in which a conviction is held, except for specified items

This bill would include in the listed items which are exempt from orders of destruction certain containers, books, computers, records, research products, and materials which are of value

(3) Existing law provides that except as stated, all rights, title, and interest in any personal property shall vest in the state upon commission of the act giving rise to the forfeiture if the state or local governmental entity proves a violation of any one of certain specific statutes in accordance with a statutorily established burden of proof. Existing law further provides that this special vesting rule shall not defeat the claims of certain persons who claim certain interest in property

This bill would recast these provisions to provide that all rights, title, and interest in any property, rather than any personal property, shall vest in the state upon commission of the act giving rise to the forfeiture. It would also specify that this special vesting rule shall not be limited to defeat the claims of persons who claim an interest, which interest arose prior to the seizure or filing of the forfeiture petition, whichever occurs first, as specified

(4) Existing law requires peace officers to turnover all moneys, negotiable instruments, and certain cash equivalent properties to the superior court in which the defendant has been charged or the superior court in which the property has been seized or to the Attorney General or district attorney to hold for that court Existing law prohibits those properties from being transferred to any other agency except as directed by court

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order. These provisions are limited in their applications to the Los Angeles Police Department and the Los Angeles Sheriff's Department.

This bill would delete those provisions

(5) Under existing law, receipt for property which was seized, when not in anyone's possession, is required to be delivered to the individual in possession of the premises at which the property was seized.

This bill would provide as an alternative to the above where the individual is not present on the premises, that the receipt for the property be left in a prominent place on the premises

(6) Existing law provides that all seizures, under the controlled substances forfeiture proceedings, of vehicles, boats, and airplanes, upon conviction of the defendant, may be placed in the name of the law enforcement agency for use in its law enforcement program. Existing law, however, excludes vehicles which may be lawfully driven upon the highway with a class 3 or class 4 license from this forfeiture provision.

This bill would delete the above-described exemption, concerning vehicles which may be lawfully driven with a class 3 or class 4 license. It would make certain conforming changes.

(7) Existing law provides, with respect to vehicles, boats, or airplanes which have been seized, that an investigation shall be made by law enforcement agencies as to any claimant to those specified properties

This bill would recast that provision to provide that the Attorney General, district attorney, or law enforcement agency which made the seizure shall make an investigation into any right, title, interest, or lien of record with the Department of Motor Vehicles or appropriate federal agency as to a vehicle, boat, or airplane.

(8) Existing law provides procedures for the return of property that has been seized, as specified

This bill would recast those provisions to provide a procedure whereby no sooner than 10 days after a petition is filed, the claimant may move the court in which the petition is filed for the return of the property named in the petition on the grounds that there is not probable cause to believe that the property is subject to forfeiture pursuant to statute, or is not automatically forfeitable or subject to court order of forfeiture or otherwise subject to destruction. The bill would provide that the showing of probable cause may be supported by evidence, prior judicial testimony, deposition, affidavit, or declaration If the court determines that there is not probable cause to believe that the property is subject to forfeiture, the bill would provide that it shall order the property returned to the owner thereof unless the property is otherwise lawfully held. However, if there is an underlying or related criminal action, a defendent would be limited to certain Penal Code remedies, as specified.

(9) Existing law authorizes a defendant in matters involving the forfeiture of properties to make a motion for the return of property under specified conditions, and if that motion is granted, the people may, within 15 days of granting the motion, file a petition for a writ of mandate or prohibition seeking review of that ruling.

This bill would instead provide that the people may file the above petition within 30 days after a motion for return of property is granted, rather than 15 days.

(10) 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 Existing law also requires for the forfeiture of these properties that the defendant shall be found guilty of the underlying or related criminal offenses.

This bill would change the standard of the above burden of proof, when a petition of forfeiture is filed and the petition is contested, to proof by a preponderance of the evidence when there was a conviction of a criminal defendant or the defendant failed to appear at a criminal proceeding.

This bill would also state that a judgment of forfeiture does not require as a condition precedent to that proceeding that the defendants be convicted of the offense which made the property subject to forfeiture, as specified.

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(11) Existing law provides in matters involving the forfeiture of cash or negotiable instrument of a value of not less than $25,000 used in certain controlled substance offenses, the state or local government shall have the burden of proving by clear and convincing evidence that the property for which forfeiture is sought meets certain criteria for forfeiture

This bill would repeal this specific provision.

(12) Existing law authorizes the Attorney General or the district attorney to order forfeiture of personal property which is subject to forfeiture if the value of the property does not exceed $25,000.

This bill would authorize forfeiture if the value of the property does not exceed $100,000, rather than $25,000.

(13) Under existing law, at a forfeiture proceeding, the state or local government has the burden of establishing that the owner of certain properties, among other things, consented to the use of the property with knowledge that it would be or was used for purposes for which forfeiture is permitted. Existing law further provides that no interest in seized property shall be affected by the forfeiture decree unless the government has proven that the owner consented to the use of the property with knowledge that it would be or was used for the unlawful purposes

This bill would recast these provisions by deleting the first provision which requires that the government prove that the owner of the property consented to the use of the property with knowledge that it would be or was used for purposes in which it was forfeited It would further provide that the seized property shall be forfeited if the court finds that the person claiming an interest in the property, among other things, knew or should have known of facts which made the property subject to forfeiture The bill would provide that if these findings are not made, the court shall order the person's interest in the property be returned The government's burden of proof in this regard would be by a preponderance of the evidence

(14) Existing law provides that after certain amounts are paid to specified persons, the balance of funds from money forfeited or the proceeds of the sale of properties which are subject to forfeiture because of their involvement in certain controlled substance offenses shall be distributed to state or local governmental entities for specified expenditures and the then remaining funds are required to be distributed to state and local governmental agencies according to a specified schedule, with 20 percent of the above remaining funds going to the Mental Health Primary Prevention Fund. It prohibits all of the funds distributed pursuant to specified provisions of that schedule from being used to supplant state or local funding

This bill would revise the above schedule, as specified, would delete the allocation to the Mental Health Primary Prevention Fund, and would allocate a specified percentage of remaining funds to the Asset Forfeiture Distribution Fund, which is created by the bill, the proceeds of which would be allocated, as specified It would require local district attorneys to maintain certain records in regard to the distribution of funds, thereby creating a state-mandated local program

(15) Existing law provides, at county option, that a portion, not to exceed 5%, of the proceeds subject to distribution which are derived by a county from the seizures and forfeitures made pursuant to forfeiture proceedings which have occurred as a result of information provided to law enforcement agencies by nonprofit organizations established for the purposes of aiding those seizures and forfeitures, may be allocated to eligible organizations for the purposes of funding the operations of these organizations

This bill would repeal the above.

(16) This bill would also require the Mental Health Primary Prevention Fund to continue until all funds have been appropriated to the State Department of Mental Health

(17) The bill would also require the Office of Criminal Justice Planning to establish an advisory group for purposes of developing specific guidelines.

(18) To the extent that moneys would be deposited in the Peace Officer's Training Fund, a continuously appropriated fund, it would make an appropriation

(19) The bill would incorporate changes in Section 11489 of the Health and Safety

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Code proposed by AB 4523 to be operative if both bills are chaptered and this bill is chaptered last.

(20) The California Constitution requires 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.

(21) This bill would also continue the temporary sections affected by this bill and would repeal the versions of certain of those sections which are scheduled to become effective on January 1, 1989, but sections amended by the bill would be repealed and their December 31, 1988, versions revived on January 1, 1994.

(22) This bill also would make numerous conforming changes

Ch. 1493 (AB 4219) Bronzan California State World Trade Commission· agricultural study. [20]

Under existing law, the California State World Trade Commission is the primary state agency responsible for coordination of activities to expand international trade for the State of California, with specified functions to meet that responsibility.

This bill would require the commission to examine the role of international competition on California's agriculture industry and to report its findings and recommendations to specified state officers no later than June 30, 1989

The bill would appropriate $100,000 from the General Fund to the commission for those purposes.

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

Ch. 1494 (AB 4301) Campbell. Mentally disordered persons

Existing law generally gives jurisdiction over the execution of laws relating to the care, custody, and treatment of mentally disordered persons to the State Department of Mental Health.

This bill would state the findings and declarations of the Legislature concerning the placement of mentally disordered persons in long-term health care facilities.

This bill would require the department to determine the number of mentally disordered patients in long-term health care facilities, to identify the extent of the shortage of long-term health care services and programs, and to make other determinations and findings and to make a report of the results of its investigation and recommendations to alleviate the problems to the Governor and the Legislature by January 1, 1990.

Ch 1495 (AB 4310) Eastin. Contractors.

(1) Existing law does not require a pocket card to be issued to contractors upon their licensure.

This bill would require a plasticized pocket card to be issued, at no cost, to a contractor upon licensure and would require the surrender of the card under specified circumstances.

(2) The bill would create a pilot project on direct access to contractor license verification systems in not less than 6 cities, counties, or cities and counties, or other entities that assent thereto, and would require the Contractors' State License Board to report to the Legislature on or before March 31, 1991, on the pilot project.

Ch. 1496 (SB 840) Torres. Workers' compensation: acupuncturists

Existing law includes various licensed health practitioners as "physicians" for purposes of treating injured employees entitled to workers' compensation medical benefits.

This bill would include acupuncturists, as defined, as "physicians" for purposes of treating injured employees entitled to workers' compensation medical benefits until January 1, 1993.

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Ch. 1497 (SB 2457) Russell. Child abuse.[21]

Existing law requires a child protective agency to report known or suspected cases of child abuse.

This bill would make various technical and conforming changes in that provision.

Under existing law, the Department of Justice is required to maintain an index of all reports of child abuse submitted by child protective agencies pursuant to the Child Abuse and Neglect Reporting Act, as specified

This bill would require the Department of Justice to conduct a study, in consultation with a wide array of interested parties, on the appropriateness of purging all unsubstantiated reports of child abuse or neglect from the index, as specified, which includes a recommendation that defines the categories of "substantiated," "unsubstantiated," and "unfounded" reports of child abuse and neglect, as specified, and to report the results of the study to the Legislature on or before January 1, 1990.

This bill also would appropriate $25,000 from the General Fund to the Department of Justice for the purpose of conducting the study

Ch. 1498 (AB 259) Friedman. Service stations

Existing law requires service stations to provide, during operating hours, water, compressed air, and a gauge for measuring air pressure to the public. Intentional violation of the provision is an infraction, punishable as specified

This bill would require, on and after January 1, 1990, every service station located within 660 feet of an accessible right-of-way of any interstate or primary highway to provide restrooms for use by its customers during business hours, except as specified.

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 1499 (AB 303) Leonard School facilities funding.

The existing Leroy F Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of school facilities by the state, through the State Allocation Board, and the lease-purchase of those facilities by applicant school districts.

This bill would authorize applicant school districts to contract, as specified, for construction project management services to assist in the development or implementation of a project under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 This bill would also authorize the State Allocation Board to authorize, from the amount of funding approved for a project, the expenditure of funds for the costs of those services pursuant to the finding that the contracting for those services was necessary and appropriate, as specified

Ch 1500 (AB 1890) Hauser. California Salmon Council

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

This bill would create the California Salmon Council, with prescribed membership appointed by the Director of Food and Agriculture. The bill would require the council to provide advice and investigations for, and perform duties delegated to it by, the director, including programs to promote salmon, as defined, to purchase rights to take salmon, and to engage in specified promotion programs.

The bill also would require fishermen, as defined in the bill, to pay a specified assessment to the director who would be required to expend and invest those fees for purposes of the bill, thereby making an appropriation.

The bill would make violations of its provisions a misdemeanor, thereby imposing a state-mandated local program

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The bill would provide for referendum voting by fishermen, as defined in the bill, to determine whether the council should be implemented and, periodically, to review whether the operation of the council should be continued. The Department of Fish and Game would be authorized to expend specified money in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund to pay the director's costs incurred in conducting the referendum vote, subject to the approval of the Commercial Salmon Trollers Advisory Committee, thereby making an appropriation. The bill would provide for terminating affairs of the council upon termination of operation 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.

Ch 1501 (AB 3245) Campbell Certificated employees

Existing law prescribes a program of professional growth for persons holding clear multiple or single subject teaching credentials

This bill would require that a clear or professional specialist instruction credential, services credential, or designated subjects credential that is issued for the first time after September 1, 1990, be renewed by the Commission on Teacher Credentialing only upon fulfillment of specified requirements of the commission relating to professional growth. The bill would exempt life credentials and designated subjects credentials that authorize part-time service from these provisions. The bill would require the commission to establish credential renewal requirements that are comparable with the renewal requirements for clear multiple and single subject teaching credentials established in existing law.

The bill would provide that an individual who holds 2 or more clear credentials that have renewal requirements shall be allowed, as a condition for the renewal of all of the renewable credentials, to complete one individual program of professional growth whose length does not exceed the requirements for any one of the renewable credentials.

This bill would specify that the above provisions shall not become operative if SB 148 is enacted, in a specified form, and becomes effective on or before January 1, 1989

Ch. 1502 (AB 3713) Connelly. Asbestos· notice to employees

Existing law prohibits the spraying, use, or sale of asbestos or asbestos products for the construction of buildings, and includes various provisions concerning asbestos abatement and control.

This bill would require that the owner, as defined, of any building constructed prior to 1979 who knows that building contains asbestos-containing construction materials, as defined, provide a specified written notice within prescribed time periods to all of his or her employees, as defined, working within the building concerning specified matters related to those materials. The bill would specify, however, that if the asbestos-containing construction material is limited to certain areas within the building, the owner may provide the required notice only to those employees working within or entering those certain areas The bill would define "employee" for these purposes to, include a person contracting with an owner under certain conditions, and it would require a person contracting with an owner to provide a copy to his or her employees of any written notice received under this requirement

This bill would also provide that any owner required by its provisions to give notice to their employees shall also deliver a copy of that notice to other persons who are owners of the building or part of the building with whom the owner has privity of contract In a situation where any construction, maintenance, or remodeling is conducted in an area of the building area where there is the potential for employees to come into contact with, or to release or disturb, asbestos or asbestos-containing construction materials, the bill would require the owner responsible for the performance of, or contracting for, any construction, maintenance, or remodeling to the area to post that area with a clear and conspicuous warning notice of large size and bright color, with

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prescribed wording.

The bill would require an owner to make certain data regarding asbestos available, as specified, to employees, and employees' representatives, upon request.

Under existing law, the Asbestos Assessment Task Force is required to design an information system to provide building maintenance personnel, employees, and the public, certain information regarding asbestos, and the task force also is required to design a statewide register containing certain information on asbestos.

This bill would require, if either the information system or the statewide register, or both, are established, that the system or register, or both, integrate, be consistent with, and, at a minimum, include the requirements enacted by this bill

This bill would impose a state-mandated local program by making specified violations of its provisions a misdemeanor, commencing July 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.

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

Ch. 1503 (AB 3798) Floyd. Insurance· rate comparisons

Existing law provides for the submission of various information to the Insurance Commissioner, and the commissioner is charged with various authority and responsibilities, dealing with the business of insurance in this state.

This bill would require the commissioner to publish and distribute, commencing on January 1, 1990, an annual comparison of insurance rates report for those lines of insurance which are of most interest to individual purchasers of personal lines of coverage, as specified, which report shall be prepared in a manner designed to provide information useful to consumers so that they may make informed comparisons of coverages and rates. This would provide for a specified civil fine for submission of any false rate information by any insurer pursuant to a request of the commissioner for the purpose of compiling comparative data for the report

This bill would appropriate $200,000 from the Insurance Fund to the Department of Insurance for the purposes of carrying out its provisions

Ch. 1504 (AB 3799) Vasconcellos. Income taxes: bank and corporation taxes. employee stock ownership plans.

The existing federal income tax laws provide that certain shareholders may roll over, without recognizing gain, under certain circumstances, the proceeds from the sale of their securities to an employee stock ownership plan.

This bill would conform the Personal Income Tax Law and Bank and Corporation Tax Law, from January 1, 1990, until January 1, 1995, to those federal provisions.

The existing federal income tax laws provide that commercial lenders may exclude from income 50% of the interest received with respect to certain securities acquisition loans, as defined.

This bill would conform the Bank and Corporation Tax Law, from January 1, 1990, until January 1, 1995, to those federal provisions

This bill would add provisions to the Bank and Corporation Tax Law to provide that specified provisions of the Internal Revenue Code, relating to dividends paid deduction, shall apply from January 1, 1990, until January 1, 1995

This bill would take effect immediately as a tax levy.

Ch. 1505 (AB 4597) Farr. Commercial fishing: limited entry permits.

(1) Under existing law, special permits are required to engage in commercial fishing, or to operate vessels or certain types of equipment when fishing for commercial purposes, for certain designated species of fish. Existing law provides, generally, for entry to limited entry fisheries, as defined, for persons who have commercial fishing licenses and have been engaged in the fishery for 20 years or more, for transfer of the limited fishery permit to working partners, as defined, upon death of the permitholders, and for transfer to family members upon accidental death of the permitholders

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This bill would, notwithstanding those provisions of the Fish and Game Code, authorize the transfer of a limited entry herring roe fishery permit to another licensed commercial fisherman, as specified, upon payment of a transfer fee of $1,000 by the purchaser of the permit. The bill would specify the procedure for the offer and acceptance of the permit transfer and require the offer to be made to persons on a list that the bill would require the department to maintain and annually distribute, as specified, of persons with the maximum number of experience points, as specified. The bill would authorize a court or the department to declare a transfer null and void if the offeror discriminated against a person transmitting an acceptance, as specified

The bill also would declare legislative findings.

(2) Existing law continuously appropriates the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.

Because this bill would deposit new revenues in that fund and would add to the duties of the department under that code, it would make an appropriation

Ch 1506 (AB 4420) Sher. State Energy Resources Conservation and Development Commission: study

Existing law requires the State Energy Resources Conservation and Development Commission to develop and coordinate a research and development program on energy matters.

This bill would require the commission, in consultation with the State Air Resources Board, the University of California, the Department of Water Resources, and the Department of Food and Agriculture, to conduct a study and report its recommendations to the Legislature and the Governor on or before June 1, 1990, on how global warming trends may affect California's energy supply and demand, economy, environment, agriculture, and water supplies The commission would be required to coordinate the study and any research it conducts with the research efforts of federal, state, academic, and industry research projects and would be authorized to secure funding for the commission's study and research from these sources where feasible.

Ch. 1507 (SB 1910) Campbell Natural disaster assistance

(1) Under the Natural Disaster Assistance Act, the Director of Emergency Services is required to administer a program which provides financial assistance to local agencies for the repair, restoration, or replacement of public real property of the agency that is damaged or destroyed by a natural disaster. This financial assistance is allocated from 6 different accounts in the Natural Disaster Assistance Fund, which is a special fund in the State Treasury.

This bill would amend the Natural Disaster Assistance Act to do all of the following

(a) Expand the definition of local agency to include school districts.

(b) Expand the definition of natural disaster to include fire by man-made causes.

(c) Expand the definition of projects eligible for assistance to include specified emergency activities which are undertaken by a local agency in response to the disaster event.

(d) Require the Director of Emergency Services, instead of the Department of Finance, to allocate funds for eligible projects

(e) Specify the various purposes for which the financial assistance may be used

(f) Change the percentage of the state share of project cost which may be received in advance by a local agency to initiate a project, from 75 to 90%.

(g) Provide that the state share of total project cost shall not exceed 75% and that no allocation for any project shall result in a state share of less than $2,500

(h) Provide that no funds allocated under the act shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(i) Revise and consolidate the 6 accounts in the Natural Disaster Assistance Fund into 4 accounts Since this revision and consolidation would require the transfer of funds in abolished accounts to remaining accounts, this bill would constitute an appropriation.

(j) Authorize the Director of Finance to transfer moneys from the Special Fund for Economic Uncertainties to specified accounts in the Natural Disaster Assistance Fund to cover the amount of claims exceeding any unencumbered balances in those funds This authorization would also constitute an appropriation

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(2) 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 emergency, 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 next installment of the regular secured roll property taxes for the current fiscal year in addition to, or in conjunction with, 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 current 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 applicable installment of current 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 a specified date, amounts which are equal to the allocations previously received for current fiscal year property tax deferral claims attributable to the applicable installment of secured roll and supplemental roll taxes

The bill would continuously appropriate moneys in the Special Fund for Economic Uncertainties to the Director of Finance for the purpose of allocating funds for disaster relief pursuant to the above provisions

(3) Under the existing federal Disaster Relief Act, the President of the United States is authorized to make a grant to a state for the purpose of that state making grants to meet disaster related necessary expenses or serious needs of individuals or families adversely affected by a major disaster where those individuals or families are otherwise unable to meet those expenses or needs Under the existing state law, the State Department of Social Services is authorized to make supplemental grants, not exceeding $10,000 per individual or family, to victims of the October 1987 Los Angeles earthquake.

This bill would establish a permanent state supplemental grant program which would authorize the State Department of Social Services to make state supplemental individual and family grants, not exceeding $10,000 per individual or family, to the victims of any disaster declared by the President in accordance with the application procedures of the federal grant program. The bill would establish in the State Treasury the California Individual and Family Supplemental Grant Fund, which fund would be continuously appropriated for the purpose of making grants pursuant to the bill

Ch. 1508 (SB 2059) Seymour Special education.

(1) Under existing law, the provisions governing special education became inoperative on June 30, 1988

This bill would reactivate that program and would provide that the program would become inoperative on June 30, 1993 Because the state special education program imposes certain duties upon school districts, this bill would constitute a state-mandated local program.

(1.3) Existing law, which is inoperative, prescribes the duties of the State Board of Education relative to special education programs, including, but not limited to, review and approval of a program evaluation plan for special education, and performance of duties relating to career and vocational education programs, transition services, and project workability

This bill would authorize approval of the program evaluation plan for up to 3 years, and would delete the requirement that the board perform the duties prescribed by specified provisions of existing law relating to career and vocational education programs, transition services, and project workability, which do not impose duties upon the board.

This bill would require the Superintendent of Public Instruction to submit an evaluation plan for special education, containing specified elements, to the State Board of Education not later than July 1, 1989. The bill would make other related changes regarding program evaluations.

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(1 5) Existing law prohibits the funding, pursuant to specified provisions of existing law, of designated early education services for preschoolers unless a waiver is approved by the Superintendent of Public Instruction.

This bill would make that prohibition applicable only to the funding of early education services for preschoolers identified as individuals with exceptional needs pursuant to specified provisions of existing law.

(1.7) Existing law requires the State Department of Education to administer a project workability program. Under that program, workability project applications are required to include, among other things, student stipends for try-out employment.

This bill would instead require that the applications include student wages for try-out employment

(2) Existing law, which is inoperative, requires each district, special education local plan area, or county office to initiate and conduct meetings for the purposes of developing, reviewing, and revising the individualized education program of each individual with exceptional needs. Each meeting is required to be conducted by an individualized education program team. For pupils with suspected learning disabilities, at least one member of the team, other than the pupil's regular teacher, is required to be a person who has observed the pupil's educational performance in an appropriate setting. If the child is younger than 4 years and 9 months or is not enrolled in school, a team member is required to observe the child in an environment appropriate for a child of that age

This bill would require a team member to observe the child in an environment appropriate for a child of that age if the child is younger than 5 years or is not enrolled in school. By expanding the group of eligible persons the individualized education program team must observe in an appropriate setting, this bill would impose a state-mandated local program

(3) Existing law, which is inoperative, requires submission of special education local plans by special education local plan areas, and specifies the contents of those plans

This bill would, in addition, require that as part of the local plan, each special education local plan area describe how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated sites and maximizes the opportunities to serve pupils in the least restrictive environments. By requiring that this additional information be included in the local plan, this bill would impose a state-mandated local program.

This bill would require that the State Department of Education assist special education local plan areas in the development of models of pupil performance, and would delete the requirement that the program evaluation plan summarize and report on the results of special studies regarding the Master Plan for Special Education

Existing law provides for the Assumption Program of Loans for Education, which is designed to encourage persons to enter into the teaching profession in designated subject matter shortage areas and in schools serving large populations of students from low-income families. Existing law contains the legislative recognition that the teacher shortage is currently most serious in the subject areas of mathematics, science, and bilingual education.

This bill would delete the list of particular subject areas and would state that the teacher shortage is most serious in particular subject areas, partly due to the shortage of students in these fields who enter the teaching profession.

Existing law also contains a statement that the Legislature recognizes that many school districts have difficulty recruiting and retaining high quality teachers for schools serving large populations of students from low-income families.

This bill would revise that statement to state that the Legislature recognizes that many school districts have difficulty recruiting and retaining high quality teachers for pupils with special needs and for schools serving large populations of students from low-income and linguistic minority families.

Under existing law, the Superintendent of Public Instruction is required to furnish the Student Aid Commission with a list of school districts that have a shortage of trained teachers in mathematics, science, bilingual education, and other critical shortage fields.

This bill would delete that provision and would require the superintendent to furnish

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to the commission a list of teaching fields that have the most critical shortage of teachers The bill would require the superintendent to review the list annually and revise it as he or she deems necessary.

This bill would require that the Superintendent of Public Instruction collect data from special education plan areas regarding program specialists and report to the Governor and the Legislature by June 30, 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, 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. 1509 (SB 2594) Deddeh. Vehicles: commercial drivers

(1) Existing law requires an applicant for an original driver's license to be tested by the Department of Motor Vehicles on the laws governing vehicle operation, and to be given an actual driving test to determine the applicant's skill in operating the vehicle. For that purpose, existing law classifies motor vehicles as class 1, 2, 3, or 4, as specified. Under certain conditions, the applicant's employer may certify the applicant's qualifications for certain classes of vehicles Existing law also allows all tests to be waived for a renewal applicant with a good record.

This bill would impose a new licensing system which would require tests to be given to applicants for a commercial driver's license, as defined, and would base the distinctions between class A, B, or C licenses on the gross vehicle weight rating of the vehicle being operated and on the type of vehicle being operated. Employers of commercial drivers who administer driving tests under agreement with the department would be required to pay a fee established by the department. The new licensing system would be implemented during the period from January 1, 1989, through December 31, 1992, as determined by the department The bill would require the department to study the costs of administering the commercial driver's license system in the bill and to report its findings and recommendations to the Legislature, as specified, on or before March 1, 1989

(2) Existing law does not require commercial drivers to report violations to the department

This bill, under the new licensing system, would require commercial drivers to report any conviction involving the safe operation of a motor vehicle to the department within 30 days of conviction if the conviction is in any other state, and to report any conviction involving the safe operation of a motor vehicle to his or her employer within 30 days of the conviction The bill would also require the driver to notify his or her employer of any license suspension, revocation, cancellation, or disqualification by the end of the same business day on which the action is taken and to report any out-of-service order, as specified, within specified times.

(3) Existing law does not require commercial drivers to furnish prospective employers with prior employment information

This bill, under the new licensing system, would require drivers to furnish prospective employers with driving records covering their previous commercial driving and specified employment history for the 10 years preceding the date of application

(4) Existing law requires courts to notify the department of specified convictions within 10 days

This bill would require courts to include information noting whether or not the violation occurred in a commercial vehicle, as defined, thereby imposing a state-mandated local program.

(5) Existing law establishes a negligent operator point count criteria for various traffic offenses, and allows drivers of commercial vehicles a higher point count than other drivers because of the increased number of miles they may drive

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This bill, under the new licensing system, would increase license sanctions by providing that on or after January 1, 1992, a commercial driver shall be disqualified for 60 days for receiving 2 serious traffic violations, as defined, within 3 years, and disqualified for a period of 120 days if convicted of 3 of those offenses within 3 years, and the 2nd or 3rd convictions occur on or after January 1, 1992.

(6) Existing law generally requires the revocation of the driver's license of any person convicted of any felony in the commission of which a motor vehicle is used, and requires a 6-month restriction as the minimum penalty for a 1st misdemeanor conviction of driving under the influence of alcohol or drugs, if the violation occurred in a vehicle requiring a class 1 or class 2 driver's license or a hazardous material driver's certificate. Existing law does not provide for the disqualification of a commercial licensee for a conviction of a 1st offense of leaving the scene of an accident

This bill, under the new licensing system, would establish a one-year suspension of the privilege to operate a commercial vehicle for a 1st offense of any of those violations, 3 years if the vehicle was transporting hazardous materials, and a lifetime revocation upon conviction for a 2nd offense or if the vehicle was used in the commission of a felony involving a controlled substance, as specified

(7) Existing law prohibits any person under the age of 21 from driving specified motor vehicles engaged in interstate commerce, or a motor vehicle engaged in the transportation of hazardous materials.

This bill would add commercial motor vehicles, as defined, to that list of prohibited vehicles

(8) Existing law requires that a driver's license contain specific identifying information

This bill would specify that the department shall require a commercial license application to contain the driver's social security number and any other number or identifier, as specified.

(9) The bill would expressly require a license or certificate issued prior to implementation of the new licensing system to be valid for the type of vehicle specified under laws applicable at the time it was issued, until the license or certificate expires or is otherwise suspended, revoked, or canceled The bill would also declare that, during the implementation period of the new licensing system, Vehicle Code provisions applicable to class 1, 2, 3, or 4 licenses shall apply to persons holding class A, B, C, or M licenses under the new licensing system, as specified.

(10) This bill would incorporate additional changes in Section 1804 of the Vehicle Code, proposed by AB 3681, to be operative only if AB 3681 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

(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, 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

Violations of the Vehicle Code are, generally, crimes This bill would impose a state-mandated local program by creating and changing the definition of crimes and by imposing duties on local agencies and school districts that employ commercial drivers.

This bill would provide that for certain costs no reimbursement is required by this act for specified reasons.

(12) The bill would appropriate $5,407,000 to the department from the Motor Vehicle Account in the State Transportation Fund to pay the costs of implementation.

Ch. 1510 (SB 2740) Kopp Redevelopment tax-increment financing.

(1) Existing provisions of the Community Redevelopment Law that define "financial burden or detriment" will be repealed on January 1, 1989.

This bill would extend that definition until January 1, 1991

(2) Existing law requires redevelopment agencies to consult with any fiscal review committee formed under the Community Redevelopment Law to identify fiscal effects of proposed redevelopment on affected taxing entities and to specify additional information necessary to identify those effects.

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This bill would require a redevelopment agency to provide all written information it has concerning ongoing development and planned development in the proposed redevelopment project area, except trade secrets or the financial condition of contractors or potential contractors with the redevelopment agency.

(3) Existing law permits the legislative body of a city or county conducting a hearing on objections to a redevelopment plan to overrule the objections and adopt the plan at the hearing

This bill would require the legislative body to make a prescribed written response to written objections and would prohibit adoption of the redevelopment plan until after consideration of the objections and adoption of the written response, but in any event not sooner than one week following the commencement of the hearing on objections to the redevelopment plan.

Ch. 1511 (SB 2782) Marks. Commercial fishing. gill and trammel nets

(1) Existing law prohibits the use of set gill or trammel nets, among other prohibitions, in ocean waters north of Point Reyes, in ocean waters 40 fathoms or less in depth from Point Reyes to Duxbury buoy in Marin County, and in ocean waters south of that point, as specified.

This bill would delete the exception of Drake's Estero, Estero de Limintour, and Tomales Bay from this prohibition, as specified, and, instead, would except a specified portion of Arcata Bay during the period from April 1 to September 30, inclusive, for use of drift gill nets under permits, as specified, issued by the department The bill would limit the number of permits to 6 and would require the permits to specify the type and amount of gear authorized to be used

The bill would also prohibit the use of set gill or trammel nets with a mesh smaller than 4⅛ inches for the taking, or the possession on a boat taking, rockfish or lingcod in ocean waters between Point Reyes and Pigeon Point Lighthouse, as specified.

The bill would also, notwithstanding those prohibitions, authorize specified use of gill and trammel nets until January 1, 1993, in a portion of Tomales Bay in Marin County under a permit issued by the department The bill would limit the number of permits to 4, require the permits to specify the type and amount of gear authorized to be used, and require 2 of those permits to be available to fishermen who have operated under specified experimental gear permits. The bill would require the Director of Fish and Game to order the fishery closed, as specified, if the department determines that the incidental take of silver salmon or steelhead trout has an adverse impact on the resource.

Violations of the prohibitions in the bill would be a misdemeanor, 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 1512 (SB 2858) Keene Legislative committees. witnesses.

(1) Existing law provides that it is a misdemeanor for any person to, among other things, request any employer to deprive any employee of lawful employment if the request is motivated by the fact that the employee is, was, or may become a witness before a committee of either the Senate or Assembly, a joint committee of both houses, or, in certain circumstances, a subcommittee

This bill would, in addition, provide that it is a misdemeanor for any employer or person acting on behalf of an employer to directly or indirectly harass any person employed by that employer when the harassment is motivated by the fact that the employee is, was, or may be a witness before a committee. By making that conduct a misdemeanor, this 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

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Ch. 1513 (SB 2874) Ayala. Chino Unified School District. necessary small schools.

Existing law defines a "necessary small high school" for the purpose of prescribed calculations made by the county superintendent of schools

This bill would revise the definition of a necessary small high school for that purpose to include the Boys Republic High School maintained by the Chino Unified School District in which the majority of the pupils are placed by court order and the enrollment of the school is less than 200. The bill would limit to $180,000 the amount the Chino Unified School District may annually receive pursuant to these provisions.

The bill would require the Chino Unified School District to submit an annual report to the State Department of Education, as specified, regarding the necessary small high school as defined in this bill, thereby imposing a state-mandated local program.

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

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

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

Ch 1514 (AB 3653) Friedman Educational programs and activities discrimination

Existing law provides that the governing board of a school district shall have the responsibility for, and the governing board of a community college district shall have the primary responsibility for, ensuring that the school district or community college district programs and activities are free from discrimination based on ethnic group identification, religion, age, sex, color, or physical or mental disability Existing law provides that the responsibilities of the Chancellor of the California Community Colleges shall include, among other things, reviewing certain original complaints of alleged unlawful discrimination, reviewing reports of the nature and extent of the investigation of each complaint, and reviewing any action that may have been taken

This bill would require the governing board of a school district, the Chancellor of the California State University, the president of each California State University campus, the President of the University of California, and the chancellor of each University of California campus to have the primary responsibility for ensuring that the programs and activities of the school districts and the pertinent university campus are free from the discrimination specified above This bill would delete the above-referenced responsibilities of the Chancellor of the California Community Colleges.

This bill would permit a party to a written complaint of prohibited discrimination to appeal an action taken by the governing board of a school district, the governing board of a community college district, the president of a campus of the California State University, and the chancellor of a campus of the University of California to the State Department of Education, the Chancellor of the California Community Colleges, the Chancellor of the California State University, or the President of the University of California, as applicable.

This bill would require persons who have filed a complaint pursuant to the provisions to be advised by an educational institution that civil law remedies, including, but not limited to, injunctions, restraining orders, or other orders may also be available to complainants. This information would be required to be made available by the educational institution, whether public or private, by publication in appropriate informational materials.

Ch. 1515 (SB 2266) Garamendi. California State Summer School for the Arts

(1) Existing law provides for the California State Summer School for the Arts and establishes a board of trustees whose duties include adopting rules and regulations governing fees, applications, auditions, and admission procedures, and any other necessary procedures or operations, as specified, for the summer school. Existing law authorizes the school to charge each student a fee not to exceed $750 per session for the 1986–87

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fiscal year, which is authorized to be increased by the State Department of Education annually, as specified.

This bill would, instead, require the board of trustees to set a tuition fee within a range that corresponds to actual program costs, up to but not exceeding $1,000 per session in 1989. The bill would authorize the board to increase this fee annually by 5% thereafter. The bill would authorize the board to award full or partial scholarships on the basis of need and ability.

(2) Existing law requires the site for the California State Summer School for the Arts to be chosen annually by the board of trustees through a competitive request for proposal procedure.

This bill would, instead, require that the site be chosen for one year or on a multiyear basis to be determined by the board by the cost effectiveness of the proposals submitted to the board through a competitive request for proposal procedure.

(3) Existing law requires the State Department of Education, in conjunction with the board of trustees, to promulgate rules and regulations regarding fee reduction and waivers, as specified.

This bill would require that the rules and regulations ensure that student participation in the summer school program be broadly representative of the socioeconomic and ethnic diversity of the state.

(4) Under existing law, the provisions governing the California State Summer School for the Arts will be repealed on January 1, 1990.

This bill would extend the termination date to January 1, 1995

(5) This bill would require that $580,000 in state aid for summer school attendance be allocated to the California State Summer School for the Arts for each fiscal year from 1989–90 to 1993–94, inclusive, and would require return of these funds if unmatched by fees and private funds, as specified.

Ch. 1516 (AB 847) Allen. Education: career-vocational education and training.

Existing law prescribes the general instructional programs that governing boards of school districts are required or authorized to offer.

This bill would authorize school districts, county offices of education, and regional occupational centers and programs to use vocational education funds for specified purposes with respect to the planning and development, revision, or expansion of a locally approved model curriculum

This bill would require the Superintendent of Public Instruction to perform specified duties relative to the model curriculum framework for career-vocational education and training, including submitting a report to the Legislature

This bill would provide that these provisions shall remain in effect only until January 1, 1991, and as of that date are repealed, unless a later enacted statute deletes or extends that date.

This bill would specify that the State Department of Education shall receive funding for the purposes of this act only to the extent funds may be appropriated in the annual Budget Act or to the extent that other specific appropriations may be made for those purposes.

Ch. 1517 (AB 2678) Allen. Mental health.

Under the Lanterman-Petris-Short Act, after the initial 72-hour period of detention, a person who is a danger to himself or herself or others or gravely disabled as a result of a mental disorder or impairment by chronic alcoholism may be held for an additional period of 14 days for involuntary treatment under certain circumstances. A suicidal person may be involuntarily held for an additional 14 days and imminently dangerous persons involuntarily detained for 180 days. Under existing law, a person certified for an additional 14 days is entitled to a certification review hearing to be held within 7 days of the initial detention of the person.

This bill would authorize an additional period of intensive treatment of not more than 30 days for gravely disabled mentally disordered individuals who are unable to sufficiently stabilize within the 14-day period of intensive treatment and need a longer period for stabilization and for those whose discharge has resulted in frequent rehospitalizations.

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The bill would require the certification review hearing to be held within 4 days of the date on which the person is certified for a period of intensive treatment. The bill would require the State Department of Mental Health to monitor implementation of the 30-day period of intensive treatment, and to report its findings to the Legislature.

This bill would apply only to those counties in which the county board of supervisors by resolution, authorizes the application of this bill, and, by resolution, makes a finding that any additional costs incurred by the county in the implementation of this bill are funded either by new funding sufficient to cover the costs incurred by the county resulting from this bill, or funds redirected from cost savings resulting from this bill, or a combination thereof, so that no current service reductions will occur as a result of the enactment of this bill. This bill would require that compliance with this provision be monitored by the State Department of Mental Health as part of its review and approval of county Short-Doyle plans.

This bill would specify that the involuntary detention period for gravely disabled persons pursuant to specified provisions of existing law and this bill shall be limited to 47 days.

Under the Short-Doyle Act, each county plan for its mental health services must be reviewed and approved by the Director of Mental Health. The director determines the amount of state funds available for each county for specific services.

This bill would require the Director of Mental Health to develop a master plan for the utilization of state hospital facilities identifying levels of care.

This bill would specify that it does not prohibit a professional person in charge of an intensive treatment facility or a designee, from permitting a person certified for intensive treatment to leave the facility for short periods

Ch 1518 (AB 2930) Sher. Air pollution: acid deposition.

(1) Under the existing Kapiloff Acid Deposition Act, in effect until December 31, 1988, the State Air Resources Board is designated the state agency to implement the act, and is prohibited from adopting any rules or regulations to control acid deposition without further statutory authorization

This bill would repeal that act and would enact the Atmospheric Acidity Protection Act of 1988, which would require the state board to adopt and implement an Atmospheric Acidity Protection Program, as specified, to determine damage to, and develop ways to protect, public health from atmospheric acidity.

(2) Under the existing act, the state board requires air pollution control districts and air quality management districts to impose additional variance and permit fees through the 1987–88 fiscal year on nonvehicular sources of sulfur and nitrogen oxides which are authorized by district permits to emit 1,000 tons or more per year of either sulfur or nitrogen oxides of ¼¢ per pound thereof emitted.

This bill would require these additional fees to be imposed through December 31, 1993, on sources which emit 500 tons or more per year and would require the state board to set the fees on a per pound basis, as specified.

(3) Under the existing act, the total additional fees collected by districts, less district administrative costs, may not exceed the amount appropriated by the Legislature for acid deposition research from the Motor Vehicle Account in the State Transportation Fund and the California Environmental License Plate Fund, but not to exceed $2,000,000 for the 1988–89 fiscal year.

This bill would limit the total amount of funds appropriated from the Motor Vehicle Account and the California Environmental License Plate Fund for purposes of the bill to $1,500,000 for any fiscal year, as required to reflect the level of funding necessary for progress in accomplishing the purposes of these provisions, as specified The bill would specify that the total amount of funds collected from additional fees shall be $1,500,000 for any fiscal year, except that, if a lesser amount is appropriated for these purposes, the amount of the additional fees shall be reduced proportionately

The bill would direct the state board, with the advice and participation of the scientific advisory committee, to prepare and submit an annual report to the Governor and Legislature, including specified information.

(4) By imposing these requirements on districts, the bill would impose a state-man-

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dated local program.

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

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

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

Ch. 1519 (AB 3382) Quackenbush. Property taxation full cash value.

Existing property tax law, with certain exceptions, limits the amount of ad valorem taxes that may be levied on real property to 1% of the full cash value of that property Existing provisions of the California Constitution define "full cash value" as full cash value of property as shown on the 1975 assessment of that property or its appraised value when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment Existing statutory law defines full cash value as the amount of cash or its equivalent which property would bring if exposed for sale in the open market under conditions in which neither the buyer nor the seller could take advantage of the exigencies of the other.

This bill would provide that "full cash value" or "fair market value" in the context of an appraisal of real property, other than a possessory interest, which is the subject of a purchase is the purchase price paid in the transaction unless it is established by a preponderance of the evidence that the real property would not have transferred for that purchase price in an open market transaction. It would provide that the purchase price shall be rebuttably presumed to be the "full cash value" or "fair market value" if the terms of the transaction were negotiated at arms length between a knowledgeable transferor and transferee neither of which could take advantage of the exigencies of the other.

This bill would also provide that for real property, other than possessory interests, the change in ownership statement or the preliminary change in ownership statement required to be filed under existing property tax law shall give specified information prescribed by the State Board of Equalization, and that the rebuttable presumption provided by the bill will not apply if the prescribed information is not furnished.

Ch. 1520 (AB 4486) Stirling Homeless persons: model projects. [22]

Under existing law, the Department of Housing and Community Development administers a program to provide emergency or temporary shelter for homeless persons.

Subject to various conditions, this bill would require the department to establish model projects, known as the Homeless Coordinated Intake System Project, in the County of Santa Clara and the County of San Diego to develop and pilot a plan to coordinate the delivery of local services to the homeless, with a particular focus on intake data collection and individualized case management. The department would be required to adopt guidelines for implementation of the project and to approve an implementation plan with specified components. The bill would require each county to produce a procedural manual for use by any city or county in California desiring to establish a coordinated intake system.

The County of Santa Clara and the County of San Diego, at their options, would be designated as fiscal agents for the projects. Their duties as fiscal agents would include the selection by each county, subject to prescribed criteria, of 2 agencies and sites for delivery of services to homeless people. Each selected agency would be required to have a computerized information system for purposes of coordinating services to the homeless, as specified. The bill would set forth various outcome measurements for determining whether the projects are successful, and would require that each selected agency and site submit a specified project report to the department and make the report available to local agencies.

The bill would appropriate $107,000 to the department for expenditure pursuant to the bill in the 1988–89 fiscal year and would express legislative intent that $534,000 be appropriated, as specified, in the following 3 fiscal years It would require matching of ⅓ of the funds appropriated for purposes of the bill by the County of Santa Clara and

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the County of San Diego, as specified.

Ch. 1521 (SB 2260) Keene. Income taxes: bank and corporation taxes: credits: health coverage.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide for various credits against the taxes imposed by those laws.

This bill would authorize, for a specified 5-year period, a tax credit under both laws for the greater of $25 per month per covered individual or 25% per month of the costs paid or incurred, whichever is more, during the taxable or income year by an eligible small employer to provide health coverage, as defined, for an eligible individual and the individual's dependents. It would provide an additional $5 per month tax credit with respect to specified supplemental benefits.

This bill would require the Legislative Analyst to conduct a study on the impact, as specified, of the tax credits provided by this bill and submit a report of that study to the Legislature on or before a specified date.

This bill would take effect immediately as a tax levy.

Ch. 1522 (AB 2863) 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 the person or which is the property of another, or maliciously and intentionally kills an animal which is the property of the person or 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 make that provision applicable to any animal except to the extent that the bill would expressly declare that it is the intention of the Legislature that this provision shall not (1) interfere with the existing rights to self-defense and use of force when it is reasonably believed that an animal poses an immediate threat or danger to a person or (2) interfere with any of the laws contained in the Fish and Game Code or the Food and Agricultural Code

This bill would impose a state-mandated local program by expanding the scope of an existing crime.

This bill would incorporate further changes in Section 597 of the Penal Code, as made by Chapter 127 of the Statutes of 1988, and changes as proposed, in substantial part, by AB 4023 and SB 2136, contingent upon the prior chaptering of those bills.

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

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

Ch. 1523 (AB 3006) Connelly. Renting: passenger vehicles.

Existing law provides that the hirer of a thing must use ordinary care for its preservation in safety and in good condition.

This bill would set forth definitions governing the rental of passenger vehicles and would limit the liability which may be incurred by the renter of a passenger vehicle, as specified.

The bill would further provide that a rental company shall not require the purchase of optional insurance or any other optional good or service and shall not engage in any unfair, deceptive, or coercive conduct, as specified, to induce the renter to do so.

The bill would restrict the rental company's use of renters' credit cards, as specified, and would prohibit the use of any unfair, deceptive, or coercive tactics to recover any claims arising out of damage to, or loss of, a rented vehicle or to induce a renter to purchase optional insurance, goods, or services.

The bill also, among other things, would place restrictions on the advertising of rental car rates and would prohibit mandatory fees or surcharges, including, but not limited to, required fuel or airport surcharges in addition to the rental rate, as specified. The bill would further prohibit the rental company, in the circumstances where the company

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delivers a vehicle to or picks up a vehicle from the renter at a location other than the location where the rental company normally carries on its business, from charging rental for the period either before delivery of the vehicle or after the renter notifies the rental company to pick up the vehicle

The bill would specify that any waiver of its provisions shall be void and unenforceable. The bill further would specify that its provisions shall not create a new cause of action for damages or other relief in connection with any transaction between a rental company and a renter occurring before January 1, 1989, and that it shall not affect or apply to any cause of action accruing independently of the measure before January 1, 1989 Furthermore, neither the measure nor its legislative history would be admissible in any action involving a transaction between a rental company and a renter occurring before January 1, 1989.

The bill also would specifically limit the renter's liability and the amount a rental company could charge for a damage waiver and would specify that a rental company shall not require the purchase of a damage waiver. The bill further would specify that any rental company which provides a damage waiver for any consideration in addition to the rental rate shall disclose certain information clearly and in a conspicuous place notifying the renter of the nature and extent of the renter's liability, that the renter's personal insurance policy may provide coverage for all or a portion of his or her liability, that the renter should consult with his or her insurer to determine the scope of insurance coverage, and that the renter may purchase an optional damage waiver, the cost of which shall be limited, to cover all the renter's liabilities, as specified

Ch. 1524 (AB 3065) Polanco. Transportation· railroads: automatic grade-crossing protection

Existing law requires the Department of Transportation's annual proposed budget to have a sum, not to exceed $1,000,000, set aside for allocations to the Public Utilities Commission, to pay railroad or street railroad corporations the share of the cost to cities, counties, and cities and counties of maintaining automatic grade-crossing protection. The total allocation is determined by the California Transportation Commission after consultation with representatives of the Public Utilities Commission

This bill would require $1,000,000 annually to be set aside, and would authorize the Public Utilities Commission to recommend that a greater sum be set aside, if $1,000,000 is determined to be not sufficient for specified reasons

Ch 1525 (AB 4347) M Waters. Controlled substances· abatement evidence.

Existing law provides for the abatement as a nuisance of a building or place where specified controlled substance offenses occur.

This bill would provide for the protection of witnesses, upon a showing of prior threats of violence or acts of violence by any defendant or other person in the action.

Further, the bill would provide for the closure and vacation of the premises and the establishment of a rental payment escrow account pending trial, as specified The bill also would specify, among other things, that if the building or place is determined to be a nuisance, moneys in the escrow account shall be used to provide relocation assistance to displaced tenants not actively involved in the nuisance, as specified. It also would authorize the court to make specified orders in connection therewith with respect to those displaced tenants.

Existing law further provides that violation or disobedience of an injunction or order for abatement is punishable as a contempt of court by imprisonment, as specified, or a fine of not less than $200 nor more than $1,000, or by both

This bill would increase the above contempt monetary fine to not less than $500 nor more than $10,000 In addition, the bill would provide, among other things, that contempt may be based on a violation of any court order including failure to pay relocation assistance and that any fines assessed for contempt shall first be held by the court for relocation assistance

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Ch. 1526 (AB 4448) Margolin AIDS· homeless persons.

Under existing law, the State Department of Health Services is charged with administering various AIDS education, care, and treatment programs.

This bill would permit the department to approve up to 20 pilot projects to provide housing and food to homeless persons with AIDS or AIDS-related conditions (ARC).

The bill would permit the department to provide funding to a select number of these pilot projects.

The bill would require the department to enter into contracts with approved pilot projects, under criteria specified by the department. A pilot project would not be required to be licensed as either a health or community care facility if it meets certain conditions. The bill would require these projects to maintain written agreements with specified persons and entities for referral and acceptance of clients

The bill would make its provisions inoperative on July 1, 1990, and would repeal them as of January 1, 1991.

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

Ch. 1527 (SB 2136) Davis. Animals: cruelty.

Existing law provides that, except where a different punishment is prescribed, every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for every such offense, guilty of a misdemeanor

This bill would make that crime punishable either as a misdemeanor or as a felony.

This bill would incorporate further changes in Section 597 of the Penal Code, as made by Chapter 127 of the Statutes of 1988, and changes as proposed, in substantial part, by AB 2863 and AB 4023, contingent upon the prior chaptering of those bills.

Ch. 1528 (SB 1730) Dills. Beverage containers: recycling centers.

(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 Every beverage container sold or offered for sale in this state is required to be labeled in a specified manner and to have a minimum redemption value of at least 1¢ and provides for an increase in that amount to 2¢ after December 31, 1989, and 3¢ after December 31, 1992, if specified conditions are met concerning the redemption rate. Existing law requires that there be at least one certified recycling center or location in a convenience zone, as defined, for redemption of these beverage containers, requires the Department of Conservation to update convenience zone designations, and requires the department to take specified actions to meet this requirement, including attempting to enter into agreements by a specified time, with recycling centers to provide recycling centers or locations in each convenience zone A recycling center is required to operate at least 30 hours per week. The Director of Conservation may grant specified exemptions from convenience zone requirements, including an exemption for a curbside program of local agencies, if certain requirements are met Existing law requires the department to establish a processing fee for any type of beverage container which has a specified scrap value and requires every beverage manufacturer to pay the department the applicable processing fee for each container sold or transferred to a distributor or dealer

This bill would make a statement of legislative intent that actions of persons affecting scrap values or quantities of materials being recycled should not be subject to state antitrust or trade regulation laws. The bill would provide that any action taken by the department or any person to affect scrap values, the quantities of materials being recycled, or the method of invoicing the sale of beverages pursuant to the act is not a

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violation of the Cartwright Act and the Unfair Practices Act.

The bill would make a statement of legislative intent encouraging the department to establish a specified return rate.

This bill would redefine the terms "convenience incentive payment," "dropoff or collection program," "recycling location," and "supermarket" and would define the term "noncertified recycler" for purposes of the act.

The bill would subject to an audit any person who pays over a specified amount for aluminum, glass, or plastic.

The bill would revise the labeling requirements for beverage containers. The bill would authorize the department to require recycling centers to operate not more than 15 hours of those 30 hours other than between 9 a m and 5 p.m., as specified, and would define "open for business" with regard to the operating hours of recycling centers.

The bill would repeal the provisions requiring the department to attempt to enter into these agreements and specified provisions authorizing the retention of the redemption bonus and the payment of convenience incentive payments The bill would revise the exemption from convenience zone requirements

The bill would allow only a certified recycling center to pay a redemption value or redemption bonus

(2) The existing act requires a certified recycling center to pay the redemption value and any applicable redemption bonus amount for each redeemed container. The department is required to deposit all redemption values paid by beverage distributors into the California Beverage Container Recycling Fund, which is continuously appropriated to the department for expenditure for specified purposes, including administrative costs. The balance in that fund is required to be deposited in the Redemption Bonus Account, which is continuously appropriated to the department for specified purposes The department is required to calculate the redemption bonus amount from the balance remaining in the Redemption Bonus Account after specified expenditures are made from the fund, including up to 10% for urban, rural, and recreational litter abatement and recycling activities, and up to 10% for recycling information, education, and promotion, and for convenience incentive payments amounting to 20% of the amount deposited in the account for those purposes in 1987 and 1988, and 10% of that amount in 1989 and 1990 Existing law specifies a procedure for determining the redemption bonus amount.

The bill would allow the department, after July 1, 1989, to expend the money in the fund for administrative costs only upon appropriation by the Legislature in the annual Budget Act

The bill would revise the expenditure of funds from the Redemption Bonus Account to require the department to expend the funds deposited in the Redemption Bonus Account pursuant to a specified order of priority, including up to 10% for urban, rural, and recreational litter activities, and contracts with statewide nonprofit entities for recycling information, education, and promotion, up to 25% for convenience incentive payments until June 30, 1990, and up to 20% for these payments from July 1, 1990, to January 1, 1993, and to expend up to 5% for contracts for advertising and promotion with recycling centers, thereby making an appropriation.

The bill would revise the requirements for making convenience incentive payments, would require the department to stop making these payments if another certified recycling center is willing to certify operation within the convenience zone, and would delete the January 1, 1998, repeal date for convenience incentive payments.

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

This bill would impose a state-mandated local program by creating new crimes concerning beverage containers, since a violation of the act is an infraction

The 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.

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Ch. 1529 (AB 2766) Hauser. Water pollution: beverage containers.

(1) Existing law prohibits the dumping or depositing of garbage, as defined, in the ocean within 20 miles of the coast, and generally contains various prohibitions relating to littering, polluting, or dumping or depositing of particular matter into the waters of the state.

This bill would specify that discarded nonbiodegradable materials are included within the definition of garbage for the purposes described above

(2) Under existing law, the Department of Conservation is required to expend 10% of the amount deposited in the Redemption Bonus Account in the California Beverage Container Recycling Fund during the previous 3 months for urban, rural, and recreational litter abatement and recycling activities, in accordance with prescribed procedures.

This bill would include aquatic litter abatement and recycling activities in those provisions. Because moneys in the account are continuously appropriated, the bill would make an appropriation by making the moneys available for a new purpose

(3) This bill would also incorporate additional changes in Section 14581 of the Public Resources Code proposed by SB 2101 and SB 1730, to be effective only if either or both bills are also chaptered, 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 impose a state-mandated local program by creating a new crime

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

Ch. 1530 (AB 980) Costa Rail passenger service. equipment acquisition.

Under existing law, $6,500,000 of settlement funds received by the state pursuant to specified provisions of the Outer Continental Shelf Lands Act is appropriated to the Department of Transportation for allocations as advances, to be repaid, for the acquisition of abandoned railroad rights-of-way for development for public transportation uses

This bill would reappropriate the unencumbered balance of those funds for allocation to the department for capital outlay for intercity rail passenger service, including the acquisition of railcars and equipment

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

Ch 1531 (AB 1592) Polanco Contracts· Spanish language translation

Existing law requires certain persons who negotiate primarily in the Spanish language orally or in writing in the course of entering into certain contracts and agreements to, upon request of any party, deliver an unexecuted Spanish language translation of the contract or agreement, with specified exceptions. Existing law exempts from translation requirements persons who negotiate primarily in the Spanish language with specified persons who use an interpreter, as defined

This bill would delete the requirement that a request for the translation be made. It would also specify that for purposes of the above-described exemption, the interpreter cannot be a minor

This bill would also specify that provision by a supervised financial organization, as defined, of a Spanish-language translation of the disclosures required by Regulation M or Regulation Z and, if applicable, other specified provisions prior to the execution of the contract shall also be deemed compliance with the translation requirements with regard to the original contract or agreement

Ch. 1532 (AB 2327) Killea San Diego Metropolitan Transit Development Board

Existing law creates, and prescribes the functions of, the San Diego Metropolitan Transit Development Board and requires, except in emergencies, that contracts for the purchase of supplies, equipment, and materials in excess of $10,000 be awarded to the lowest responsible bidder.

This bill would, until January 1, 1994, permit the board, by ⅔ vote, to make purchases of specified equipment, apparatus, and rail cars through competitive negotiation, as prescribed.

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Ch. 1533 (AB 2494) Friedman. *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 similiar services by publicly owned public utilities, including municipal corporations subject to their governing bodies and municipal utility districts and public utility districts subject to their boards of directors.

Existing law requires that, where a public utility furnishes residential electrical, gas, heat, or water service either through a master meter or through individually metered service in a multiunit residential structure, mobilehome park, or farm labor camp where the owner, manager, or operator is the customer of record, the public utility is required to give 10 days' notice of termination for nonpayment and to inform the residents or actual users that they may elect to become customers of the utility if they agree to the terms and conditions of service or that one or more residents or actual users may assume responsibility for the entire account. It specifies that, in this case, prompt payment of rent by the residents or actual users for a period of time is equivalent to prior utility service for that period of time for purposes of establishing credit with the public utility.

This bill would limit the application of these provisions to the furnishing of individually metered residential service. With respect to the furnishing of master meter residential service to any multiunit residential structure, mobilehome park, and permanent residential structures in a labor camp, as defined, the bill would require 15 days' written notice of termination posted on the door of each residential unit, or in every accessible common area and at each point of access, as specified. The bill would require the notice to specify what the residential occupants are required to do to prevent termination or to reestablish service, the estimated monthly cost of service, a representative of the public utility who can render assistance, and the address and telephone number of a legal services project, as defined, which has been recommended by the local county bar association. The bill would require the notice to be in English and, to the extent practical, in any other primary language of the residential occupants, as specified.

The bill would require the public utility to make service available to the residential occupants if each residential occupant or a representative of the residential occupants agrees to be responsible for subsequent charges to the account.

The bill would allow a residential occupant, in lieu of showing prompt payment of rent for purposes of establishing credit, to show prompt payment of another credit obligation acceptable to the public utility

The bill would prohibit termination by a public utility during an investigation by the public utility of a customer complaint, when the customer has been granted an extension for payment, for an indebtedness owed by the customer to other than the public utility, for utility service to other property owned, managed, or operated by the customer, or when a public health or building officer certifies that termination would significantly threaten the health or safety of the residential occupants or the public

The bill would, if the owner, manager, or operator directs, permits, or fails to prevent termination of service in violation of these requirements to any occupied residential unit, allow the residential occupant or representative of the residential occupants, to commence an action for the recovery of reasonable expenses incurred for the continuation of service, actual damages, or reasonable costs incurred in the enforcement of these provisions, as specified. The bill would specify that if the owner, manager, or operator pays the amount in arrears prior to termination, no recovery of charges, costs, damages, or expenses from the owner, manager, or operator shall be allowed

The bill would require any service wrongfully terminated under these provisions to be restored without charge, would render the public utility liable to the customer or the residential occupants for a wrongful termination, as specified, and would direct that its provisions be liberally construed.

The bill would specify that its provisions do not either broaden or restrict any authority of a local agency that existed prior to January 1, 1989, to adopt an ordinance protecting a residential occupant from involuntary termination of residential public utility

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service, but that they are preemptive as to any statute or ordinance permitting punitive damages on account of any involuntary termination of residential utility 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. 1534 (AB 2717) Klehs Property taxation: consultant contracts.

Existing property tax law provides requirements for the assessment of property subject to general property taxation.

This bill would impose a state-mandated local program by requiring that all contracts for the performance of appraisal work for assessors by individuals who are not employees of the state, any county, or any city shall be entered into only after at least 2 competitive bids and shall be entered into either on a fixed fee basis or on the basis of an hourly rate with a maximum dollar amount.

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

This bill would provide that no reimbursement is required by this act for a specified reason, but would recognize that local agencies and school districts may pursue specified available remedies to obtain reimbursement for their costs.

This bill would provide that its provisions are applicable to contracts entered into on and after January 1, 1989

This bill would provide a declaration of legislative intent.

Ch 1535 (AB 2737) M. Waters. Youth centers.

Existing law contains no provision for the establishment of youth centers.

This bill would specify that funds shall be available from the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund, created in SB 1664, when appropriated by the Legislature, at the request of the Department of the Youth Authority

This bill would provide that the money in the fund available for the purposes of this bill be allocated to public or private nonprofit agencies for the purpose of acquiring, renovating, constructing, or purchasing equipment for youth centers and youth shelters.

Ch. 1536 (AB 2774) Floyd Public works veterans' memorial

Existing law requires the Department of General Services to maintain state buildings and grounds

This bill would require the Department of General Services to upgrade the restroom facilities in the State Capitol Park in order to accommodate visitors to the projected California Vietnam Veterans Memorial.

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

Ch 1537 (AB 3364) Roos. AIDS prevention.

Existing law requires the State Department of Health Services to fund various types of AIDS prevention and education programs.

This bill would express legislative findings regarding the need for a primary prevention program for AIDS.

The bill would require the department, in coordination with the State Department of Alcohol and Drug Programs, to develop, an AIDS primary prevention, health education, testing, and counseling plan, which would be required to be integrated, as the department deems appropriate, into specified existing health programs under the department's jurisdiction

The bill would require specified services to be provided under this program.

The bill would permit the department to provide, or contract for the provision of, the

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preparation of educational materials and provision of training programs.

The bill would require the department, on or before July 1, 1989, to report to the Governor and the Legislature on the plan developed pursuant to the bill, including a cost estimate for its implementation.

Ch. 1538 (AB 3471) Filante Dental care pilot project: Sonoma County.

Under existing law, dental care services are one of the services provided to qualified low-income persons under the Medi-Cal program.

The bill would make certain findings and declarations of the Legislature concerning the necessity that a special authority be established in Sonoma County to meet the problems of the delivery of publicly assisted and indigent dental health care in the county.

The bill would permit the Board of Supervisors of Sonoma County to establish, by ordinance, the Sonoma County Dental Health Authority, with specified powers, to manage a dental health care delivery program for indigent persons and Medi-Cal recipients covered under the Denti-Cal program

This bill would require the State Department of Health Services to allocate funds appropriated for the purposes of the bill to the Sonoma County Dental Health Authority for the establishment of a pilot project to provide dental care and dental hygiene services to Medi-Cal recipients and indigent persons in Sonoma County.

The bill would require the department to permit a fee to be imposed upon indigent persons served by the project, commensurate with the ability to pay. It would expressly prohibit imposition of a fee upon Medi-Cal recipients for services covered by that program

The bill would require the department, after consultation with the Sonoma County Dental Health Authority, to report to the Legislature on or before December 31, 1989, on the effectiveness of the pilot project, as specified.

Ch. 1539 (AB 3873) Costa. Wildlife management

(1) Existing law declares the intent of the Legislature to fund the costs of nongame fish and wildlife programs and free hunting and fishing license programs of the Department of Fish and Game from the General Fund and sources other than the Fish and Game Preservation Fund, to provide for the costs of commercial fishing programs solely out of the revenues from commercial fishing taxes, license fees, and other revenues, as specified, and to provide for the costs of hunting and sportfishing programs solely out of hunting and sportfishing revenues and other specified funds received for hunting and sportfishing programs.

This bill would revise that legislative declaration of intent to, among other things, declare that costs of management of lands and wildlife management programs shall be supplemented out of money in the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund and to declare that the department shall conduct or contract for a review of its programs at least every 5 years for a specified purpose.

(2) Under existing law, the department is required to operate lands and water acquired for public shooting grounds or wildlife management areas on a nonprofit basis and to encourage multiple recreational use of wildlife management areas, with only minimum facilities to permit forms of multiple recreational use, as described, other than for hunting and fishing purposes The department is authorized to charge user fees fixed by the commission to defray the costs associated with that multiple use, except as specified.

This bill would exempt specified wildlife management areas from that general user fee provision.

(3) Under existing law, the department is authorized to acquire, as prescribed, land or land and water areas for ecological reserves for the purpose of protecting rare or endangered native plants, wildlife, or aquatic organisms, specialized habitat types, or large heterogeneous natural marine gene pools The reserves are subject to regulations of the Fish and Game Commission for occupation, use, operation, protection, and administration.

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This bill would authorize the department to construct facilities and conduct programs in selected ecological reserves to provide natural history education and recreation under specified conditions, and to control access, use, and collect fees for those selected reserves.

(4) Under the Native Species Conservation and Enhancement Act, among other things, the department maintains the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund, consisting of donations received for support of nongame and native plant species conservation and enhancement programs.

This bill additionally would provide that it is the policy of the state to require the recreational users of the state's wildlife resources to support the management of the department's lands and the management of wildlife consistent with the statements of legislative intent in (1) above.

The bill would appropriate not more than $2,626,000, as specified, from the Native Species Conservation and Enhancement Account for encumbrance, after at least 30 days' notice is provided to the chairpersons of various committees of the Legislature, in the implementation of these policies, to be allocated in a specified manner.

The bill would require the Controller to transfer funds quarterly during the 1988–89 fiscal year to the account from the Fish and Game Preservation Fund as a loan in an amount equal to the difference between the revenue under the bill and the specified appropriation from the account The bill would make the revenues in the account available for appropriation for repayment of the transferred amount of the loaned funds to the Fish and Game Preservation Fund with interest, as specified. Until the loans are repaid, the department would be required to make specified quarterly financial reports to the Legislature.

(5) The bill would authorize the department, after adoption of a management plan by the department, to regulate access by persons to selected areas of lands managed by the department. The bill would authorize the department to issue annual wildlife area passes and day use passes to the public for specified fees, which, in addition to specified hunting, trapping, and fishing licenses, would authorize access to those selected lands, as specified

The bill would make a violation of the prohibition on entry to the selected lands without authorization an infraction with specified penalties, and, therefore, the bill would impose a state-mandated local program.

The bill also would authorize the sale of native species stamps, promotional materials, and nature study aids by the department or license agents of the department. The bill would, until January 1, 1991, authorize the department to enter contracts for the production and printing of the native species stamps without complying with specified requirements for competitive bidding. The bill would require the revenues under the bill to be deposited in the Native Species Conservation and Enhancement Account in the Fish and Game Preservation Fund and would make that account available for appropriation for specified purposes.

The bill would also declare the finding of the Legislature that the funds received under the bill are for the protection and propagation of fish and game within the meaning of Section 9 of Article XVI of the California Constitution.

(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. 1540 (AB 3961) Baker. Child care providers.

Existing law establishes a procedure whereby parents or legal guardians may submit a written request to the Department of Justice asking that the background of a prospective professional child care provider, as defined, be examined, upon permission of the provider for release of the background information.

This bill would repeal those provisions and would establish a procedure authorizing a professional child care provider, as defined, to initiate a background examination process, as specified. The bill would require each provider initiating a background

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examination process pursuant to these provisions to obtain 2 sets of fingerprints from a law enforcement agency or other specified local agency. To the extent this bill would impose duties on the local agencies, this bill would impose a state-mandated local program.

The bill would require the provider to submit the 2 sets of fingerprints and a completed fingerprint application to the Department of Justice The Department of Justice would be required to submit one set of the fingerprints to the Federal Bureau of Investigation and retain the other set to search the Criminal History System and the Child Abuse Central Index. The bill would require a Child Abuse Central Index technician to review the results produced by the searches and take specified action, including, in cases where no criminal conviction or substantiated child abuse information that would disqualify the provider from being licensed by the State Department of Social Services as a child care provider is found, and in other specified cases, entering a registration record listing of the provider's name and driver's license number or identification card number in the Automated Child Abuse System The bill would authorize the Department of Justice to charge a background examination process fee not to exceed $10

The bill would require the Department of Justice, within 6 months of the effective date of this bill, to establish and staff a toll-free telephone line to allow interested parents, employment agencies, and other child care referral groups and registries to give a provider's name and driver's license number or identification card number to the department in order to determine if the provider is registered in the Automated Child Abuse System

The bill would provide that state officers or employees shall not be liable for any damages caused by their conduct pursuant to these provisions except for intentional acts or gross negligence

The bill would require the Department of Justice to establish an advisory committee and would require the committee to develop and recommend to the Department of Justice criteria for evaluation of the project, to recommend to the Department of Justice a contractor to evaluate the project, and to publicize the project The bill would require the Department of Justice to establish the criteria for evaluation and to select a contractor for evaluation, taking into consideration the recommendations of the committee The bill would require the Department of Justice to allocate no more than $50,000, as specified, for purposes of publicizing the project

The bill would require the contractor selected by the Department of Justice to evaluate the programs established pursuant to these provisions and report to the Legislature on or before August 1, 1990.

These provisions would apply only to programs established by the Department of Justice in the City and County of San Francisco and Alameda, Contra Costa, Santa Clara, and San Diego Counties These provisions would become inoperative on June 30, 1991, and would be repealed on January 1, 1992.

The bill would authorize a law enforcement agency or other specified local agency to charge a reasonable fee to offset the costs of fingerprinting The bill would reappropriate the unexpended balance of a previous appropriation to the Department of Justice for the purposes 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

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

Ch. 1541 (AB 4355) Connelly. Air pollution: Sacramento Metropolitan Air Quality Management District: creation, diesel pile-driving hammers.

(1) Existing law provides for the creation of county air pollution control districts in every county not included within specified other air pollution control districts or air quality management districts. Every air pollution control district and air quality management district is required to adopt and enforce regulations to achieve and maintain

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the state ambient air quality standards for the area under its jurisdiction, to enforce applicable state law, and to endeavor to achieve and maintain federal ambient air quality standards.

This bill would create the Sacramento Metropolitan Air Quality Management District to include all of Sacramento County and, if requested by the Board of Supervisors of Placer County, all or any designated portion of that county, upon adoption of a resolution of inclusion by the district board. The district would assume the functions of the Sacramento County Air Pollution Control District on July 1, 1989. The bill would provide for a district board composed of the Board of Supervisors of Sacramento County. The bill would provide for increasing the membership of the district board if the district is expanded to include Placer County.

The bill would specify the duties and functions of the district with respect to the adoption of rules and regulations for the control of air pollution and would require the adoption of an air quality improvement strategy.

The bill would permit the district, pursuant to agreement with one or more local agencies, to create the Sacramento Metropolitan Air Quality Coordinating Council to provide for coordinated air quality planning within the district.

The bill would permit the district to adopt a schedule of fees levied on sources of air pollution subject to district regulation to recover its costs of implementing the bill The bill would also permit the district, with the approval of the board of supervisors of each county included, in whole or in part, within the district, to adopt a surcharge, not to exceed a specified amount, on the motor vehicle registration fees applicable to every motor vehicle registered in those counties within the district whose boards of supervisors have adopted a resolution approving the surcharge, and would require the Department of Motor Vehicles to collect and transmit these fees, less the department's costs of administration, to the district. The bill would permit the board to exempt any category of low-emission motor vehicles from all or part of the surcharge. The bill would specify how these fees are to be used by the district.

By imposing these requirements on local agencies and local elected officials, the bill would impose a state-mandated local program.

(2) Existing law, until January 1, 1989, prohibits the State Air Resources Board and air pollution control districts and air quality management districts from establishing standards for emissions of visible smoke from diesel pile-driving hammers which are more stringent than that designated as No 2 on the Ringelmann Chart, and prohibits 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.

This bill would prohibit the state board and districts from regulating the operation of diesel pile-driving hammers except pursuant to a process whereby operators apply to a district for a permit and the district determines, on the basis of the application, that the proposed use will comply with one of 2 specified limits on the use of those hammers. Since, under other provisions of law, a violation of a permit for operation of diesel pile-driving hammers would 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 specified reasons.

Ch. 1542 (SB 1713) L. Greene. School facilities funding.

Under existing law, as set forth in the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the State Allocation Board is authorized to fund school construction projects on behalf of applicant school districts that meet certain qualifications.

This bill would direct the board to fund the construction of 2 elementary or junior high schools in the northern portion of the state, and 2 elementary or junior high schools in the southern portion of the state. Each school would be designed to minimize the displacement of existing residential, commercial, and industrial structures, as specified. This bill would provide for the selection of architectural design proposals submitted for

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this purpose through requests for proposals issued by the school districts applying for funding under this program.

Ch. 1543 (SB 1853) Mello. Health

Existing law prohibits an operator or an employee of an operator of a community care facility from being a witness to the execution of a durable power of attorney for health care, and, unless a relative of the principal, from being designated as the attorney in fact under a durable power of attorney for health care.

This bill would extend those prohibitions to operators and employees of operators of residential care facilities for the elderly. It would also make a related technical change

Existing law provides that a printed form for a durable power of attorney for health care must comply with certain formal requirements in effect at the time of sale or distribution.

This bill would require compliance with requirements in effect at the time of printing, and would make related changes.

Ch 1544 (SB 1997) Presley. Air pollution: motor vehicles inspection program

(1) Under existing law, in effect until January 1, 1990, the Department of Consumer Affairs is responsible for developing and implementing in federally designated nonattainment areas a biennial motor vehicle emissions inspection program consisting of a testing portion, a repair portion, and a consumer protection-oriented quality assurance portion The test portion is conducted by licensed test stations and qualified test mechanics and the repair portion by licensed repair stations and qualified repair mechanics. The owner or manager of every licensed test or repair station is required to be a licensed inspector Every motor vehicle over 20 years old is exempt from the program, and every vehicle of a governmental entity or public utility, as specified, is required to be tested and have necessary service and adjustments performed The program imposes a cost limitation of not more than $50 initially for low-emission service and adjustment, which may be increased to $100, as specified.

This bill would extend the January 1, 1990, termination date of these provisions to January 1, 1999.

The bill would abolish the Automotive Repair Fund and the Vehicle Inspection Fund, and would transfer the balances in those funds to the Vehicle Inspection and Repair Fund, which the bill would create The bill would require all fees collected by the department under the Automotive Repair Act and this bill to be deposited in the fund The bill would make the money in the fund available to the department for these purposes, and to the Department of the California Highway Patrol for roadside inspection of heavy-duty vehicles, when appropriated by the Legislature

The bill would require every official motor vehicle pollution control device installation and inspection station and motor vehicle pollution control device installer licensed under the Automotive Repair Act to be licensed under the bill on and after January 1, 1990

The bill would specify emission reduction requirements for 1990 and later model-year motor vehicles.

The bill would redesignate the test stations and repair stations as smog check stations and smog check test only stations, to be licensed as specified. The bill would exempt only motor vehicles manufactured prior to the 1966 model-year, except as specified, instead of vehicles over 20 years old, and vehicles, other than fleet vehicles, powered by liquid petroleum gas.

The bill would direct the State Air Resources Board to develop a test procedure to detect excessive smoke emissions from heavy-duty diesel motor vehicles feasible for use in roadside inspections. The bill would permit either the state board or the Department of the California Highway Patrol to inspect these vehicles The bill would require the chairperson of the state board to create an ad hoc advisory committee, as specified, to assist the state board in developing a test procedure, and to advise the state board in developing regulations to implement the test procedure and inspection of heavy-duty commercial vehicles. The bill would require the state board to adopt regulations providing for the issuance of citations requiring the operator of a vehicle in violation to submit

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to the test procedure, requiring the owner to correct the cited deficiency, and providing for the application of civil penalties. The bill would permit the department to license smog check stations for heavy-duty vehicles, as specified. The bill would increase the infraction penalty for smoke emissions from heavy-duty vehicles to not more than $1,500, thereby imposing a state-mandated local program. The bill would direct the state board to report to the Legislature on this smoke emissions detection program within 2 years of adoption of these regulations.

The bill would establish cost limitations for repairs required under the program, varying between $50 and $300, with adjustments for changes in the Consumer Price Index, in accordance with the model-year of the vehicle, as specified. The bill would require a designated review committee to report to the Legislature by January 1, 1992, on the effect of these cost limitations on reductions in motor vehicle pollution and on the extent of compliance with vehicle registration laws

The bill would also require public agencies to obtain certificates of compliance or other proof of compliance, as specified, for their vehicles which would otherwise be subject to the program. The cost limitations would not apply to vehicles of public entities, thereby imposing a state-mandated local program.

Since, under other provisions, a violation of these requirements would be a crime, the bill would impose a state-mandated local program

(2) Under existing law, the manufacturer of each motor vehicle and each motor vehicle engine is required to warrant to the ultimate purchaser and to each subsequent purchaser that the vehicle or engine conforms with applicable emission standards and that its emission parts are free from defects in materials and workmanship during its useful life, as defined.

This bill would limit these warranty provisions to motor vehicles and motor vehicle engines manufactured prior to the 1990 model-year.

For 1990 and later model-year light-duty and medium-duty motor vehicles and engines, the bill would require the manufacturer to warrant that the vehicle or engine is designed, built, and equipped to conform to applicable emission standards for 5 years or 50,000 miles, that it is free from defects which could cause it to fail to conform to applicable requirements for 3 years or 50,000 miles; and that it is free from defects in emission-related parts that individually cost more than $300 to replace for 7 years or 70,000 miles, as specified

For 1990 and later model-year heavy-duty motor vehicles and engines, the bill would require the manufacturer to warrant that the vehicle or engine is designed to conform to applicable emission standards for a period of use determined by the state board and that it is free from defects which could cause it to fail to conform to applicable emission standards for a period of use determined by the state board

The bill would also provide that the state board would define "medium-duty" for these purposes

(3) Under existing law, every person is prohibited from selling, or offering or delivering for sale, to the ultimate purchaser, any motor vehicle not in compliance with motor vehicle pollution control laws and regulations. With each application for initial registration or a transfer of registration, the dealer is required to transmit to the Department of Motor Vehicles a certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station.

This bill would revise these requirements to, instead, prohibit any person from selling, or offering or delivering for sale, to any subsequent purchaser as well as to the ultimate purchaser, any motor vehicle not in compliance with motor vehicle pollution control laws and regulations. The bill would require the seller to provide the purchaser a certificate of compliance or noncompliance and delete the specific criminal penalty for fleeing or attempting to elude a pursuing peace officer's motor vehicle, thereby making a violation of these provisions an infraction, in accordance with other provisions of law, and thereby imposing a state-mandated local program The bill would require a dealer or the purchaser to transmit the certificate to the Department of Motor Vehicles.

(4) The bill would delete obsolete provisions and make other related and conforming changes.

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(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, 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. 1545 (SB 2261) Keene. Salmon, Steelhead Trout, and Anadromous Fisheries Program Act.

Existing law requires commercial fishermen who take salmon to obtain a commercial fishing salmon stamp for a specified fee. The revenue from the stamps is deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund and is continuously appropriated for new or expanded salmon restoration and enhancement programs on a matching fund basis, as specified.

This bill would enact the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, under which the Department of Fish and Game, with the advice of the Advisory Committee on Salmon and Steelhead Trout and the Commercial Salmon Trollers Advisory Committee, would be required to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries of specified content and to determine the initial elements of the program within 6 months of the effective date of the bill. The bill would make legislative findings and declarations relating to the program

The bill would require the department to determine the initial elements of the program and report thereon to the Legislature and the advisory committee within 6 months of the enactment of the bill.

The bill would appropriate $125,000 from the Environmental License Plate Fund and $166,000 from the Fish and Game Preservation Fund to the department to establish the program. The bill would also authorize the department to utilize specified federal funds for the program.

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

Ch 1546 (SB 2297) Rosenthal Air pollution. clean-burning fuels.

(1) Under existing law, every air pollution control district and air quality management district, including the South Coast Air Quality Management District, is required to adopt and enforce regulations to achieve and maintain the state ambient air quality standards for the area under its jurisdiction, to enforce applicable state law, and to endeavor to achieve and maintain federal ambient air quality standards.

This bill would make a legislative finding and declaration about the role of the south coast district in establishing and encouraging voluntary programs to increase the use of clean-burning fuels. The bill would require the south coast district to establish a program for that purpose, and to coordinate the program with other entities. The bill would require the district to adopt, by August 1, 1989, a 5-year program of activities for increasing the use of clean-burning fuels, coordinated with the district's transportation control measures adopted under other provisions, including specified matters. The bill would also authorize the south coast district to impose a fee surcharge to generate revenues to pay costs associated with these requirements, of not more than $500,000 in each of the first 2 fiscal years of the program, and in subsequent fiscal years, of not more than 25% in excess of the amount of fees received the previous fiscal year from registered motor vehicle owners

The bill would require the Department of Motor Vehicles, from January 1, 1990, to August 1, 1994, to collect a $1 registration fee on each motor vehicle registered in that portion of the county within the south coast district, if the board of supervisors adopts a resolution to impose the fee, and to distribute the net revenue to the south coast district

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for the clean-burning fuels program.

By imposing these requirements on the south coast district, the bill would impose a state-mandated local program

(2) Under the Warren-Alquist State Energy Resources Conservation and Development Act, the State Energy Resources Conservation and Development Commission publishes and submits to the Governor and Legislature every 2 years a report describing emerging trends in the use, availability, and pricing of fuels and related matters.

This bill would require the commission, in consultation with the Public Utilities Commission, the State Air Resources Board, and the districts, to include in the emerging trends report a description of the availability, cost, and air quality benefits of, the use of clean-burning fuels in both stationary and transportation applications and to compare new pollution control technologies with clean-burning fuels.

(3) Under existing law, the Public Utilities Commission approves all expenses of public utilities, including electrical corporations, pursuant to its establishment of rates for the furnishing of public utility commodities and services.

This bill would require the commission, in establishing rates for a public utility operating within a federally designated nonattainment area, to determine which expenses related to air pollution control requirements for using clean-burning fuels in the area are reasonable and necessary and to approve those expenses.

(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 1547 (SB 2325) Garamendi Prisoners

Existing provisions of law, which remain in effect until January 1, 1990, permit the board of supervisors of a county to authorize the sheriff to offer a program under which a person committed to a county correctional facility performs labor on public works or ways in lieu of confinement

This bill would eliminate the January 1, 1990, repeal of the program, and would also authorize the program to provide for labor on levees

This bill would incorporate additional amendments to Section 4024.2 of the Penal Code, contingent upon the prior enactment of AB 3997.

Ch. 1548 (SB 2386) Campbell Contractors.

Existing law requires that contracts entered into by public entities contain specified clauses

This bill would require any public works contract of any public entity to include an affidavit, as specified, affirming that the bidder has not participated in various collusive activities In its application to local public entities, 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. 1549 (SB 2462) Kopp Transportation funding: fare box recovery: transactions and use tax

(1) Under the Mills-Alquist-Deddeh Act, in order to be eligible for funds, an operator is required to maintain a specified ratio of fare revenues to operating cost.

This bill would permit an operator having insufficient fare revenues to meet the prescribed ratio to satisfy that requirement by supplementing its fare revenues with

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revenues derived from taxes imposed by the operator or by a county transportation commission.

(2) The Bay Area County Traffic and Transportation Funding Act authorizes the levy of a retail transactions and use tax for transportation purposes in any of the 9 San Francisco Bay area counties upon approval by voters of the county of a tax ordinance and a county transportation expenditure plan Under that act, proceeds of the tax may only be expended in the county of origin

This bill would provide that the tax proceeds generated in the County of San Mateo may be expended within and outside the county if so provided for in the adopted county transportation expenditure plan.

Ch. 1550 (SB 2510) Robbins Family law: child custody· mediation

(1) Existing law specifies procedures for, and standards concerning, awards of child custody.

This bill would make certain findings and declarations regarding child custody This bill also would make certain related changes

(2) Existing law contains various provisions relating to mediation of contested child visitation and custody matters in proceedings under the Family Law Act

This bill would make various changes to mediation provisions, including revising aspects of mediation procedures which relate to any agreement reached by parties as a result of the mediation and requiring the Judicial Council to adopt uniform standards of practice for mediation by January 1, 1990. This bill would also provide that mediation shall not be denied to the parties on the basis that paternity is an issue in a proceeding before the court

(3) Existing law contains various provisions relating to court orders for child custody and visitation under the Family Law Act.

This bill would provide that in making an order for custody a court shall use as a standard the best interests of the child, except as specified The bill would also provide that, if the court does not deem it inappropriate, an order for custody may specify that a parent shall notify the other parent if he or she plans to change the residence of the child for more than 30 days, unless there is prior written agreement to the removal, as specified

(4) Existing law provides that the Judicial Council shall administer a program for the training of court personnel involved in family law proceedings

This bill would provide that the training shall include, but not be limited to, the order of preference and meaning of child custody arrangements set forth in specified provisions of the Family Law Act

(5) This bill would incorporate additional changes in Section 4607 of the Civil Code, proposed by AB 2698, to be operative only if AB 2698 and this bill both are chaptered and become effective January 1, 1989, and this bill is chaptered last.

Ch 1551 (SB 2519) Rosenthal. Public Utilities Commission electromagnetic fields: risks study.

(1) Under existing law, the regulation of privately owned public utilities, including electrical corporations, is the responsibility of the Public Utilities Commission Existing law also provides for the furnishing of electricity by municipal corporations, municipal utility districts, and public utility districts, subject to the control of their governing bodies.

This bill would direct the commission, in cooperation with the State Department of Health Services, to conduct a study of any cancer and other medical risks which may be related to exposure to electromagnetic fields produced by electrical utility facilities, including specified matters, and to report thereon to the Legislature on or before March 15, 1989

(2) The bill would require the commission and the department to jointly conduct high-priority research projects, as specified, and to coordinate their research efforts with those of federal, state, academic, and industry research projects, and to secure funding from those sources where feasible The bill would also require the commission and the department to submit a status report of their research, as specified, on or before December 1, 1990

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(3) The bill would direct the commission to calculate a fee on every electrical corporation and publicly owned electrical utility in the state with operating revenues over $25,000,000 per year, in the proportion that each utility's distribution of electricity bears to the total distribution of electricity in the state, so that the total of the fees so calculated does not exceed $2,000,000. The bill would direct the commission to collect these fees from electrical corporations and the State Energy Resources Conservation and Development Commission to collect these fees from publicly owned electrical utilities. The bill would direct that all fees so collected be deposited in the State Department of Health Services Electromagnetic Fields Study Fund, which the bill would create. The bill would continuously appropriate, until June 30, 1992, the money in the fund to the department for purposes of its expenses and the Public Utilities Commission's expenses under the bill.

Since, under other provisions, a violation of these requirements by an electrical corporation would be a crime, the bill would impose a state-mandated local program. By imposing these requirements on publicly owned public utilities, the bill would also 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 specified reasons

Ch. 1552 (SB 2558) Davis Peace officers.

Under existing law, specified persons are peace officers while engaged in the performance of their duties, as specified Among those persons specified are certain investigators of the Office of the Secretary of State whose duties are the enforcement of the laws relating to notaries public.

This bill would include investigators of the Office of the Secretary of State whose duties are the enforcement of the elections laws within the above-described category of peace officers.

This bill would incorporate the substantial changes to Section 830.3 of the Penal Code proposed by SB 2272 and SB 1027 to become operative only if any one or more of those bills are chaptered and this bill is chaptered last.

The bill would state that the changes affected by the bill with respect to certain investigators of the Office of the Secretary of State shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties, and that there shall be no change in the status of individuals for purpose of retirement, workers' compensation, or similar injury or death benefits, or other employees benefits

Ch. 1553 (AB 3134) Harris. Driving offenses.

(1) 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 for one year, as specified.

This bill would authorize the court to require either a one-year program or a 30-month program, as specified, as a condition for the restrictive license provisions to be available to the offender.

(2) Under existing law, any 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 is subject to punishment by fines, imprisonment, and sanctions on the driving privilege, with more severe punishment if other specified convictions have occurred within 7 years or if bodily injury results to another. A person with 3 separate convictions without bodily injury to another is punishable by,

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among other things, imprisonment in the county jail for not less than 180 days nor more than one year. The offense is a misdemeanor

This bill would make that offense, alternatively, a felony punishable by, among other things, imprisonment in the state prison for 16 months, 2 years, or 3 years

Ch 1554 (AB 953) Zeltner Grandparent Phonefriend Pilot Projects Program [23]

Various child care programs are established by existing law, but there is no program to provide telephone information or support, or both, to unsupervised children

This bill would establish the Grandparent Phonefriend Pilot Projects Program, as specified, to provide telephone help lines for unsupervised children in kindergarten through grade 6 The lines would be staffed by volunteers aged 60 or over, for the purpose of providing information or support, or both, to the children This bill would require the Department of Aging to establish the projects in specified counties, with 2 in Los Angeles County and one each in Alameda, Butte, Marin, and Riverside Counties and to select a coordinator to work with existing phonefriend projects to assist new programs through the developmental stages. The programs would be conducted by public or private agencies providing services to persons aged 60 or over, which would be selected by the department in accordance with certain requirements

The bill would require the department to provide one-time only loans of up to $15,000 for specified costs of entities conducting projects, and would require that loan payments, plus interest as specified, be deposited in the General Fund

This bill would require that the department report to the Legislature prior to January 1, 1992, as specified The bill would provide that a project terminates if the entity does not obtain private sector funding within 180 days of the commencement of the project

This bill would require the coordinator of the Department of Aging to arrange with local entities for fingerprinting volunteer older citizens before these volunteers can begin training on the Phonefriend lines.

The bill would appropriate $75,000 for expenditure by the department pursuant to its provisions, with $10,000 allocated for the operation and administrative costs of the program. This bill would require that unused portions of this appropriation revert to the General Fund, as specified

Ch. 1555 (AB 2892) Vasconcellos AIDS

(1) Existing law creates the AIDS Vaccine Guarantee Purchase Fund, which is administered by the State Department of Health Services, the moneys in which may be used, upon appropriation by the Legislature, to purchase vaccines from manufacturers selling or distributing in California AIDS vaccine approved by the federal Food and Drug Administration (FDA)

Existing law specifies that the state commits itself to purchasing, at the end of 3 years after the FDA has approved the marketing on a competitive basis, at not more than $20 per dosage, the difference between 500,000 units and the actual amount sold, delivered, administered, or dispensed by all companies throughout the United States, provided that less than 750,000 units are sold, delivered, or dispensed.

This bill would instead reduce the amount of units sold, delivered, or dispensed to less than 500,000 units.

Existing law, except under specified circumstances, makes a manufacturer of an FDA-approved AIDS vaccine that is sold, delivered, administered, or dispensed in California, liable for all damages proximately or legally caused by the vaccine

This bill would repeal this provision

Existing law appropriates $6,050,000 to the State Department of Health Services in order to subsidize any clinical trials approved by the FDA for an AIDS vaccine

This bill would specifically permit these funds to be allocated to 3 manufacturers or sites.

This bill would make other technical conforming changes in these provisions

(2) Existing law provides for the Medi-Cal program, under which qualified low-income persons receive specified types of health services

This bill would include among the services offered under the Medi-Cal program home and community-based services approved by the United States Department of Health

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and Human Services for beneficiaries with a diagnosis of acquired immune deficiency syndrome (AIDS) or AIDS related conditions (ARC), who require an intermediate care facility or a higher level of care

The bill would authorize the Director of Health Services, to the extent approval for services not provided under the Medi-Cal program is provided from the federal government, to contract with organizations qualified to provide directly or pursuant to subcontracts, these home and community-based services. These contracts would not be subject to the Public Contract Code.

The bill would also specify that regulations implementing this provision would not be subject to the Administrative Procedure Act

The bill would also require agencies within the Health and Welfare Agency to waive regulations and general policies, and make resources available when necessary for the provision of home and community-based services to eligible persons with a diagnosis of AIDS or ARC, to the extent that federal financial participation is available.

Ch 1556 (AB 4023) Filante Animals: crimes.

Existing law provides that, except as otherwise provided, every person who commits certain acts generally related to the infliction of needless suffering or abuse on any animal, as specified, is guilty of a misdemeanor for every such offense.

This bill would revise those penalties, as specified.

This bill would incorporate further changes in Section 597 of the Penal Code, as made by Chapter 127 of the Statutes of 1988, and changes as proposed, in substantial part, by AB 2863 and SB 2136, contingent upon the prior chaptering of those bills.

Ch. 1557 (AB 3319) Duplissea. Firefighters death benefits

Existing law entitles each dependent of a peace officer or law enforcement officer of state or local agencies, who is killed or disabled in the performance of his or her duty, to a college scholarship, as specified

This bill would specify the maximums for these entitlements depending upon whether the dependent attends a 4-year college or university or a community college and would provide this entitlement to a dependent of any firefighter, as defined, and would require that this scholarship be paid out of funds annually appropriated in the Budget Act to the Student Aid Commission By including local agencies in these provisions, 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 1558 (AB 4440) Cortese Supercomputer center

Existing law provides that the Department of Commerce is the primary state agency responsible for promoting economic development and for providing service to visitors to this state and to businesspersons active in international trade. The work of the department is required to be divided into offices of economic research, local development, business development, tourism, small business, and marketing and communication, and the California Film Commission.

This bill would declare the intent of the Legislature to establish in the state an additional supercomputer center in coordination with the Technology Center of Silicon Valley and the San Diego Supercomputer Center It would state the intent of the Legislature to provide an investment package to the center annually for the 1989–90, 1990–91, and 1991–92 fiscal years. It would transfer and appropriate $2,000,000 annually from the California Unitary Fund to the Supercomputer Center Account, which the bill would create in the General Fund, for each of the 1989–90, 1990–91, and 1991–92 fiscal

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years

The bill would appropriate $25,000 to the Department of Commerce for purposes of contracting for a study regarding the supercomputer needs of the state and the new supercomputer center. This appropriation would be contingent upon the receipt of $45,000 in private sector matching funds by the department

Ch. 1559 (SB 2584) Ellis. Property taxation: exemption computer equipment

Existing constitutional and statutory law provides for various exemptions from property taxation for real and personal property.

Existing constitutional law permits the Legislature, by a ⅔ vote of the membership, to exempt or classify for differential property taxation personal property.

This bill would exempt from property taxation personal property consisting of qualified computer equipment, as defined

This bill would make legislative findings and declarations regarding the unique facts involved with respect to the particular computer equipment granted the 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 provide that the property tax exemption granted by this bill would be applicable to property taxes levied for the 1988–89 fiscal year and fiscal years thereafter

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

Ch. 1560 (AB 4686) Isenberg. Electrical utilities decommissioning of nuclear facilities· employees

(1) Under the existing Nuclear Facility Decommissioning Act of 1985, every privately owned electrical public utility owning, in whole or part, or operating a nuclear facility is required to establish a fund meeting certain requirements for decommissioning costs for nuclear facilities, and the Public Utilities Commission is required to include reasonable decommissioning costs in establishing rates.

This bill would, in addition, require a publicly owned public utility owning or operating nuclear facilities to establish a similar fund, would permit such a public utility to manage its fund, and would direct it to recover the amounts of payments into the fund through electric rates

The bill would also require every electrical utility involved in decommissioning, closure, or removal of nuclear facilities under these provisions to include a program to provide assistance in finding comparable alternative employment opportunities for employees unemployed as a result of the decommissioning, closure, or removal

The bill would also make additional related technical revisions

By imposing these requirements on a publicly owned electrical utility, 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 1561 (SB 2181) Campbell Bonds land use regulation

(1) The existing State General Obligation Bond Law provides a procedure by which the Treasurer may be authorized and directed to sell bonds which have been issued pursuant to the law The bill would require the Treasurer to make specified reports to the Joint Legislative Budget Committee when general obligation bonds are sold

(2) Existing law concerning subdivision maps specifies various conditions which shall be met or which may be imposed by a city or county in approving a tentative or vesting tentative map

This bill would require the legislative body of a city or county which finds, based upon substantial evidence in the record that any project for which a tentative map or a vesting tentative map has been approved will be affected by a previously enacted initiative measure to the extent that there is likely to be a default on land-secured bonds, as defined, issued to finance infrastructure on the project, the legislative body shall allow

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the portion of the project served by that infrastructure to proceed in a manner consistent with the approved tentative map or vesting tentative map However, the legislative body would be permitted to condition or deny a permit, approval, extension, or entitlement if it makes any of specified determinations.

Ch 1562 (AB 3520) Tanner Schools earthquake relief

Existing law requires that, of certain funds in the Disaster Response-Emergency Operations Account, $4,200,000 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 be allocated to the superintendent for allocation to school districts and county offices of education.

This bill would delete those requirements, including the federal matching provisions, and, instead, require that, in addition to other amounts appropriated, $10,200,000 of the funds in the Disaster Response-Emergency Operations Account referred to above be allocated to the superintendent for allocation to school districts and county offices of education

Existing law, contained in the Budget Act of 1988, appropriates $3,390,000 in augmentation of a designated appropriation for certain school programs.

This bill would make changes in that appropriation to conform to the purposes of this bill

Ch 1563 (AB 4625) La Follette. Rental housing

Existing state law requires owners of rental housing assisted under prescribed federal programs or the owner's agent to give at least 6 months' prescribed notice to tenants of the anticipated date of termination of a subsidy contract or mortgage prepayment.

This bill would make these notice requirements applicable to specified rental housing financed or otherwise assisted by the Department of Housing and Community Development, the California Housing Finance Agency, counties, cities, redevelopment agencies, and housing authorities.

Ch 1564 (AB 4567) Ferguson Redevelopment. allocations for housing

(1) Under existing law, redevelopment agencies are not specifically authorized to finance the necessary insurance premiums during the construction or rehabilitation of properties of governmental entities or nonprofit organizations

This bill would authorize redevelopment agencies to finance those premiums for rental housing, emergency shelters, transitional housing, and residential care facilities operated for defined lower income households by those governmental entities and nonprofit organizations.

(2) Existing law authorizes redevelopment agencies to exercise any or all of their powers to improve land or building sites with onsite or offsite improvements.

This bill would restrict that authority by allowing those agencies to exercise any or all of their powers to improve land or building sites with onsite or offsite improvements only if the improvements directly and specifically improve or permit the increase of the community's supply of low- or moderate-income housing

(3) Existing law, with certain exceptions, requires redevelopment agencies to deposit not less than 20% of so-called tax-increment revenues in the agency's Low and Moderate Income Housing Fund to assist low- and moderate-income housing

Under existing law, this assistance may include housing subsidies to defined very low income households, lower income households, and persons and families of low or moderate income

This bill would authorize an agency to provide those subsidies to the extent those households cannot obtain housing at an affordable housing cost on the open market and would define those subsidies to include costs or reduced income resulting from a below-market-rate sale or lease, grant, or donation of land to private for-profit and nonprofit organizations for the purpose of providing low- and moderate-income housing The bill would include preservation of the affordability of certain rental housing as a purpose for use of the Low and Moderate Income Housing Fund

(4) Under existing law, with certain exceptions, redevelopment agencies are re-

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quired to allocate at least 20% of so-called tax-increment revenues for increasing and improving the community's supply of low- and moderate-income housing.

This bill would credit and offset against an agency's obligations, any assistance provided by an agency to preserve the availability to lower income households of affordable housing units which are assisted or subsidized by public entities and which are threatened with imminent conversion to market rates.

(5) This bill would incorporate additional changes in Section 33334.2 of the Health and Safety Code, proposed by AB 3358, to be operative only if AB 3358 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last

Ch. 1565 (AB 4566) Polanco. Redevelopment agencies. housing obligations: housing authorities.

(1) Under existing law, redevelopment agencies, with certain exceptions, are required to deposit 20% of property tax revenues allocated for redevelopment in a Low and Moderate Income Housing Fund, to be used to increase and improve the community's supply of low- and moderate-income housing.

The bill would require redevelopment agencies with defined "excess surplus" in the Low and Moderate Income Housing Fund to report thereon and to report any plan to use moneys in its Low and Moderate Income Housing Fund, as specified The bill would require any redevelopment agency which fails to use the excess surplus within a prescribed period to transfer these moneys to a housing authority operating within the agency's jurisdiction or another public agency exercising housing development powers within the territorial jurisdiction of the agency for the uses specified by statute. For this purpose, county housing authorities would be authorized to operate within the jurisdiction of city redevelopment agencies in the county.

The additional duties imposed by the bill on redevelopment agencies and housing authorities would constitute a state-mandated local program.

(2) Under existing law, with certain exceptions, a county housing authority's area of operation is restricted to the unincorporated areas of the county and cities in the county in which the housing authority has not been activated

This bill would authorize a county housing authority to exercise its power in a city pursuant to a contract with the city's redevelopment agency funded from its Low and Moderate Income Housing Fund for the purpose of increasing or improving the city's supply of low- and moderate-income housing.

(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. 1566 (AB 3482) Filante. Senior Citizens' Shared Housing Program.

(1) Under existing law, the Department of Housing and Community Development may make grants under the Senior Citizens' Shared Housing Program to assist nonprofit corporations and local public entities to establish or continue programs that assist seniors in finding other seniors and nonseniors with whom to share existing housing units. Grants under this program to nonprofit corporations may be used only for staff and operation costs.

This bill would expand the program to authorize these grants for programs which establish and implement the operation of shared group residences, as defined, for seniors. The bill would also authorize grant funds allocated to nonprofit corporations to be used for the reasonable and necessary costs incurred in the establishment of those shared group residences.

(2) Under existing law, special provisions are applicable to deferred payment loans made for housing rehabilitation that are funded through the Housing Rehabilitation

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Loan Fund with the proceeds of state bonds issued pursuant to the California Earthquake and Housing Rehabilitation Bond Act of 1988. Existing law requires the department to adopt regulations and implement the programs subject to these special provisions within 9 months from March 14, 1988, the effective date of Chapter 30 of the Statutes of 1988

This bill would expressly make the funding priorities for these programs in the existing law applicable to rental housing only and would add new priorities for ranking applications for deferred payment loans for owner-occupied housing The bill would require the department to evaluate the capability to implement the proposed program of each applicant for a loan for owner-occupied housing under these programs. The bill would expressly permit sponsors receiving these deferred payment loans for rental housing to set income limits lower than the statutory maximums if previously approved by the department in writing The bill would require the department to adopt emergency regulations to implement these loan programs The bill would authorize the department to make these regulations applicable to other specified programs funded through the Housing Rehabilitation Loan Fund, notwithstanding conflicting statutory provisions, until January 1, 1990

The bill would extend the date for adoption of regulations and implementation of the above bond-funded loan programs until March 7, 1989

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

Ch 1567 (SB 2799) Davis State Housing Law. enforcement

Existing law requires that buildings in this state meet standards prescribed by law and in this connection specifies certain substandard building conditions Existing law further provides that if any building violates these requirements or if a nuisance exists in the building, the enforcement agency may institute an action or proceeding to prevent, restrain, correct, or abate the violation or nuisance

This bill would authorize an enforcement agency, if any building is maintained in a manner which violates the provisions of the State Housing Law regulating buildings used for human habitation and rules and regulations promulgated pursuant thereto, to issue an order or notice to repair, and if the owner, as defined, does not correct the conditions, authorize the enforcement agency, in addition to any other remedies provided by law, to (1) seek the imposition of specified penalties, or (2) an agreement that in lieu of the agency processing a violation the owner will not claim a reduction of certain state taxes with respect to the structure.

The bill would define the term owner to include any public entity that owns residential real property

The bill would require, if the court finds that the building is in a condition which substantially endangers the health and safety of residents, that the court order the owner, as defined, to pay all reasonable and actual costs of the enforcement agency, and would prohibit the owner from evicting or retaliating against the tenant because of the initiation of a proceeding or entry of a judgment pursuant to provisions of existing law. The bill would require the court to require the local enforcement agency to provide tenants with a specified notice and would thereby impose a state-mandated local program Since any person who is found in contempt of such a court order for a 2nd or subsequent time within a 5-year period for violation at the same property is guilty of a misdemeanor, the bill would impose an additional 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 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.

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Ch. 1568 (AB 2595) Sher. Air pollution districts.

(1) Under existing law, every air pollution control district and air quality management district is required to adopt and enforce regulations to achieve and maintain the state ambient air quality standards for the area under its jurisdiction, to enforce applicable state law, and to endeavor to achieve and maintain federal ambient air quality standards.

This bill would require the State Air Resources Board to establish criteria for designating an air basin attainment or nonattainment for any state ambient air quality standard, as specified, to identify air basins which have attained or have not attained state standards, and to identify, as unclassified, all those air basins for which data is insufficient, to complete a study on or before December 31, 1989, and at least every 5 years thereafter, on the feasibility of employing air quality models and other analytical techniques to distinguish between emission control measures on the basis of their air quality impact, and to transmit the results of the study to every district for use in developing plans for attaining and maintaining state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, and nitrogen dioxide, as required below The bill would require the state board to identify and assess the incidence of the transport of air pollutants between districts and to supply this information to heavily impacted districts

The bill would require the state board to report to the Legislature, by January 1, 1991, on the prospects for achieving state ambient air quality standards for suspended particulate matter, visibility reducing particles, lead, hydrogen sulfide, and sulfates, including specified information for each pollutant and each air basin.

The bill would authorize the state board, beginning July 1, 1989, to require districts to impose additional permit fees on nonvehicular sources authorized by district permit to emit 500 tons or more per year of a nonattainment pollutant or its precursors, and require the districts to transmit these fees, after deducting the administrative costs of collecting the fees, to the Controller for deposit in the Air Pollution Control Fund The total of these fees, exclusive of the administrative costs, would be limited to $3,000,000 in any fiscal year The bill would require the state board to report to the Legislature, by January 1, 1993, on the amounts of fees collected and the purposes for which they were expended. The bill would make these provisions inoperative on July 1, 1997, and would repeal them on January 1, 1998.

The bill would require the districts, with respect to the attainment of state ambient air quality standards, to adopt and implement regulations to reduce emissions from indirect and areawide sources and to encourage or require ridesharing, vanpooling, flexible work hours, or other measures to reduce vehicle usage. The bill would require districts to adopt and enforce transportation control measures, as specified, and would permit them to enter into an agreement with a council of governments or a regional agency to jointly develop a plan for transportation control measures or to delegate this function to any local agency which prepares and submits to the district an implementation plan and meets additional conditions, as specified

The bill would require the state board, the Business, Transportation and Housing Agency, and the Department of the California Highway Patrol to jointly establish a technical advisory group, composed as specified, to develop model guidelines and procedures for traffic control measures by districts affecting heavy-duty trucks, and would require every district, except the south coast district, to consider these guidelines prior to adopting traffic control measures for heavy-duty trucks

The bill would require each district which has been designated a nonattainment area for state ambient air quality standards for ozone, carbon monoxide, sulfur dioxide, or nitrogen dioxide to prepare and submit to the state board a plan for attaining and maintaining state standards for these pollutants by December 31, 1990, or, in the case of a district which receives or contributes to transported air pollutants, by June 30, 1991 The bill would specify what the plan is to contain and schedules for achieving emissions reductions. The bill would require review and approval of the plans by the state board and would require the districts to submit annual and triennial progress reports thereon The bill would permit a district to impose a surcharge for these purposes on emission sources regulated by the district

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The bill would require the state board to prepare and submit to the Governor and Legislature an annual report on sources of funding for districts with annual budgets exceeding $1,000,000, including specified matters. The bill would make this provision inoperative on July 1, 1997, and would repeal it on January 1, 1998.

The bill would require the state board, by January 1, 1992, to adopt regulations to achieve the maximum technologically and commercially feasible reduction in reactive organic compounds emitted by specified categories of consumer products, if the state board determines that adequate data exists for it to adopt the regulations. The bill would prohibit a district from adopting any regulation relating to a consumer product different than a regulation of the state board, until January 1, 1994

(2) Under existing law, the provisions relating to the South Coast Air Quality Management District are known as the Lewis Air Quality Management Act.

This bill would designate these provisions as the Lewis-Presley Air Quality Management Act.

The bill would also permit the south coast district to assess fees on areawide or indirect sources of emissions, other than wildland vegetative management burning and emergency incident training, as specified, which are regulated by the south coast district but for which permits are not issued, and would make additional technical, nonsubstantive changes.

(3) Under existing law, the south coast district may adopt rules and regulations to limit the operation of motor vehicles in the south coast district during air pollution emergency periods pursuant to the air pollution emergency plan of the state board. The state board is required to adopt emissions standards for motor vehicles.

This bill would permit the state board to adopt and implement motor vehicle in-use performance standards and motor vehicle fuel specifications The bill would permit the state board to adopt standards and regulations for light-duty and heavy-duty motor vehicles; medium-duty motor vehicles, as determined by the state board; motorcycles; off-highway vehicles; construction equipment; farm equipment; utility engines; locomotives, and marine vessels. The bill would require the state board to consider specified technological effects of emission control standards for farm equipment, and to adopt no standard or regulation affecting locomotives until a specified study is completed and submitted to the Governor and Legislature.

The bill would require the state board, by January 1, 1992, to take whatever actions are necessary to achieve, with respect to vehicles and other mobile sources, a 55% reduction in emissions of organic gases, a 15% reduction in emissions of oxides of nitrogen, and the maximum feasible reductions in particulates, carbon monoxide, and toxic air contaminants. The bill would specify what the standards and regulations of the state board are to include and would require the state board to adopt a schedule of workshops and hearings to ensure attainment

The bill would authorize the state board to adopt a schedule of annual fees for the certification of motor vehicles and engines, not to exceed $4,500,000 plus any increase in the California Consumer Price Index, as specified, per year, and would direct the deposit of these fees in the Air Pollution Control Fund.

(4) Existing law requires districts to establish a system for the issuance of permits and variances and the charging of fees therefor to ensure that every permitted article, machine, equipment, and contrivance does not prevent or interfere with the attainment of applicable air quality standards and will comply with applicable state board and district rules and regulations.

This bill would require a district to review every permit for compliance with existing district rules and regulations before renewal The bill would permit a district to issue a temporary permit to operate for evaluation of compliance with the conditions specified in the authority to construct.

The bill would provide for hearings by the district hearing board, upon request by a person involved in the matter, to determine whether any permit was properly issued, and for appeal of the issuance of a permit by the hearing board to the state board for its reconsideration under specified conditions

The bill would prohibit a district from imposing any fee exceeding actual administra-

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tive costs for regulatory activities or permits for prescribed burning operations on state responsibility lands conducted under a Department of Forestry and Fire Protection permit, burning of vegetation or disposal of slash following timber operations under State Board of Forestry regulations, or wildland vegetation management burns

The bill would revise the authority of district boards to impose fees for permits and variances by permitting the adoption of fees to be assessed on areawide or indirect sources of emissions which are regulated, but for which permits are not issued, by the district, and by permitting the adoption of fees to cover the costs incurred by hearing boards in hearing appeals from district decisions on the issuance of permits The bill would permit the hearing board to waive all or a part of these fees if it determines that circumstances warrant a waiver The bill would impose additional conditions on the hearing board's authority to grant variances

(5) Existing law imposes both civil and criminal penalties for violations of these provisions.

This bill would also authorize a district to adopt rules and regulations imposing administrative civil penalties not exceeding $500 for each violation.

(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.

By imposing these requirements on districts, the bill would impose a state-mandated local program

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

Ch 1569 (AB 3971) Cortese. Bay Area Air Quality Management District and Metropolitan Transportation Commission. transportation control regulations

(1) Under existing law, air pollution control districts and air quality management districts, including the Bay Area Air Quality Management District, are required to adopt rules and regulations pursuant to laws relating to the control of air pollution Under existing law, the Metropolitan Transportation Commission provides comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma

This bill would, notwithstanding any other provision of law, require the bay district to adopt, implement, and enforce transportation control measures for the attainment of air quality standards, thereby imposing a state-mandated local program

The bay district would be required to establish a plan for transportation control measures, as defined, in accordance with a specified procedure The bill would authorize the bay district to delegate its authority with respect to transportation control measures to local agencies under specified conditions.

(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 1570 (SB 2154) Petris California Housing Trust Fund.

(1) Existing law which creates and specifies the purposes for the California Housing Trust Fund will be repealed January 1, 1989

This bill would extend this law indefinitely and require deposit in the fund of any fees, repayments, or reimbursements received by the department on account of a loan or grant made or to be made with moneys derived from the fund, unless expressly required by other laws to be placed in the fund or account from which the loan or grant was made The bill would require the Department of Housing and Community Development,

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when utilizing moneys appropriated from the California Housing Trust Fund, to give priority to projects that cannot be financed from bond proceeds, or that complement capital expenditures from bond proceeds.

(2) Under existing law, the State Lands Commission is required, with certain exceptions, to allocate tidelands revenues, moneys, and remittances to specified obligations in specified order, including $20,000,000 annually to the California Housing Trust Fund However, the requirement for allocation to the California Housing Trust Fund is repealed January 1, 1989.

This bill would extend that allocation for fiscal year 1989–90.

(3) The bill would incorporate additional changes in Section 6817 of the Public Resources Code proposed by AB 3223 to be operative only if both bills are enacted and become effective on or before January 1, 1989, each bill amends Section 6817, and this bill is enacted last

These changes would become operative on the operative date of AB 3223

Ch 1571 (SB 2827) L Greene. Zoning for manufactured homes.

Under existing law, counties and cities are prohibited from precluding installation of federally certified mobilehomes on a foundation system. Existing law prohibits counties and cities from excluding these mobilehomes on foundations from lots zoned for single-family dwellings, except that a county or city is authorized to restrict these mobilehomes to designated lots determined to be compatible with mobilehome use. Existing law precludes counties and cities from applying development standards that totally preclude installation of mobilehomes as permanent residences

This bill would recast these provisions of existing law and change existing references to mobilehomes to instead refer to manufactured homes. The bill would delete the above provisions authorizing counties and cities to restrict the lots available for manufactured homes on permanent foundations and would prohibit counties and cities from applying any development standards that would preclude the installation of manufactured homes as permanent residences This bill would also authorize cities and counties to impose specified architectural requirements on manufactured homes even if similar requirements are not imposed on conventional single-family residential dwellings and would authorize cities and counties to exclude from zones affected by this bill manufactured homes that were constructed more than 10 years before the date of application for the installation permit

This bill would also authorize legislative bodies to exempt certain places, buildings, structures, or other objects having a special character or special historical interest or value from the provisions relating to installation of manufactured homes

Ch 1572 (SB 2741) Kopp Manufactured homes. planning and development regulation.

Existing law places various restrictions upon the authority of a city, county, or city and county to engage in land use planning.

This bill would prohibit a city, including a charter city, a county, or a city and county from subjecting an application to locate or install a manufactured home on a lot zoned for a single-family residential dwelling to any administrative permit, planning or other development process or requirement, which is not identical to the process or requirement which would be imposed on a conventional single-family residential dwelling on the same lot

This bill would allow a city, including a charter city, county, or city and county to require the application to comply with its specified architectural requirements even if those requirements are not imposed on conventional single-family residential dwellings.

Ch 1573 (AB 2788) Harris Taxpayers' Bill of Rights

Under existing law, state taxes are generally administered by the State Board of Equalization and the Franchise Tax Board

This bill would enact the Katz-Harris Taxpayers' Bill of Rights Act to govern the assessment, audit, and collection of state taxes administered by the Franchise Tax Board

The bill would take effect only if AB 2833 is chaptered and takes effect.

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Ch. 1574 (AB 2833) Katz. Taxpayers' Bill of Rights

Under existing law, taxes imposed under the California Sales and Use Tax Law are administered by the State Board of Equalization, and taxes imposed under the Personal Income Tax Law and the Bank and Corporation Tax Law are administered by the Franchise Tax Board.

This bill would enact the Harris-Katz Taxpayers' Bill of Rights to govern the assessment, audit, and collection of those taxes administered by the State Board of Equalization.

The bill would provide that it shall take effect only if AB 2788 is chaptered and takes effect

Ch. 1575 (AB 3483) Filante. Sexual assaults: examination and treatment.

(1) Existing law requires the Office of Criminal Justice Planning, with the assistance of an advisory committee established by the office, to develop a protocol and informational guidelines for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom. It specifies certain standards for the examination and the collection and preservation of evidence It requires all general acute care hospitals, whether public or private, either to comply with these standards and the protocol and guidelines or to adopt a protocol referring victims of these crimes to a hospital that so complies. Existing law also requires the Office of Criminal Justice Planning, in cooperation with the State Department of Health Services and the Department of Justice, to adopt a standard form for the recordation of medical data disclosed by examination of a victim of sexual assault or an attempted sexual assault, including child molestation, as specified.

This bill would revise these provisions, with regard to personnel conducting the examination, to include "qualified health care professionals," as defined, which would mean, in addition to a physician and surgeon as currently referenced, nurses who are currently licensed, as specified, and who are working in consultation with a physician and surgeon.

Violation of these provisions of the bill would constitute a misdemeanor under an existing provision, thereby imposing a state-mandated local program

(2) The bill also would provide that failure to comply with these standards, protocol, or guidelines, or to use the form provided by the office, does not constitute grounds to exclude evidence, and would prohibit a court from instructing or commenting that less weight be given to the evidence in this situation.

(3) The bill would make various related and technical changes.

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

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

Ch 1576 (SB 949) Seymour Education school finance staff training: identification of teen high-risk behavior

Existing law authorizes school districts to participate in specified pupil motivation and maintenance and dropout recovery programs

This bill would authorize school districts that are currently funded and operating those programs, to apply for funding, on behalf of interested schools, to provide staff training in identification of risk-taking behavior in teens, as specified, to certificated personnel and would authorize those school districts to provide this training to classified personnel.

This bill would require that the Superintendent of Public Instruction, with funds appropriated for the purposes of this act, develop application criteria, as specified, and grant funds to each approved school, as specified.

These provisions would become inoperative on June 30, 1990, and would be repealed on January 1, 1991

Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenues less property tax revenues

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This bill would require the county superintendent of schools to reduce the total revenue limit computed for school districts and county offices of education by the amount of the decreased employer contributions to the Public Employees' Retirement System resulting from the enactment of certain provisions of law, as specified.

Existing law, contained in the Budget Act of 1988, makes an appropriation to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to school districts and county offices of education for the purposes of educational programs funded in the 1987–88 fiscal year, as specified.

This bill would require that specified amounts appropriated in the Budget Act of 1988 be available for various educational purposes To the extent that an existing appropriation, which is contained in the Budget Act of 1988, would be authorized to be expended for new purposes, this bill would make an appropriation.

Ch. 1577 (SB 1019) Watson Parent and child

Existing law, the Uniform Parentage Act, specifies procedures for the judicial establishment of the parent and child relationship, and authorizes a judgment or order entered pursuant thereto to contain an order for the support of a child with regard to whom a parent-child relationship is established Existing law also authorizes a court to order either or both parents to pay an amount necessary for the support, maintenance, and education of their child in other proceedings in which the support of a minor child is at issue.

This bill would also authorize courts, in the above specified proceedings, to require one parent to pay the other parent a reasonable amount for the costs of the support of a child born on or after January 1, 1989, for the shortest of the following periods prior to the filing of the action (1) 3 years, (2) the date of the mailing of the birth certificate to the father by the State Registrar or the mailing of written notification, as specified, by the custodial parent, or (3) the date of separation of the parties until the date of the filing of the action However, under specified circumstances, a court shall not award child support if the father did not receive either a copy of the birth certificate from the State Registrar or a written notification from the custodial parent

This bill would also require the court in making its determination under the above-specified provision to consider the diligence on the part of the custodial parent in bringing the action for child support and the incomes and expenses of the parents for a specified period. The bill would provide that the support shall not be in an amount that reduces the parent's ability to provide support for any other children for whom support is owed and is actually being paid

Existing law provides for the registering of live births with local registrars on prescribed certificates and requires local registrars to send to the State Registrar the original certificate of birth The contents of the certificates include the name of the father as well as the residence address of the mother Certain portions of the contents of the certificate are confidential and can only be made available to specified persons, including the parent who signed the certificate.

This bill would provide that the State Registrar shall only mail a copy of the certificate to the father identified in the certificate, upon the request of the mother as specified. It would further specify that the confidential portions of the certificate can be made available to either the mother or the father identified in the certificate, rather than, as provided in existing law, the parent whose signature appears on the certificate

Since the bill requires the collection of additional information by local registrars, it would create a state-mandated local program

In addition, since failure to provide information or the provision of false information in connection with certificates of live birth is a misdemeanor, the bill would impose law enforcement duties upon local agencies, thereby constituting a state-mandated local program

This bill would also require the State Registrar and the State Department of Social Services to cooperatively develop and distribute an informational notice advising mothers of newborn children of certain rights, as specified. It would also require health facilities, as defined, which provide care and treatment relating to pregnancy to distrib-

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ute this notice to pregnant women, 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 for certain costs no reimbursement is required by this act for specified reasons

However, the bill would declare 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 1578 (SB 1092) Campbell. Public works contracts.

Existing law regulates the use of subcontractors on contracts for the construction of any public work or improvement Existing law provides that with the exclusion of that portion of work covering street lighting and traffic signals, these provisions do not apply to the balance of contracts for construction, improvement, or repair of streets or highways, including bridges

The bill would delete the latter provisions excluding various contracts. Since this deletion would broaden the scope of the existing law regulating the use of subcontractors, it would increase a local public agency's duties in administering that law The bill would thereby impose a state-mandated local program.

Existing law generally requires any public officer or agency taking bids for the construction of any public work to provide in the specifications that any person making a bid or offer shall set forth in the bid or offer the name and the location of the place of business of each subcontractor who will perform work for the prime contractor in an amount in excess of 0.5% of the prime contractor's total bid.

This bill would change this amount to 0.5% of the prime contractor's total bid or $10,000, whichever is greater, in the case of bids or offers for construction of streets or highways, including bridges.

The California Constitution requires 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. 1579 (SB 1913) Presley. AIDS testing: prisoners

Existing law, with specified exceptions, prohibits testing a person's blood for exposure to the probable causative agent of AIDS, known as human immunodeficiency virus (HIV), without the consent of the person.

Existing law also, with specified exceptions, prohibits the disclosure of AIDS antibody test results.

This bill would set forth procedures, to which those prohibitions do not apply, under which HIV testing could be required of an inmate, as defined, of a correctional institution as defined, a person arrested or taken into custody, whether or not the person is currently in a correctional institution, or a parolee or probationer

The bill would require a law enforcement employee, as defined, to report any instance in which he or she comes into contact with the bodily fluids, as defined, of such a person, to the chief medical officer, as defined, who would make a determination, based primarily upon medical reasons, as to whether HIV testing will be required for the subject of the report. In addition, a request could be made by an inmate of a correctional institution for HIV antibody testing of another inmate if he or she comes into contact with the bodily fluids of the other inmate, with the chief medical officer making the determina-

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tion as to whether testing will be required.

The bill would permit, whenever testing is required under this procedure, the subject being required to be tested, the person filing the report or request which initiated the proceedings, or the chief medical officer, to ask for an appeal of the decision to a 3-person panel, to be composed, as specified

The bill also contains procedures under which one or more inmates may be tested without an initial report or request having been filed, as provided for above.

The bill would also permit the chief medical officer to require HIV testing, in the absence of an inmate request or a law enforcement agency employee report, if he or she finds that the subject has clinical symptoms of AIDS or AIDS-related conditions, with testing required pursuant to this provision not being appealable to a 3-member panel.

The bill would permit panel decisions, or chief medical officer decisions for which an appeal to a panel is not permitted, to be appealed to the superior court by specified persons.

The bill would make the chief medical officer responsible for providing personal counseling, as defined, to any person required to be tested and to law enforcement employees and inmates filing reports or requests for testing, respectively It would also specify procedures to be followed when testing is performed.

The bill would provide that when testing is required under the bill of a person who has been released from custody, but whose case has not been disposed of, or who has been convicted, but is sentenced to probation, a fine, or some other sentence not entailing confinement in a correctional institution, failure to submit to the required testing may be grounds for revocation of the release, probation or other sentence, whichever is applicable. It would also provide that any refusal by a parolee or probationer to submit to followup testing required under the bill of an inmate may be a violation of the person's parole or probation.

This bill would require that notification be made to a parole or probation officer when one of the persons under his or her charge is diagnosed as having AIDS or AIDS-related conditions, or has tested positive for exposure to HIV. It would require the parole or probation officer to notify county health authorities of this information and permit him or her to notify the subject's spouse of this information.

The bill would also require the parole or probation officer, whenever he or she knows that a parolee or probationer has AIDS or AIDS-related condition, to notify local law enforcement officers who are assisting him or her in apprehending or taking into custody the parolee or probationer. It would require local law enforcement officers to keep this information confidential, making willful use or disclosure of this information and willful or negligent disclosure by parole or probation officers, a misdemeanor.

The bill would require supervisory and medical personnel in correctional institutions to notify law enforcement employees, when those employees are coming into close contact with an inmate or a person charged with a crime who is diagnosed as having AIDS or AIDS-related conditions, or who has tested positive for HIV infection, or with that person's bodily fluids. It would also require law enforcement employees to be provided with the latest medical information regarding precautions to be taken under these circumstances and with protective clothing and other necessary protective devices.

The bill would place various duties upon the State Department of Health Services, the Department of Corrections, and the Department of the Youth Authority, in order to implement the bill.

The bill would also impose various duties upon county health officers and law enforcement agencies, thereby constituting a state-mandated local program.

This bill would recommend that every city and county correctional, custodial, and law enforcement agency to which the bill applies develop and implement an AIDS and HIV education and prevention program, as specified

The bill would impose reporting requirements upon specified state agencies

The bill would also make the commission of specified acts a misdemeanor, thus imposing additional duties on local law enforcement agencies, and thereby creating a state-mandated local program

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The bill would require that, except as otherwise provided, any regulations or guidelines required to be adopted by a state agency be adopted as emergency regulations within 3 months from the effective date of the bill. It would also require, except as otherwise provided, state and local agencies to implement their responsibilities under the bill within 2 months from the date upon which the emergency regulations are adopted by the State Department of Health Services.

This bill would deem any regulation adopted pursuant to this authority as necessary for the immediate preservation of the public peace, health and safety or general welfare, and would provide that no additional agency findings to that effect shall be required.

The bill would require that if any of its provisions or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the bill which can be given effect without the invalid provision or application.

The California Constitution requires 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.

The provisions of the bill would remain operative only until July 1, 1991, and as of January 1, 1992, would be repealed.

The bill would permit, whenever, prior to July 1, 1991, a law enforcement agency employee has filed a report pursuant to specified provisions of the bill, or a request of HIV testing has been filed under the bill, or any other procedure for requiring a test has been commenced pursuant to the bill, the proceedings to continue on or after July 1, 1991, and until they have been concluded.

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

Ch. 1580 (AB 4585) Polanco. Crimes: child abuse.

Existing law, the Child Abuse and Neglect Reporting Act, requires specified persons, including health practitioners, as defined, who have knowledge of, or who observe a child in their professional capacities or within the scope of their employment whom they know or reasonably suspect has been the victim of, child abuse, to report the case to a child protective agency by telephone, as specified, and to prepare and send a written report thereof, as specified.

Existing law provides that any person who is required to report instances of child abuse which he or she knows to exist or reasonably should know to exist, as required under the act, and who fails to make the report is guilty of a misdemeanor

This bill would include medical examiners and any other persons who perform autopsies to the list of persons included within the definition of "health practitioner," and would require a child protective agency to be notified and a report to be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if the suspected child abuse was discovered during an autopsy. This bill would impose a state-mandated local program by expanding the scope of an existing crime through the inclusion of additional persons who are required to report instances of known or suspected child abuse

Existing law provides that reports of instances of known or suspected child abuse which must be reported shall be confidential and may only be disclosed to specified persons and agencies.

This bill would authorize the reports of child abuse and the information contained therein to be reported to coroners and medical examiners when they are conducting a postmortem examination of a child.

This bill also would authorize counties to establish interagency child death teams and

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autopsy protocol.

In addition, the bill would require the Attorney General, subject to available funding, to work with the California Consortium of Child Abuse Councils to develop a protocol for the development and implementation of interagency child death teams, for use by counties, as specified. The bill also would appropriate $35,000 to the Department of Justice for this purpose for expenditure from January 1, 1989, through June 30, 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.

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

Ch. 1581 (SB 2847) Hart AIDS.

Existing law contains various provisions relating to consent to, and the disclosure of results of, testing for antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS).

This bill would define, for purposes of the Health and Safety Code, the terms AIDS, human immunodeficiency virus or HIV, and HIV test.

This bill would amend these existing provisions to refer to an HIV test, rather than a test to detect antibodies to the probable causative agent to AIDS, except in the case of certain provisions relating to insurance.

Existing law prohibits disclosure of AIDS antibody test results without written authorization of the test subject, except under specified circumstances.

This bill would permit disclosure of HIV test information, including results obtained in connection with testing offered at the time that a marriage license is sought, to the test subject's provider of health care, as defined, without written authorization.

Existing law, with specified exceptions, requires the written consent of the test subject, or a person legally authorized to consent on his or her behalf, in order to test the subject for evidence of the antibodies to the probable causative agent of the AIDS virus.

This bill would instead require that informed consent be given to satisfy the consent requirement for an HIV test

Existing law requires each blood bank and plasma center, as defined, to test for the probable causative agent for acquired immune deficiency syndrome, except as specified.

This bill would instead require conducting of an HIV test by a blood bank or plasma center.

Existing law also requires blood banks and plasma centers, after a confirmation test, to report information to the State Department of Health Services to be included in a Donor Deferral Register, as specified

Existing law requires, as soon as practicable following diagnosis, a physician to report to the department and the county health officer the name, date of birth, address, and social security number of all carriers of viral hepatitis under his or her treatment, the type of viral hepatitis contracted if known, and any additional information required by the department and to report immediately all transfusion-associated hepatitis and transfusion-associated AIDS cases to the county health officer for investigation.

Existing law also requires, as soon as practicable following hospitalization, a hospital to report to the department and to the county health officer the name, date of birth, address, and social security number of all confirmed cases of AIDS carriers, as determined by a person responsible for the care and treatment of a person with AIDS, and all carriers of viral hepatitis hospitalized for treatment of viral hepatitis or AIDS, the name of the hospital, the date of hospitalization, the type of viral hepatitis contracted if known, and any additional information required by the department and to report immediately all transfusion-associated hepatitis and all confirmed transfusion-associated AIDS cases, as determined by a person responsible for the care and treatment of a person with AIDS, to the county health officer for investigation.

This bill would permit the State Department of Health Services or a county health officer to disclose to a blood bank or plasma center any of the above-mentioned information, but solely for the purpose of assisting the blood bank or plasma center to determine whether a recipient of blood donated prior to implementation of AIDS antibody blood

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test procedures may have been infected with the AIDS virus.

Existing law permits the State Department of Health Services to replace the test for the antibody to the probable causative agent for AIDS with a superior antibody test, as the department deems appropriate

This bill would repeal this provision.

Ch 1582 (AB 3255) Jones. AIDS testing.

(1) Existing law, with certain exceptions, prescribes specified criminal and civil sanctions for the disclosure of the result of a blood test to detect antibodies to the probable causative agent of AIDS (human immunodeficiency virus (HIV)) in an identifying manner One of the exceptions, under existing law, to these provisions is a disclosure by a person permitted to consent to the test on behalf of a test subject not competent to give consent, or pursuant to a written authorization by the subject or other persons permitted to give consent to a person responsible for the care and treatment of the person subject to the test. Existing law requires the written authorization for each separate disclosure of the test results and requires it to include to whom the disclosure would be made

Existing law, with certain exceptions, provides that no person shall be compelled, as specified, to identify any individual who is the subject of a blood test to detect HIV antibodies.

This bill would notwithstanding the above-described provisions, permit disclosure of the results of a blood test to detect HIV antibodies to certain persons without written consent, including the test subject, the subject's legal representative, or any other person authorized to consent to the performance of the test, a subject's provider of health care and certain other agents or employees of a subject's provider of health care, as specified

(2) Existing law, with certain exceptions, prohibits the testing of a person's blood for evidence of HIV antibodies without the written consent of the subject of the test or 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.

This bill would require that, when consent is being obtained by a physician and surgeon from the test subject, or from any person permitted to give consent on behalf of the test subject, the consent must be informed consent.

(3) This bill would provide that when the results of the blood test to detect HIV antibodies are included in the medical record of the patient who is subject to the test, the inclusion is not a disclosure, for purposes of the law prescribing certain criminal and civil sanctions for disclosure of the test

Ch 1583 (AB 582) Harris. Vehicles vehicle dealers

(1) Existing law defines the terms "new vehicle" and "used vehicle" for purposes of Vehicle Code provisions.

This bill would redefine those terms. The bill also would make a statement of legislative intent.

(2) Under existing law, it is unlawful for a licensed vehicle dealer to advertise or offer for sale any vehicle not actually for sale on the dealer's premises or available to the dealer from the manufacturer or distributor, as specified.

This bill would require a statement of availability in any advertisement or offer for sale of a previously unregistered vehicle, as specified, and would make it unlawful to sell a previously unregistered vehicle without a specified written warranty disclosure.

(3) Under existing law, it is also unlawful for a licensed vehicle dealer to advertise any new vehicle except mobilehomes, recreational vehicles, commercial coaches, off-highway vehicles, and commercial vehicles, of a line-make for which the dealer does not hold a franchise, unless the dealer discloses that the dealer is not franchised to sell the vehicle and will receive a commission or compensation for the sale

This bill would delete the disclosure exception. The bill also would specify that a previously unregistered vehicle is to be considered new for the purposes of financing only A violation of these provisions would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime.

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

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

Ch. 1584 (AB 4020) Sher. Vehicles: sales. advertising.

(1) Existing law proscribes certain acts by a vehicle dealer licensed under the Vehicle Code

This bill would proscribe specified additional acts relative to advertisements for the sale of vehicles, and would require specified information to be disclosed in those advertisements. The bill would also make related changes respecting supplemental price stickers.

A violation of those provisions would be an infraction, thus, 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) This bill would incorporate additional changes in Section 11713.1 of the Vehicle Code, proposed by AB 582, to be operative only if AB 582 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

Ch 1585 (AB 2189) M. Waters Hazardous materials: business plans.

(1) Existing law requires the State Fire Marshal to prepare and adopt building standards, pursuant to a specified procedure concerning approval by the State Building Standards Commission, establishing minimum standards for fire prevention, as specified.

This bill would require the State Fire Marshal to prepare and adopt building standards, pursuant to this procedure, establishing minimum requirements for the storage and handling of acutely hazardous materials, as defined, and would specify that this provision does not prohibit a local agency from adopting stricter or more stringent requirements.

(2) Existing law requires any business handling specified amounts of hazardous materials to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material. Existing law does not include public agencies within the definition of business These businesses are also required to submit an annual inventory of hazardous materials handled by the business to the administering agency, as specified. A business is required to report a release or threatened release of a hazardous material to the administering agency and to the Office of Emergency Services. An administering agency is authorized to impose fees upon businesses to pay for the costs incurred in administering these provisions

Existing federal law, the Emergency Planning and Community Right to Know Act of 1986, requires certain facilities to provide notification of releases of specified substances and to prepare emergency and hazardous chemical inventory forms

This bill would specify that, notwithstanding the definition of business, the term also includes any agency, department, office, board, commission, or bureau of state government, and the federal government, to the extent authorized by federal law, and would require these public agencies to be in compliance with these requirements by January 1, 1990, except as specified The bill would require specified state educational institutions to comply with certain standards and orders adopted by the Occupational Safety and Health Standards Board until January 1, 1992 The bill would require any business subject to the federal act to establish and implement a business plan and would require the inventory form to include all the information required under the federal act, except as specified and would deem such a business not to be in violation of these provisions until the occurrence of the next reporting period, as specified. The bill would require a business, which is required to submit a specified followup notice of a release under the federal act, to submit the notice on forms approved by the Office of Emergency Services

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The bill would require the Office of Emergency Services and each administering agency to adopt reporting requirements consistent with the state and federal statutes

The bill would deem any person who has filed an inventory form under state law to have filed the inventory form required by the federal act The bill would impose a state-mandated local program by requiring the administering agency to provide the information collected pursuant to these provisions to the state emergency response commission and the local emergency planning committee established pursuant to the federal act.

The bill would provide immunity to a public entity for liability for any damages or injury resulting from an inadequate or negligent review of a business plan. The bill would additionally require any employee, authorized representative, agent, or designee of a business which handles hazardous material to submit notification of a release or threatened release of a hazardous material, thereby imposing a state-mandated local program by creating a new crime.

The bill would authorize the governing body of the administering agency to provide for a waiver of fees when a public entity submits a business plan.

The bill would also make conforming changes.

(3) The bill would require the Office of Emergency Services to report to the Legislature, on or before July 1, 1989, on the implementation of the law regarding those plans.

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

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

Ch 1586 (AB 2706) Katz. Commercial vehicles. safety inspections

(1) Under existing law, the Department of Motor Vehicles is required to provide, upon request and payment of a fee, to the employer or prospective employer of the driver of a vehicle requiring a specified certificate, a report showing the driver's public record as recorded by the department. The report includes information regarding subsequent convictions, failures to appear, accidents, and driver's license suspensions or revocations, and is available while the request remains valid and uncanceled.

This bill would, on and after July 1, 1989, require the employer or prospective employer of a driver who drives a vehicle requiring a class 1 or class 2 driver's license to request participation in the department's notification process, and would require that employer to notify the department to cancel the request upon the termination of the driver's employment The bill would, on and after January 1, 1990, require the Public Utilities Commission to periodically submit specified information to the department, and, based on that information, require the department to notify the commission when it suspends the driving privilege of an owner-operator, as defined The bill would require the commission to suspend the operating authority of that person upon receiving the notice, except as specified The bill would make it a misdemeanor to employ as a driver of a vehicle requiring a class 1 or class 2 driver's license, any person against whom a disqualifying action has been taken regarding his or her driving privilege, or to require a vehicle to operate on an excessive speed schedule. Thus, the bill would impose a state-mandated local program by creating new crimes.

(2) Under existing law, the Department of the California Highway Patrol is required to provide, by regulation, a preventive maintenance inspection guide for operators of tour buses and other specified vehicles.

On and after July 1, 1989, this bill would require those regulations to also apply to operators of specified motor trucks and other vehicles, and would require the operators to pay a fee, as specified, to offset the cost of the inspections conducted by the Department of the California Highway Patrol.

(3) Under existing law, a class 1 or class 2 licensed driver is treated differently than other licensed drivers with regard to a presumption of negligence arising from cumulative driving violations over specified time intervals, but the department is authorized to give due consideration to the amount of vehicle use or mileage traveled by those other drivers.

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This bill would treat all licensed drivers the same with regard to any presumption of negligence determined on the basis of violation point counts, and would require that the department give due consideration to the vehicle use or mileage traveled, as specified, only if the driver requests and appears at a hearing conducted by the department. The bill would also, if the driver requests and appears at a hearing, require the department to allow a higher point count over specified time periods, except as specified, and the department would be required to value the point count for certain violations by class 1 and class 2 drivers at a higher rate than otherwise required, as specified.

(4) Under existing law, tour bus operators are required to perform specified safety inspections, and to maintain records of the inspections and of repairs performed.

On and after July 1, 1989, this bill would require operators of specified motor trucks and other vehicles to meet the same safety inspection requirements currently imposed on tour bus operators The bill would make any failure to submit a timely application for an inspection, as specified, punishable as a misdemeanor, and after January 1, 1992, would also make driving a vehicle without the required inspection, as specified, punishable as a misdemeanor. Since violations of these requirements would be a crime, the bill would thereby impose a state-mandated local program

(5) The bill would become operative only if SB 2876 becomes operative.

(6) This bill would purport to incorporate additional changes in Section 12810.5 of the Vehicle Code, proposed by AB 3026, to become operative only if AB 3026 and this bill are both enacted and become effective on or before January 1, 1989, 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.

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

Ch. 1587 (AB 3192) Elder. Health insurance coverage: school employees.

Existing law does not provide for the continuance of health and dental coverage of a certificated or classified school employee where the employee has become disabled in the scope of employment

This bill would authorize a member of the State Teachers' Retirement System or a classified school employee member of the Public Employees' Retirement System, specifically including a school police officer, who is disabled as a result of an injury that is a direct consequence of a violent act perpetrated on his or her person while performing duties in the scope of employment and meets other specified criteria, to continue in the health care plan and dental care plan of the respective school district, community college district, or county superintendent of schools, by paying all of the employer's and employee's premiums and all of related administrative costs of the employer The resulting costs of this requirement would constitute a state-reimbursable, state-mandated local program cost

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

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

Ch. 1588 (AB 2831) La Follette. Solid waste recycling.

Existing law requires a county solid waste management plan revised on or after January 1, 1988, to include a plan which establishes a goal of recycling 20% of the solid waste generated in the county and which establishes actions the county will take to achieve the goal.

Existing law also requires an enforcement agency, as defined, to certify that a proposed solid waste facilities permit meets specified criteria, including consistency with standards set by the California Waste Management Board and with the county general plan

This bill would require a solid waste facilities permit, for a new landfill, to increase

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the permitted capacity of an existing landfill, for a new waste-to-energy facility, or to increase the capacity of an existing waste-to-energy facility to include a permit condition that precludes accepting any solid waste unless the county which is the source of the waste has adopted a recycling plan element, as specified The bill would make this requirement applicable to a county after the first required revision date after January 1, 1990, of the county waste management plan, as specified.

The bill would make conforming changes to those provisions to become operative if AB 3298 is enacted.

Ch. 1589 (AB 3205) M. Waters. Hazardous materials and emissions

(1) Existing law requires any business that handles a hazardous material to establish a business plan for emergency response to a release or threatened release of the material and may be required to prepare a risk management and prevention program.

This bill would prohibit a city or county, after January 1, 1989, from issuing a final certificate of occupancy unless these requirements are met. The bill would also prohibit a city or county, after July 1, 1989, from permitting a facility to be constructed within 1,000 feet of a school without first requiring a risk management and prevention plan and additional information, as specified.

(2) Existing law authorizes the boards of directors of fire protection districts to issue written orders to correct or eliminate a fire or life hazard, and to issue citations, as specified.

This bill would grant similar authority to the fire chief of a city, a city and county, or a county fire department

(3) Existing law requires every business, except as specified, which handles specified amounts of an acutely hazardous material to file an acutely hazardous materials registration form with the administering agency and, if the agency determines there is an accident risk, to submit a risk management and prevention program, and provides civil penalties for violations.

This bill would permit review of the program by the air pollution control district or air quality management district as well as by the agency, would increase the applicable civil penalties, and would impose criminal penalties on any person who violates these provisions, thereby imposing a state-mandated local program by creating a new crime.

(4) Existing law allows an air pollution control district or air quality management district to establish and enforce a system whereby a permit is required for any article, machine, equipment, or contrivance which may emit air contaminants

This bill would require a specified public notice and review by the district air pollution control officer of any comments received after distribution of the notice before approving an application for a permit to construct or alter a source within 1,000 feet of a school, hospital, or long-term care facility which may emit these emissions. The bill would, if the officer determines there is a reasonably foreseeable threat of a release of an air contaminant within 1,000 feet of a school, require the officer to notify the administering agency, as defined, and the fire department within 24 hours. The bill would specify the actions the officer and the administering agency could take in response to the release or threatened release. The bill would authorize a district to issue an order of abatement in this regard By imposing these requirements on districts, the bill would impose a state-mandated local program.

(5) Existing law generally requires all state agencies and 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. In other cases, a negative declaration is required.

This bill would prohibit the approval of an environmental impact report or a negative declaration for a school construction project unless the lead agency has consulted with the city or county to identify potential nearby facilities that might emit hazardous air emissions, and the school district has made specified findings. The bill would prohibit construction of a facility within ¼ mile of a school unless the school district is notified and consulted, as specified.

By imposing additional requirements on local agencies, the bill would impose a state-mandated local program.

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(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 specified reasons.

Ch. 1590 (AB 3212) Jones. Community colleges. residence

Existing law authorizes the governing board of a community college district to admit and charge a tuition fee to nonresident students. Existing law authorizes the governing board to provide exemptions for all or parts of the fee to specified nonresidents

Existing law also provides that the computation for average daily attendance include only state residents, except for students participating in specified adult classes, including classes in English and citizenship for foreigners.

This bill would establish a 2-year pilot program in Fresno County that would prohibit, until June 30, 1991, a community college district from imposing a nonresident tuition fee on any participant in the Fresno County Greater Avenues for Independence (GAIN) Program if (1) the student GAIN participant has exhausted all efforts to obtain federal financial assistance, and (2) the courses into which the student GAIN participant enrolls is related to the educational plan of the participant.

This bill would expressly provide, until June 30, 1991, that the computation for average daily attendance shall include nonresident students who participate in the pilot program.

This bill would specify that the fee exemption authorized, until June 30, 1991, for GAIN participants by this bill can only be implemented if the local community college district reaches agreement with the local GAIN county committee in Fresno County to provide the exemption.

Ch. 1591 (AB 3842) Farr. Property taxation: welfare exemption.

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. One of these requirements provides that the property be used for the actual operation of the exempt activity.

This bill would provide that for the purposes of determining whether the property is used for the actual operation of the exempt activity, consideration shall not be given to use of the property for either or both of the following described activities if that use is occasional: (1) the owner conducts fundraising activities, as defined, on the property and the proceeds derived from those activities are not unrelated business taxable income of the owner, as defined, and are used to further the exempt activity of the owner; or (2) the owner permits other exempt organizations, as specified, to conduct fundraising activities, as defined, on the property and the proceeds derived from those activities are not unrelated business taxable income of the owner or the organization, as defined, and are used to further the exempt activity of the organization. This bill would preclude the application of these provisions in determining eligibility for the welfare exemption unless the owner of the property and any other organization using the property for fundraising activities have filed with the assessor: (1) copies of valid unrevoked letters or rulings from the Internal Revenue Service stating that the owner and the other organization qualify as exempt organizations under specified provisions of the Internal Revenue Code; and (2) duplicate copies of their most recently filed federal income tax returns.

This bill would provide that property used exclusively for housing and related facilities for employees of religious, charitable, scientific, or hospital organizations meeting specified requirements and owned and operated by friends, foundations, or corporations meeting specified requirements is exempt from taxation under the welfare exemption if the residential use of the property is institutionally necessary for the operation of the organization.

This bill would provide a legislative finding and declaration that the provisions of this bill are declaratory of existing law.

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This bill would provide that specified requirements of Section 2229 of the Revenue and Taxation Code shall not apply, no appropriation is made by the bill, and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this bill

Ch. 1592 (AB 4012) Costa. *Mobilehomes: notice of impending action.*

Existing law makes no provision requiring the management of a mobilehome park to be notified of the pendency of a legal action against the park

This bill would provide that no action based upon the management's alleged failure to maintain the physical improvements in the common facilities in good working order or condition or alleged reduction of service may be commenced by a homeowner unless the management has been given at least 30 days' prior notice of the intention to commence the action, as specified

Ch. 1593 (AB 4109) Zeltner. Education: administrator/teacher ratios.

Existing law requires the Superintendent of Public Instruction to determine for each current fiscal year for each school district in the state the total number of administrative employees and teachers for purposes of specified staffing ratios, except those serving in positions supported by categorical grants and in programs requiring specific teacher-administrator ratios, or those serving in positions completely supported by federal funds Existing law provides that no individual may be counted as more than one full-time equivalent employee.

This bill would require that instructional preparation time be counted as part of the teacher full-time equivalent, including, but not limited to, mentor teacher or department chairperson time. The bill also would provide that an individual may be counted as more than one full-time equivalent if he or she is employed on a part-time basis in adult education, driver education, or vocational education, or any part-time or additional teaching assignment, in addition to his or her regular full-time assignment.

Ch. 1594 (SB 1535) Keene. Death certificates.

Existing law establishes a $2 fee, in addition to all other fees imposed for death certificates, to be collected by the State Registrar or appropriate county official. Moneys collected from this fee are required to be sent to the State Registrar of Vital Statistics for deposit in the State Vital Record Improvement Project Fund to be used as specified. These provisions would remain in effect only until January 1, 1989

This bill would authorize creation of a Vital and Health Statistics Trust Fund by the local public official charged with the collection of the $2 fee. It would require $1 of each $2 fee to be deposited with the State Registrar in the State Vital Record Improvement Project Fund and the remaining $1 to be deposited into the collecting agency's Vital and Health Statistics Trust Fund, if the local public official has established that fund or, if he or she has not, would require the entire $2 fee to be forwarded to the State Registrar of Vital Statistics, who would be required to deposit the fees into the Vital Record Improvement Project Fund This bill would thereby impose a state-mandated local program.

This bill would also provide that moneys in each county's Vital and Health Statistics Trust Fund shall be available to the appropriate county official to implement provisions relating to death certificate information, as specified

These provisions would remain in effect until January 1, 1991, and as of that date would be repealed unless a later enacted statute chaptered prior to January 1, 1991, deletes or extends that 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 specified reasons.

Ch. 1595 (SB 2229) Marks. Guide dogs for the blind, signal dogs, and service dogs.

Existing law provides for the regulation and licensing of persons engaged in training

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and selling of guide dogs for the blind by the State Board of Guide Dogs for the Blind.

This bill would require the board to conduct a study, as specified, to recommend expansion of jurisdiction of the board to include signal dogs for the deaf and hearing impaired and service dogs for the physically disabled and other appropriately trainable animals and to rename the board.

The bill would require the board to complete the study and report to the Legislature on or before June 30, 1990.

Existing law authorizes trainers of guide dogs to take dogs for the purpose of training them to places of public access, including housing accommodations, transportation, and other places of public accommodation, and are not required to pay an extra charge for those dogs in those places

This bill would extend this right to the trainers of signal dogs for the deaf and service dogs for the physically disabled

Under existing law, zoos or wild animal parks are not required to allow guide dogs to accompany blind persons, as specified. However, the zoo or wild animal park which does not permit those dogs is required by existing law to provide adequate kennel facilities for the dogs and to provide free transportation to the blind persons, as specified.

This bill would extend these provisions to signal dogs of deaf persons and service dogs of physically disabled persons. The bill would also include within the definition of wild animal park any marine, mammal, or aquatic park open to the general public.

This bill would incorporate additional changes in Section 54.1 of the Civil Code, proposed by AB 3795, to be operative only if AB 3795 and this bill are both chaptered and become effective January 1, 1988, and this bill is chaptered last.

Ch. 1596 (SB 2876) Seymour Vehicles: terminal inspections fees.

Existing law authorizes the Department of the California Highway Patrol to conduct safety inspections of specified trucks in maintenance facilities or terminals.

This bill would require the department, beginning with the 1990–91 fiscal year, and upon appropriation of funds by the Legislature, to conduct additional roadside vehicle safety inspections, as specified The bill would declare the Legislature's intent that funding for those inspections is to be made from the Motor Vehicle Account in the State Transportation Fund, to the extent that sufficient funds are collected for that purpose

This bill would provide that it is to become operative only if AB 2706 of the 1987–88 Regular Session becomes operative and imposes a fee for terminal safety inspections

Ch. 1597 (SB 1007) Doolittle. Sex offenses: AIDS· testing. [24]

(1) Existing law prohibits as a misdemeanor offense the solicitation or engaging in any act of prostitution

This bill would provide that whenever any person is charged with committing the above offense and that person has been previously convicted one or more times of that offense or of certain other sex offenses, and in connection with one or more of those convictions has tested positive to the blood test for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS) and has been informed of the test results, the previous conviction and the positive blood test shall be charged in the accusatory pleading. The bill would further provide that if the previous conviction and informed test results are found to be true, the person shall be guilty of a felony, rather than a misdemeanor.

(2) Existing law prohibits the testing of a person's blood for evidence of antibodies to AIDS without the written consent of the subject of the test. Existing law also provides for a civil penalty, as specified, for any person who discloses the results of a blood test to detect AIDS without written authorization from the subject of the test

This bill would provide that notwithstanding the above provisions, the court shall order every person convicted of certain listed sex offenses to submit to a blood test for evidence of antibodies to the probable causative agent of AIDS. The bill would require that the results of the test be made known to the person tested. It would require the results of the blood test to be submitted by the clerk of the court to the Department of Justice which would be required to make the test results available to the defense attorney upon request, and to a prosecuting attorney only as specified. To the extent that the

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bill would require the clerk of the court to submit the results of the test to the Department of Justice, it would increase the duties of the clerk, thus creating a state-mandated local program

This bill would further provide that notwithstanding the above provisions, a court, before which a person convicted for the first time for soliciting or engaging in an act of prostitution appears, shall, before sentencing or as a condition of probation, order the defendant to complete a course concerning AIDS, selected by the county health officer, as specified, and shall, before sentencing, order the defendant to submit to testing for AIDS according to procedures established by the county probation officer The bill also would require the court to refer a defendant, when appropriate, to a program under the Greater Avenues for Independence Act of 1985 or a drug diversion program, or both programs Upon a second or subsequent offense, the court also would be required to order the test for AIDS The bill further would direct the court to provide the defendant with the written report of the AIDS test, as specified Moreover, the State Department of Health Services, which, among others, would receive a copy of the test results, would also be required to make the test results available to the district attorney upon request.

The bill would create a state-mandated local program by imposing new duties on county probation and health officers and court personnel

(3) Existing law prescribes various penalties for the commission of sex crimes.

This bill would provide that any person who violates one or more of specified sex crimes with knowledge that he or she has acquired immune deficiency syndrome (AIDS) or carries antibodies to the human immunodeficiency virus at the time of the commission of those offenses, shall receive a 3-year enhancement of each such violation in addition to the sentence provided under those sections Furthermore, for the purpose of proving this knowledge, the prosecuting attorney may use specified test results received pursuant to (2) above

The bill also would require county health officers to establish and administer a counseling program, as specified, for victims of specified sex offenses who submit to a blood test to detect antibodies to the probable causative agent of AIDS, thus creating a state-mandated local program

This bill would provide that the above provisions shall not become operative, as specified, unless: (1) the appropriation provided in this bill also becomes effective, or (2) funding is provided in the Budget Act of 1989 for the purposes of this bill, in which case those provisions would become operative on January 1, 1990

The California Constitution requires 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 appropriate $2,000,000 to the State Mandates Claims Fund to reimburse local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act. The bill also would include a declaration stating that it is the intent of the Legislature in implementing this act, that federal funds shall be used, to the maximum extent feasible, to administer its provisions

Ch. 1598 (AB 1201) Cortese. Insurance mammography.

Existing law, on and after January 1, 1988, imposes a requirement upon group health care service plans, group policies of disability insurance, self-insured employee welfare benefit plans, and nonprofit hospital service contracts to provide mammography coverage, as specified, as part of existing mastectomy, prosthetic, and reconstructive coverage.

This bill would, on and after January 1, 1989, specify that the requirement applies to individual health care service plans, individual policies of disability insurance, self-insured employee welfare benefit plans, and individual or group nonprofit hospital service plan contracts The bill would also provide that these provisions shall not be construed to require that coverage under an individual or a group health care service plan contract or under an individual or group policy of disability insurance, self-insured employee welfare benefit plan, or individual or group nonprofit hospital service plan be extended to any other procedures

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Ch 1599 (AB 1315) Polanco. Redevelopment property acquisition.

Under existing law, a redevelopment agency may acquire property in a redevelopment survey area or for purposes of redevelopment.

This bill would expressly authorize a redevelopment agency in exercising this authority to repurchase developed property previously owned by the agency.

The bill would also authorize, without limitation upon authority the agency may have under other provisions of law, the redevelopment agency of the City of Los Angeles, commencing January 1, 1989, to conduct a prescribed claims settlement program with respect to claims against the agency arising out of geologic instability in its Monterey Hills Redevelopment Project Area. The bill would authorize the agency to allocate up to $10,000,000 of specified funds each year during the 1988–89 and 1989–90 fiscal years for this purpose. The bill would require unencumbered funds in the program on January 1, 1990, to be used for prescribed repairs. The bill would authorize the agency to loan moneys from other projects and sources, as specified, for this purpose.

The bill would impose a state-mandated local program by requiring the redevelopment agency to submit a prescribed report on its finances to the Legislature by January 1, 1989. The bill would require the Auditor General to audit the redevelopment agency's funds to determine means for compliance with the bill if the Chairman of the Assembly Committee on Housing and Community Development determines that the redevelopment agency has not fully complied with this reporting requirement.

The California Constitution requires 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. 1600 (AB 1732) Isenberg. Pharmacy.

Existing law provides that the Division of Licensing of the Board of Medical Quality Assurance shall consider specified continuing education course requirements for physicians and surgeons involved in certain types of care.

This bill would provide that the division shall encourage every physician and surgeon to take a course in pharmacology and pharmaceuticals as part of his or her continuing education.

Existing law provides that provisions of law regulating the practice of pharmacy do not prohibit the dispensing of drugs or dangerous devices by a physician and surgeon or podiatrist if specified conditions are met.

This bill would specifically prohibit a person authorized to prescribe or write a prescription, with the exception of specified clinics, veterinarians, programs, and certain prescribers, from dispensing drugs or dangerous devices to patients in his or her office or place of practice unless those specified conditions are met.

The bill would require any prescriber dispensing drugs to offer to give the patient a written prescription which he or she may elect to have filled by the prescriber or by any pharmacy and a written disclosure to this effect If would also require a prescriber to store drugs in a secure area and would require the Board of Medical Quality Assurance to define the term "secure."

The bill would also require the Board of Pharmacy to promptly forward all complaints, related to drugs or dangerous devices dispensed under these provisions, to the Board of Medical Quality Assurance, and would require that board to handle those complaints involving serious bodily injury as a case of greatest potential harm to a patient.

The bill would require the Board of Medical Quality Assurance to report to the Legislature, as specified, on all complaints filed on or after August 1, 1988, involving serious bodily harm due to drugs or dangerous devices dispensed by a prescriber pursuant to these provisions, and to jointly make a report with the Board of Pharmacy to the

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Legislature on these complaints on or before January 1, 1991, as specified

This bill would impose a state-mandated local program by revising the scope of 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. 1601 (AB 3753) Johnston. School finance.[25]

Existing law contains a revenue limit adjustment for the 1981–82 fiscal year and each fiscal year thereafter for specified school districts with fewer than 2,501 units of average daily attendance

This bill would revise the formula for the calculation of that adjustment for the 1988–89 fiscal year.

Existing law requires the Superintendent of Public Instruction to allocate urban impact aid and other state aid known as Meade aid to unified and other school districts, as specified.

This bill would revise the formula for these allocations. The bill would repeal the allocation formulas on June 30, 1991.

Existing law contains provisions appropriating various amounts in certain fiscal years for various educational programs, including, but not limited to, specified bilingual education programs, economic impact aid, urban impact aid, and other state aid known as Meade aid

This bill would repeal those provisions

This bill would state the legislative intent to make changes in state apportionments to school districts in the 1988–89 fiscal year and would require the Superintendent of Public Instruction to adjust allowance and disbursements for that fiscal year

Under existing law, as set forth in certain federal statutes and administrative regulations, public and private schools in this state are required to identify asbestos-containing materials in their school buildings and to take appropriate actions to control release of asbestos fibers Federal law directs that those schools conduct inspections and development management plans for this purpose, as specified, and further requires that states designate lead agencies for this purpose and adopt plans for the accreditation of inspectors, management planners, and asbestos abatement contractors and supervisors.

This bill would adopt the model accreditation plan developed by the federal Environmental Protection Agency as the contractor accreditation plan of this state

The bill would appropriate $5,000,000 to the State Allocation Board for apportionment to the San Francisco Unified School District for the purposes of a loan to assist the district with asbestos abatement projects in its schools, to be disbursed and repaid, as specified

Ch. 1602 (AB 1504) Hauser Commercial fishing.

(1) Existing law creates the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund into which revenue from fees, after deduction of specified costs, from commercial fishing salmon stamps is deposited Funds in the account are continuously appropriated to the department for new or expanded salmon restoration and enhancement programs.

This bill would prohibit the department from assessing more than 3 3% of the funds in the account for administrative overhead and would require interest derived from that account to be deposited into the fund, thereby making an appropriation

(2) Existing law prohibits any person who does not hold a commercial fishing license from being on board a vessel on which fish or amphibia are taken for commercial purposes while those fish are being taken or transported, or from bringing or causing to be brought ashore any fish or amphibia, for commercial purposes, as specified.

This bill would revise that prohibition to, instead, prohibit any person from causing to be brought ashore any fish or amphibia, for commercial purposes, or from contributing materially to the activities on board a commercial fishing vessel, unless the person holds a commercial fishing license A person not required to hold a license would be required to register his or her presence on board the vessel in a log, as specified A violation of

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these provisions would be a misdemeanor, and the bill would, thereby, impose a state-mandated local program

(3) Existing law requires persons over 14 years of age but under 18 years of age to be issued a commercial fishing license for half of the prescribed fee.

This bill would raise the minimum age required for a commercial fishing license to 16 years and would make related changes.

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

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

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

Ch. 1603 (AB 3686) Mojonnier. Home detention program.

Existing law authorizes the board of supervisors of any county to offer a voluntary public work program to county inmates in lieu of confinement in a county correctional facility. Existing law also authorizes the conduct of a 3-year, limited pilot project whereby a judge in a participating county may sentence a person convicted of a misdemeanor to home detention in lieu of sentencing the person to county jail

This bill makes various legislative findings relative to the need to provide electronic home detention programs and would authorize the board of supervisors of any county to allow the sheriff, probation officer, or other official in charge of county correctional facilities or work furlough programs, all to be known as the correctional administrator, to offer a program whereby minimum security inmates and low-risk offenders, as defined, committed to a county correctional facility and certain inmates participating in a work furlough program may voluntarily participate in a home detention program, involving monitoring or supervising devices, during their sentence in lieu of confinement in the county correctional facility. At the time of sentencing or at any time that the court deems it necessary, however, the court could restrict or deny a defendant's participation in the home detention program.

The bill would require each inmate participating in the program to give his or her written consent agreeing to comply with rules and regulations, including certain specified rules. The bill would provide that a person shall be eligible for participation in a home detention program only if the correctional administrator concludes that the person meets specified criteria for release The bill would further authorize the board of supervisors to prescribe a certain fee to be paid by each home detention participant according to the participant's ability to pay.

The bill would require the Board of Corrections to monitor home detention programs operated pursuant to this bill and to report to the Legislature on or before January 1, 1992, regarding its effectiveness

The bill would provide that its provisions shall remain operative only until January 1, 1993, and as of that date are repealed

Ch. 1604 (AB 4235) Isenberg Housing cities, counties, and redevelopment agencies.

(1) Under existing law, a city or county may dispose of surplus property for less than fair market value in order to provide low- and moderate-income housing meeting prescribed criteria.

This bill would authorize counties and cities to additionally acquire property, for this purpose. The bill would declare that this does not constitute a change in existing law The bill would revise the applicable criteria and requirements for housing assisted under these provisions

(2) Under existing law, redevelopment agencies are required to include prescribed data on their housing activities in their annual reports. These annual reports are the basis for a compilation and annual report required by existing law to be published by the Department of Housing and Community Development.

This bill would impose a state-mandated local program by requiring these redevelopment agency reports to contain additional prescribed information on the agency's hous-

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ing activities. The bill would require the department to send a copy of its compilation and annual report to redevelopment agencies.

(3) Under existing law, city and county legislative bodies were required by December 31, 1986, to establish specified limitations with respect to the use of tax-increment financing for redevelopment plans adopted before October 1, 1976.

This bill would specify that these limitations may not be applied in derogation of the redevelopment agency's obligations under existing law requiring allocation of specified tax-increment revenues for housing. The bill would impose a state-mandated local program by requiring a city or county to amend conflicting limitations to conform to this change. The bill would require the courts to sustain these limitations unless found to be arbitrary or capricious

(4) Under existing law, a redevelopment agency is required to replace low- and moderate-income housing destroyed or taken out of that housing market by redevelopment. Existing law requires that the redevelopment agency assure prescribed affordability of this replacement housing for not less than the period of land use controls established in the redevelopment plan or for a longer period as required by law

This bill would add to this duration requirement to require that the redevelopment agency ensure affordability for the longest feasible time.

(5) The bill would impose a state-mandated local program by requiring redevelopment agencies to monitor low- and moderate-income housing and report thereon, as prescribed. The bill would authorize redevelopment agencies to charge affected property owners for these costs and changes in other related reporting requirements specified in (2) above, and would require affected property owners and managers to provide necessary information

(6) Existing law specifies so-called validating actions as the method for judicially determining the validity of redevelopment plans, proceedings, and bonds.

This bill would specify that whenever, in a validating action, there is put in issue the validity of actions taken by the redevelopment agency under provisions requiring use of a portion of redevelopment tax-increment revenues to increase or improve the community's supply of low- and moderate-income housing, the party raising the issue shall serve the Director of Housing and Community Development with a copy of the party's complaint or answer within 10 days after its filing with the court. The bill would prohibit the court from providing any relief in the action until there is compliance with this requirement

(7) This bill would incorporate additional changes in Section 33334.3 of the Health and Safety Code, proposed by AB 3358, to be operative only if AB 3358 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

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

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

Ch. 1605 (SB 1795) Roberti Crime. weapons: replicas and imitation firearms

Existing law provides that every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor.

This bill, in addition, would provide the above misdemeanor offense to be punishable by imprisonment in the county jail for a term of not less than 30 days.

Existing law provides that every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not less than 3 months and not to exceed 6 months, or by both imprisonment and a fine not exceeding $500.

This bill, instead, would provide the above misdemeanor offenses to be punishable by imprisonment in the county jail for a term of not less than 3 months.

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Existing law provides that every person who draws or exhibits any firearm under the above circumstances and who knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties is guilty of a felony punishable by imprisonment in the county jail for a term of not less than 6 months and not to exceed one year, or in the state prison

This bill, instead, would provide that a person committing the above offense shall be guilty of a felony punishable by imprisonment in the county jail for a term of not less than 9, rather than 6, months, and not to exceed one year, or in the state prison.

Existing law makes 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.

This bill would provide that the misdemeanor offense would be punishable by imprisonment in the county jail for a term of not less than 30 days.

This bill further would provide that, except as provided, commencing January 1, 1989, every person who sells, manufactures, or distributes an imitation, as opposed to realistic replica of a, firearm, as defined, shall be liable for a civil penalty of not more than $10,000 for each such violation. The bill further would declare that it is the intent of the Legislature, in amending the above provisions governing imitation firearms, to occupy the whole field of the regulation of the manufacture, sale, or possession of imitation firearms, as defined, including regulations governing the manufacture, sale, or possession of BB guns and air rifles.

Existing law prohibits a person from selling any firearm to a minor between the ages of 16 and 18 without written consent of a parent or legal guardian.

This bill would delete that provision. It would also define a firearm, for specified purposes, to include any instrument which expels a metallic projectile, as specified.

Existing law also provides that every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet, or metal projectile, is guilty of a misdemeanor.

This bill would delete all but "firearm" from the above existing law, thereby applying the misdemeanor penalty to every person who sells to a minor any firearm

This bill would impose a state-mandated local program by increasing criminal penalties and by creating new public offenses.

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

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

Ch. 1606 (SB 2407) Alquist Property taxation: welfare exemption.

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. One of these requirements is that the property be used exclusively for the exempt purposes.

This bill would provide that if the property of an organization is granted an exemption under the welfare exemption, the property is deemed to be used exclusively for the organization's exempt purposes However, to the extent that unrelated business taxable income is derived from its use of the property, the property shall be entitled only to a partial exemption based on either of the following· (1) the relative amounts of exempt income and unrelated business taxable income, as defined by federal income tax laws and regulations, which is produced from activities of the organization in its use of the property, or (2) the relative amounts of time actually devoted to those exempt activities which produce no income and those activities which produce unrelated business taxable income or produce both unrelated business taxable income and exempt income

Existing property tax law provides for an exemption from property taxation for property used exclusively for public schools, community colleges, state colleges, and state universities and for property used exclusively for educational purposes by a nonprofit institution of higher education

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This bill would provide that without prejudice to the right to assert an exemption otherwise available, a property tax shall be imposed, in accordance with a specified formula, upon that portion of the bookstore property determined to be generating unrelated business taxable income, as defined, to the extent property is (1) owned by an educational institution of collegiate grade or used by a nonprofit corporation operating a student bookstore affiliated with such an educational institution and (2) is primarily devoted to bookstore use that produces income that is taxable as unrelated business taxable income

Since this bill would impose new and modified responsibilities on county assessors regarding the implementation of these exemption provisions, this bill would impose a state-mandated local program.

This bill would provide that its provisions are severable

The California Constitution requires 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 a specified reason

The Revenue and Taxation Code contains provisions relating to bills which would make a classification or exemption of property for purposes of ad valorem property taxation These provisions concern state mandate and cost reimbursement for those bills but are statutory and may be followed or treated differently in later legislation. This bill makes a property tax classification or exemption of that kind

The bill would provide that the statutory provisions shall not apply and no reimbursement shall be made

This bill would specify that its provisions would be applicable to property taxes levied for the 1989–90 fiscal year and fiscal years thereafter.

Ch. 1607 (SB 2591) Hart. Emergencies nuclear radiation

Existing law provides for state and local plans, including updates on these plans, to be developed concerning preparations for nuclear powerplant accidents Under these provisions, utilities operating 4 specified powerplants are assessed an amount determined under a specified formula to reimburse state and local entities for costs incurred in developing the plans referred to above

Existing law provides for the Nuclear Planning Assessment Special Account, which is available to the Controller upon appropriation by the Legislature, to pay local agencies for costs incurred under the provisions referred to above

This bill would enact the Radiation Protection Act of 1988, to carry out recommendations for revisions to these plans, as made by the Task Force on California Nuclear Emergency Response.

This bill would require the Controller to pay from the Nuclear Planning Assessment Special Account the state and local costs relative to carrying out the provisions of the bill upon certification thereof by the Office of Emergency Services.

The bill would require the State Department of Health Services to develop and to perform various functions in this respect, including the development of additional communication systems for quick dissemination of emergency response information in the event of a nuclear powerplant emergency, the development of executive order guidelines and guidelines for the development of special medical facilities for treating victims of nuclear powerplant emergencies, and the selection of facilities which would qualify as receiving centers.

Existing law provides that a public entity, public safety employee, or other specified public employees or officers, is not liable for an injury caused by any action taken by a public safety employee acting within the scope of employment to abate or attempt to abate hazards, including those involving radioactivity, reasonably believed to be an imminent peril to public health or safety caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner, as specified

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This bill would provide for the formation of emergency screening teams to provide services during nuclear powerplant accidents, and would include members of the teams and persons authorized by a public entity within these provisions.

The bill would be administered by the Governor's Office of Emergency Services The office would be required to allocate to eligible local agencies funds appropriated by the Legislature from the Nuclear Planning Assessment Special Account, for purposes specified in the bill The office would be required to serve as a coordinating agency between state and local agencies in various capacities for purposes of the bill, commencing January 1, 1990 The bill would require the office to report to any joint committee and Senate and Assembly policy committee with jurisdiction over emergency and disaster services on specified matters in conjunction with nuclear emergency response systems, including performance deficiencies, expenditures, and training programs.

Program review, as specified, also would be conducted under the bill by a Citizens Advisory Committee on Radiation Nuclear Planning, with designated membership. The advisory committee would be required, commencing January 1, 1990, to report annually to the director of the office and to the Legislature. The provisions of the bill concerning the advisory committee would be repealed under their own terms on December 31, 1991.

In addition, the bill would impose certain duties upon state and local law enforcement agencies, the Department of Transportation, local agencies sharing responsibility for emergency planning, and public or private utilities, in conjunction with statewide implementation of radiation emergency response. These duties would include a requirement that local emergency agencies appoint a chairperson to serve as a discussion leader and decisionmaking facilitator during any radiation accident involving more than one jurisdiction. This requirement would impose a state-mandated local program.

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 of $500,000 annually for state costs, to be shared equally among utilities, and the lesser of the actual costs of $100,000 per reactor unit annually for local costs. Existing law further requires 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 specified activities of the department.

This bill would authorize the expenditure of these funds in the Nuclear Planning Assessment Special Account, upon appropriation by the Legislature, for purposes of the bill, and would increase the maximum for reimbursement of state costs from $500,000 to $937,000, and the maximum for reimbursement of local costs from $100,000 to $250,000. This bill would require that of that amount for state costs, $375,000 be allocated in support of an interagency agreement between the State Department of Health Services and the Office of Emergency Services for joint activities under this bill and the existing provisions summarized above, that $300,000 be allocated for existing activities of the office, and that $262,000 be allocated to the office for activities under this bill.

The bill would appropriate $1,537,000 from the Nuclear Planning Assessment Special Account to the office for allocation pursuant to its provisions and pursuant to existing provisions applicable to that account

The California Constitution requires 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 the changes to Section 25400 of the Health and Safety Code made by AB 2143, if both this bill and AB 2143 are enacted and become effective on

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January 1, 1989, and this bill is enacted last.

Ch 1608 (SB 2100) Presley. Prisoners.

(1) Existing law provides that no person shall be admitted or discharged by a correctional health facility except upon the order of a physician, and that persons admitted shall be under the care of a physician That requirement is operative until January 1, 1993.

This bill would eliminate that provision, but would extend provisions that require health facilities of the Department of Corrections and the Department of the Youth Authority to have a physician as the medical director beyond the present January 1, 1993, repeal date

(2) Existing law requires the State Department of Mental Health to adopt regulations regarding care for correctional treatment centers that provide psychiatric services by county mental health agencies in local detention facilities That requirement is operative until January 1, 1993

This bill would require that the regulations be adopted for correctional treatment centers that provide psychiatric and psychological services.

(3) Existing law provides that prisoners confined after revocation of parole may have their period of confinement reduced because of worktime credit except in certain circumstances, including when the parole was revoked for conduct described in specified sections However, detention in a county jail or similar facility results in the application of time credits under a section that provides for a reduction in the period of confinement for good behavior

This bill would delete the provision that sets forth a special rule for detention in a county jail or similar facility

This bill would also provide that a parolee whose parole was revoked for additional types of conduct is not eligible for the worktime credit

(4) Existing law provides that the Department of Corrections shall contract to provide reentry work furlough programs for eligible inmates 90 days prior to scheduled release

This bill would require the contracting to be done 120 days prior to scheduled release

(5) Existing law authorizes the Director of the Youth Authority to enter into an agreement for the transfer of wards to a local facility

Existing law provides that transferred wards may participate in programs of the local facility with the approval of the Director of the Youth Authority

This bill would delete the latter provision

The bill would also make a technical change.

(6) Existing law provides that the Youthful Offender Parole Board, may deny placement in a local facility to a parole violator who was committed to the Youth Authority for the commission of certain offenses, as defined.

This bill would substitute the Director of the Youth Authority for the Youthful Offender Parole Board

(7) The bill would incorporate additional amendments to Section 1250 of the Health and Safety Code proposed by SB 2207, SB 2468, and AB 4536, contingent upon the prior enactment of one or more of those bills, and would incorporate additional amendments to Section 1250.1 of the Health and Safety Code proposed by AB 4536, contingent upon the prior enactment of that bill

Ch 1609 (SB 2344) Lockyer. Insurance false and fraudulent claims

Existing law provides for enforcement of the provisions prohibiting false or fraudulent insurance claims by the Bureau of Fraudulent Claims of the Department of Insurance

This bill would require each insurer doing business in this state to pay a prescribed fee for each automobile insurance policy it issues in this state in order to fund investigation and prosecution of fraudulent automobile insurance claims, as specified The bill would require the bureau to forward to the appropriate disciplinary body the names of individuals licensed under the Business and Professions Code who are suspected of actively engaging in fraudulent activities along with all the relevant supporting evidence.

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Existing law provides for a penalty of imprisonment in the state prison for 2, 3, or 4 years for performing specified acts relating to insurance fraud and false insurance claims

This bill would increase the penalty to imprisonment in the state prison for 2, 3, or 5 years under these provisions.

Existing law generally requires the prosecution of a felony to be commenced within 3 years

This bill would provide that the limitation does not run until discovery of the offense in the case of felony insurance fraud.

This bill would incorporate additional changes in Section 803 of the Penal Code, proposed by this bill and AB 4273 or AB 4373, or both, to become operative only if AB 4273 or AB 4373, or both, and this bill are chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch. 1610 (SB 2117) L Greene. Loans to nonprofit organizations for housing local revenue bonds.

Existing law authorizes redevelopment agencies, housing authorities, cities, and counties to issue revenue bonds to finance privately developed housing, as specified.

This bill would authorize redevelopment agencies, housing authorities, cities, and counties to issue bonds to make loans to specified tax-exempt nonprofit organizations to finance acquisition of multifamily rental housing to provide housing in accordance with the tax-exempt purposes of the borrower. The bill would make the bonds exempt from state or local taxation, as prescribed, except estate taxes The bonds would be secured solely by payments of principal and interest on the loans made with proceeds thereof

Ch. 1611 (AB 3285) M. Waters. Bonds for rental housing. reports on compliance with targeting requirements.

(1) Nothing in existing law requires the California Housing Finance Agency in its annual report, or other public agencies issuing housing bonds in their reports to the California Debt Advisory Commission, to include an analysis of compliance with applicable income-targeting requirements of federal law for public bonds issued to finance rental housing.

This bill would enact such a reporting requirement, and would require the analysis to identify the numbers of rental units subject to the reporting requirement by categories based on the number of bedrooms per unit. With respect to local agencies that would be subject to this requirement for bonds outstanding prior to the effective date of this bill, the reporting requirement of the bill would impose a state-mandated local program.

This bill would also require the agency to directly submit its annual report to the Legislative Analyst.

(2) Under existing law, certain issuers of housing revenue bonds are required annually to report to the California Debt Advisory Commission prescribed information on the housing financed thereby. Under existing law, failure to so report does not alter the validity of the bonds The commission is required to issue a summary thereof by October 1 of each year

This bill would extend this reporting obligation, with respect to specified revenue bonds issued to finance purchase, construction, or rehabilitation of housing, to all local agencies and to specified nonprofit corporations issuing these revenue bonds for which interest is exempt from federal income taxation. The bill would delete the existing law which provides that failure to meet this reporting obligation does not affect the validity of the bonds. The bill would expressly extend the reporting obligations to bonds issued to refund bonds subject to the reporting obligation. The bill would prohibit issuance of any of these bonds, including refunding bonds, before the Treasurer certifies compliance with the reporting requirements. The bill would require the commission's summary to be prepared by November 1 of each year, rather than October 1.

(3) Under existing law, the Legislative Analyst is required, as needed, to include a cost-benefit analysis in the Legislative Analyst's annual budget analysis, with respect to specified mortgage revenue bond financing programs

This bill would require inclusion every year of a specified analysis of the benefits of these programs and would require inclusion of specified mortgage revenue bond pro-

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grams of charter cities and nonprofit corporations

(4) Under existing law, the California Housing Finance Agency is required to provide the Legislature and Legislative Analyst with certain additional information in a prescribed annual report by November 1 of each year.

This bill would revise the required form and content of the agency's annual report and would permit inclusion of specified statistical data in a supplement, which the bill would provide need not be distributed to certain persons and entities.

(5) This bill would incorporate additional changes in Section 8855.5 of the Government Code, proposed by SB 2117, to be operative only if SB 2117 and this bill are both chaptered and become effective January 1, 1989, and this bill is chaptered last.

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

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

Ch. 1612 (AB 3243) Campbell. Surplus state property.

(1) Existing law authorizes the Department of Transportation to sell surplus unimproved real property for the purposes of housing for persons and families of low or moderate income, with a payment period not to exceed 40 years and a downpayment of at least 5% of the purchase price.

This bill would authorize the sale of improved real property for those purposes, and would require all such property sold to a local public agency and subsequently sold or transferred to a nonprofit housing organization to have the endorsement of the city or county in which the property is situated that it will remain available for low- or moderate-income and very low income households for the longest feasible time, but not less than 15 years, and would require implementing covenants and restrictions to be recorded.

(2) Under existing law, any state agency having excess real property is required to report thereon to the Department of General Services. The department is required to report to the Legislature annually on excess real property and request authorization to dispose of the land by sale or otherwise. When authorization for disposition of the land is granted, and the department determines that the land is not needed by any other state agency, it may dispose of the land pursuant to that authorization.

This bill would authorize the Director of General Services, with the approval of the State Public Works Board and the Director of Corrections, to sell to the City of Vacaville, for current market value, approximately 5 acres, comprising a portion of the California Medical Facility at Vacaville, to be used for animal care and shelter purposes. The bill would prescribe various conditions relative to that sale, and would require the net proceeds of the sale to be deposited in the General Fund.

Ch 1613 (AB 3590) Clute. Pregnant and parenting teens

Under existing law, there are various state-funded programs conducted by school districts or county superintendents of schools to provide services to pregnant minors and instruction on family relationships and parenting.

This bill would require the Superintendent of Public Instruction to give the highest funding priority to the awarding of new and continuing funds for school districts, consortiums of school districts, or county superintendents of schools, to the extent the districts or superintendents satisfy the criteria and standards that the State Department of Education may establish for the award of new and continuing funds, and have a plan, approved by the Superintendent of Public Instruction in accordance with specified criteria and standards, for coordination of programs serving pregnant and parenting teens This bill would authorize existing programs to continue to receive funds, at the discretion of the superintendent, and would require existing programs to submit a plan for the coordination of programs serving pregnant and parenting teens by June 30, 1992.

This bill would require the superintendent to report to the Legislature, as specified The bill would require the superintendent to notify school districts and county superintendents regarding its provisions, and to invite them to submit plans pursuant to the bill.

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This bill would also require the superintendent to collect and disseminate to school districts models of successful coordination plans and to assist districts, upon request, in the development of coordination plans.

Ch. 1614 (SB 1724) Presley Public property.

(1) Under existing law, the Department of General Services has various duties concerning state property.

This bill would authorize the Director of General Services to sell, exchange, or lease certain parcels of state property and to exchange property at Malibu Creek State Park with the Salvation Army. The net proceeds of the transactions would be deposited in the General Fund. The bill would require the reservation of mineral rights, as specified.

(2) Existing law provides for the reimbursement of costs or expenses incurred in the disposition of specified parcels by the Department of General Services, subject to appropriation, and requires that moneys received from the disposition of the parcels be paid into the Property Acquisition Law Account in the General Fund.

This bill would require those proceeds to be paid into the General Fund but not into any designated account. The bill would make other clarifying changes.

(3) Existing law requires the Department of General Services to conduct a study regarding the feasibility of consolidating all state leaseholds in the County of Riverside into a state building in the western part of the county

This bill would limit the study to the feasibility of consolidating all central state offices in the County of Riverside into a new state building in the western part of the county for reasons of economy and the centralization of state offices in an area capable of serving the largest number of citizens It would specify the local public agencies with which the department would be required to consult and the issues to be addressed by the study

(4) Under existing law, without specified authorization by statute, the maximum term for which contracts may be entered into for the construction, operation, and maintenance of a concession in a unit of the state park system is 20 years

This bill would authorize the term of a concession contract entered into by the City of Santa Monica for the development of new public facilities at Santa Monica State Beach to be for a period not to exceed 60 years if other contract requirements are met The bill would authorize the department to enter into an operating agreement with a nonprofit organization for the Marconi Conference Center in the County of Marin if the state acquires the Marconi property at no cost

(5) This bill would amend and supplement the Budget Act of 1988 by making an appropriation of $165,000 from the Parklands Fund of 1984 to the Department of Parks and Recreation for disbursement as a local assistance grant to the County of Riverside for a particular historic restoration project, and by making an appropriation of $300,000 from the Parklands Fund of 1980 to the department for the Marconi Conference Center in the County of Marin.

Ch. 1615 (AB 1643) Chandler California State University· Chico campus

Existing law requires that operations of commercial services on a campus of the California State University be self-supporting.

This bill would declare the intent of the Legislature to ensure that auxiliary organizations continue to be operated in a manner that is separate from, but related to, the state so as to protect the state from possible liability.

This bill would prohibit an auxiliary organization operating a commercial service on the California State University, Chico campus, to discontinue that service, without providing the campus with adequate notice of its intent and the opportunity to continue the service through another means. This bill would prohibit the Trustees of the California State University, the Chancellor of the California State University, the President of the California State University, Chico, or another auxiliary organization from taking over any commercial service operated by an auxiliary organization of the California State University, Chico, unless specified conditions are met

This bill would find and declare that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

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Ch. 1616 (AB 2597) Hill. Horseracing: appropriation [26]

Existing provisions of the Budget Act of 1988 appropriate $6,748,000 from the Fair and Exposition Fund for support of the California Horse Racing Board.

This bill would amend and supplement the Budget Act of 1988 by appropriating an additional $807,000 from the fund to the board for operating expenses and equipment. The bill also would make a legislative finding and declaration regarding current level of funding for support of intertrack stewards.

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

Ch. 1617 (AB 3223) Mojonnier. Ocean resources: Sea Grant projects.

(1) Existing law requires the State Lands Commission, with specified exceptions, to deposit revenues from state lands in the State Treasury and allocates the revenues for specified purposes in a specified order, including appropriating $500,000 to the Resources Agency for Sea Grant projects each year for the 1984–85, 1985–86, 1986–87, 1987–88, and 1988–89 fiscal years In lieu of that amount for the 1987–88 fiscal year, the Budget Act of 1987 appropriated $520,000 The Legislature is directed to consider recommendations from the Secretary of the Resources Agency and other parties during the 1988–89 fiscal year on whether to continue the Sea Grant appropriations.

This bill would allocate $525,000 of those revenues from state lands, for each of the fiscal years from the 1989–90 through the 1993–94 fiscal year, to the General Fund for Sea Grant project purposes when appropriated The bill would require the secretary to submit a report, with recommendations, evaluating the Sea Grant program to the Legislature on or before January 1, 1993

(2) Existing law creates a 13-member advisory panel to the secretary, who designates the chairman, for purposes of the Sea Grant research program

This bill would designate the secretary as chairperson of the panel, and add 2 additional specified members.

(3) The bill would incorporate additional changes in Section 6217 of the Public Resources Code, proposed by SB 2154, to be operative only if both bills are enacted and this bill is enacted last.

(4) The bill would become operative on July 1, 1989.

Ch 1618 (AB 3519) Johnson. Insurance: cancellation and nonrenewal

Existing law, with respect to certain types of commercial insurance, as defined, covering real and personal property loss or damage and liability arising from the conduct of a commercial or industrial enterprise, including professional liability, prohibits an insurer from canceling those policies after they have been in effect for 60 days unless the cancellation is based upon certain enumerated factors

This bill would specify that nothing in those provisions shall preclude the imposition of limitations or exclusions upon coverage by a policy insuring dentists or physicians and surgeons against legal liability arising from the rendering of professional services by an insured licensed under designated provisions relating to the healing arts. It would similarly specify that nothing in those provisions shall preclude changes in the rate upon which the premium is based or the conditions of coverage, or both, of policies insuring health care facilities licensed under designated provisions, if these limitations or exclusions or changes are imposed pursuant to the recommendations of prescribed committees advising insurers, under specified conditions

This bill would impose requirements, dealing with cancellation of insurance coverage, on commercial umbrella liability insurance, commercial excess liability insurance, and commercial excess property insurance policies similar to those that are imposed on certain types of commercial insurance.

Existing law, with respect to certain policies of commercial insurance, imposes various notice requirements if an insurer does not renew the policies or will condition renewal upon a reduction of limits, elimination of coverages, increase in deductibles, or increase of more than 25% in the rate.

This bill would limit those provisions to umbrella liability insurance, excess liability insurance, and excess property insurance, and specify that the insurer may condition renewal upon requirements relating to the underlying policy or policies, and that if the

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requirements are not satisfied before the expiration of the policy or 30 days after mailing the notice, whichever is later, the conditional renewal notice would be treated as an effective notice of nonrenewal, as specified.

The bill would set forth legislative intent.

Ch 1619 (AB 4005) Bradley Contractors: discipline [27]

(1) Existing law creates 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. Existing law provides for a reimbursement to the local entities of $25 for each citation issued

This bill would extend the pilot project to not more than 10 cities, counties, or cities and counties and would increase the amount for reimbursement to the local entities from $25 for each citation issued to $50 for each citation. The bill would also extend the operative date of the pilot project from January 1, 1989, to July 1, 1989.

(2) Existing law provides for the enforcement of the Contractors' State License Law through, among other things, arbitration Under the arbitration provisions, failure to comply with an arbitration award results in the automatic suspension of a license after specified notice by the registrar If the license is not reinstated within one year, it is automatically revoked for a period of time to be determined by the Registrar of Contractors.

This bill would prohibit a licensee that has failed to comply with an arbitration award from engaging in specified activity, including participating as a qualifying individual of another licensee, and would extend the automatic revocation provision to any other contractors' license held by the licensee. The bill would also require that a licensee disassociated as a qualifier under these provisions be replaced within a specified time Failure to replace the qualifier would result in specified consequences

(3) 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 results in the automatic suspension of a license If the license is not reinstated within one year, the license is automatically revoked for a period of time to be determined by the registrar

This bill would prohibit a licensee that has failed to pay a civil penalty, or to comply with an order of correction, or an order to pay a specified sum from engaging in specified activity, including participating as a qualifying individual of another licensee, and would extend the automatic revocation provision to any other contractors' license issued to the licensee The bill would further require that a licensee disassociated as a qualifier under these provisions be replaced within a specified time. Failure to replace the qualifier would result in specified consequences

(4) Existing law provides that willful departure from, or a disregard of, plans or specifications, or in the absence of specific requirements within the plans or specifications, of accepted trade standards for good and workmanlike construction in any material respect, and prejudicial to another without consent of the owner or his or her duly authorized representative, and without the consent of the person entitled to have the particular construction project or operation completed in accordance with those plans and specifications or trade standards, constitutes a cause for disciplinary action against a contractor

This bill would provide, instead, that a willful departure in any material respect from accepted trade standards for good and workmanlike construction constitutes a cause for disciplinary action, and a willful departure from or disregard of plans or specifications in any material respect, which is prejudicial to another, without the consent of the owner or his or her duly authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with such plans or specifications, constitutes a cause for disciplinary action.

(5) The bill would appropriate $165,000 from the Contractors' License Fund to the Contractors' State License Board for a specified purpose.

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

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Ch. 1620 (AB 4233) Hannigan. Human remains.

(1) Existing law provides for the licensing and regulation of crematories by the Cemetery Board.

This bill would require the board to inspect the books, records, and premises of those crematories or the holder of a certificate of authority to operate a crematory, and makes it grounds for the suspension or revocation of a license or other disciplinary action to be taken for any crematory to fail to allow that inspection or any part thereof.

(2) Existing law makes it unlawful for any person to remove any part of any human remains from any place where it has been interred or deposited awaiting interment with intent to sell it or dissect it without authority of law.

This bill would make it unlawful for any person to remove any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law or written permission of the person or persons having the right to control the remains.

This bill would also make it unlawful for any person to remove or possess dental gold or dental silver from any human remains without specific written permission of the person or persons having the right to control those remains.

The bill would impose a state-mandated local program by expanding the scope of an existing crime

(3) Existing law makes it unlawful to cremate the remains of more than one person at the same time in the same chamber.

This bill would also prohibit the keeping of the remains or cremated remains of more than one person in the same cremation chamber at the same time and would provide that the fact that incidental and unavoidable residue remains in the chamber is not a violation of that provision of law.

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

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

Ch. 1621 (AB 4289) Bronzan. Health facilities construction

(1) Under the California Health Facility Construction Loan Insurance Law, an insurance program is provided for health facility construction, improvement, and expansion, under specified conditions and requirements. Existing law provides that a duly authorized bond or bond issue may constitute a "loan" for purposes of the program.

In addition, this bill specifically would include an installment sale agreement as a "loan" for purposes of the statute

(2) One of the conditions of eligibility for participation in the loan program under the California Health Facility Loan Insurance Law is that the borrower must obtain an American Land Title Association title insurance policy which meets specified requirements.

This bill would apply this condition only when the borrower is a nonprofit corporation or the borrower is a public hospital and the loan is secured by a mortgage or first lien

This bill would incorporate additional changes in Section 436.2 of the Health and Safety Code, proposed by AB 3326, to be operative only if AB 3326 and this bill are both chaptered and become effective on or before January 1, 1989, and this bill is chaptered last.

Ch. 1622 (AB 4299) Campbell. Pupil after-school tutoring: Richmond Unified School District.

Existing law sets forth various program options for use by school districts in enhancing pupil motivation and achievement, and reduction of the pupil dropout rate

This bill would make certain legislative findings regarding an after-school tutoring program for low-achieving pupils operated by the Richmond Unified School District This bill would entitle the Richmond Unified School District to credit, for the purposes of summer school apportionments computed pursuant to specified provisions of existing

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law, specified hours of homework and tutorial assistance, and would provide for the development and evaluation of a model after-school tutoring program for low-achieving pupils, as specified, for potential application to other school districts in this state. This bill would require the district to submit its final report to the Superintendent of Public Instruction no later than January 1, 1991, and would require the superintendent to report, accordingly, to the Legislature no later than March 1, 1991. This bill would thereby impose a state-mandated local program.

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

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

This bill would provide for the repeal of certain of the above provisions on January 1, 1991, unless a later enacted statute, enacted before that date, deletes or extends that date.

Ch 1623 (SB 4) *Presley. California Wildlife, Coastal and Park Land Conservation Act of 1988· Lake Tahoe* [28]

(1) On June 7, 1988, the voters approved a bond act known as the California Wildlife, Coastal, and Parkland Conservation Act of 1988, which authorized the issuance of $776,000,000 in general obligation bonds for specified park, wildlife, coastal, and natural lands purposes

This bill would, operative November 9, 1988, amend and supplement the Budget Act of 1988 to appropriate $10,500,000 from the Wildlife and Natural Areas Conservation Fund to the Wildlife Conservation Board for capital outlay , subject to specified conditions. The bill would amend and supplement the Budget Act of 1988 to appropriate $800,000 from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 to the Department of Water Resources for local assistance

The bill would amend and supplement the Budget Act of 1988 to appropriate $225,000 from the Parklands Fund of 1984 to the Department of Parks and Recreation for capital outlay.

The bill would authorize the $19,000,000 appropriated from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 for Palm and Andreas Canyons to be encumbered for interpretative facilities and minimal facilities necessary to facilitate public access if approved by the Tribal Council of the Agua Caliente Band of Cahuilla Indians

(2) Under existing law, funds in the California Environmental License Plate Fund may be used for specified environmental projects and programs, including programs which reduce or minimize the effects of soil erosion and the discharge of sediment into waters of the Lake Tahoe region.

This bill would appropriate $2,300,000 from that fund to the California Tahoe Conservancy for purposes relating to lands in the Lake Tahoe region.

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

Ch 1624 (SB 712) *Boatwright ASARCO· removal and remedial action.* [29]

Under existing law, the Special Account for Capital Outlay in the General Fund is a reserve account from which funds may be appropriated for specified purposes.

This bill would appropriate $3,000,000 from the Special Account for Capital Outlay to the State Department of Health Services to carry out a removal and remedial action at the ASARCO hazardous substance site in the County of Contra Costa The bill would provide for the transfer of funds from the General Fund to the Special Account for Capital Outlay as specified if the state is determined to be wholly or partially the responsible party The bill would specify that an appropriation under the bill is not an admission of liability by the state and would require any funds which are awarded the state from a private party for these sites to be deposited in the Special Account for Capital Outlay

The bill would also provide that any unencumbered amount remaining on July 1, 1988, from funds appropriated by Item 4260-011-036 of Section 2 of the Budget Act of 1987 are

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to remain available for expenditure by the department until July 1, 1990, to carry out the removal and remedial action, thereby making an appropriation.

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

Ch. 1625 (SB 2104) Ellis. Mobilehome parks. property taxation· change in ownership.

(1) Existing law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department. The law expressly exempts from this requirement under specified circumstances the purchase of a mobilehome park by a nonprofit corporation wherein a majority of the shareholders or members constitute a majority of the tenants of the mobilehome park and a majority of the board of directors are tenants of the mobilehome park

This bill would revise the circumstances under which this type of mobilehome park purchase would be exempt from this filing requirement.

(2) 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 excludes from a change in ownership, and hence from reassessment, any transfer made, on or after January 1, 1985, and prior to January 1, 1994, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other entity formed by the tenants of the park for the purpose of purchasing the park

This bill would make the above exclusion from a change in ownership applicable to any transfer, on or after January 1, 1989, to a nonprofit corporation, stock cooperative corporation, or other entity which is not formed by the tenants for a temporary period of 270 days following the transfer if the transferee notifies the assessor, as specified, that the park will be transferred during that period to a nonprofit corporation, stock cooperative corporation, or other entity formed by the tenants, as specified This bill would impose a condition upon that exclusion for parks transferred on or after January 1, 1989, that requires that the individual tenants who are renting at least a majority of the park spaces prior to the transfer to the entity formed by the tenants participate in the transaction through ownership of an aggregate of at least a majority of the voting stock or other ownership or membership interest in that acquiring entity. This bill would not permit this exclusion if the fees charged to the residents by the corporation or other entity in connection with the 1st or 2nd transfer exceed 15% of the acquisition cost for the park in the 1st transfer, plus any interest and taxes which have accrued This bill would provide for the reassessment of the mobilehome park as a change in ownership as of date of the transfer to the entity if the transferee fails to satisfy the above conditions.

Ch. 1626 (SB 1989) Presley Sentencing and parole.

Under the existing law, an offender once sentenced to prison can reduce his or her sentence by accumulating certain credits Existing law also provides for the loss or denial of credits, as specified Under existing law, within 15 days after the discovery of information leading to charges that may result in possible denial of credits, a written notice is required to be given by the Department of Corrections to the prisoner

This bill would, under specified conditions, authorize the Department of Corrections to delay providing the prisoner with the written notice beyond the 15-day period, but not to exceed a 30-day delay, except in instances where the case is referred to criminal authorities for further investigation, as specified, in which case no notice is required to be sent until an accusatory pleading is filed, or notification is provided specifying that the criminal authority will not prosecute or the authority authorizes the notification of the prisoner.

Existing law provides that up to 90 days prior to a scheduled parole release date, the Governor shall have the power to request a review of any decision concerning the grant or denial of parole to any prisoner in a state prison and the Governor is required to state the reasons for the request, as specified. Under existing law, when a request has been made, the Board of Prison Terms is required to review the decision, and a majority vote of the current board members is required to grant parole to any prisoner

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This bill would require the Governor, during the 30 days following the granting, denial, revocation, or suspension by a parole authority of the parole of a person sentenced to an indeterminate prison term based upon a conviction of murder, to review material provided by the parole authority. The bill would also require the Governor, if he or she decides to reverse or modify a parole decision of the parole authority, to send a written statement to the inmate specifying the reasons for the Governor's decision.

Specified provisions of this bill would only become operative if SCA 9 is adopted by the voters.

Ch 1627 (SB 2347) Vuich Contractors: stop notices.

Existing law provides that specified persons, other than the original contractor, may give a construction lender or an owner a stop notice or a bonded stop notice in private work unless a payment bond has previously been recorded in the office of the county recorder of the county where the site is located.

Existing law also provides that a construction lender may withhold funds from any borrower or other person upon receipt of a stop notice from a claimant in private work and is required to withhold these funds upon receipt of a bonded stop notice unless a payment bond has been recorded, as specified Existing law also requires an owner to withhold funds from an original contractor or any person acting on his or her behalf upon receipt of a stop notice from a claimant in private work, unless a payment bond has been recorded, as specified, in which case, the owner may, but is not obligated to, withhold funds.

This bill would revise the contents of a stop notice under the above provisions, and would delete the above specified exception applicable to an original contractor

This bill would also provide that if a payment bond has previously been recorded in the office of the county recorder in accordance with specified provisions, then a construction lender shall withhold funds pursuant to a bonded stop notice filed by an original contractor and would also provide that a construction lender or an owner, at their option, may withhold funds pursuant to a stop notice or a bonded stop notice given by anyone other than the original contractor. The construction lender may elect not to withhold funds pursuant to a bonded stop notice by reason of a payment bond having previously been recorded in the office of the county recorder, as specified.

If, when giving the construction lender the stop notice or bonded stop notice, the claimant makes a written request for notice of the election, as specified, the construction lender is required to furnish the claimant a copy of the bond within 30 days after making the election The bill would provide that the lender is not liable for an unintentional failure to furnish this copy if specified conditions are satisfied and the lender corrects the error not later than 20 days from the date on which the violation was discovered.

This bill would further provide that if the owner elects not to withhold funds pursuant to a stop notice by reason of a payment bond having previously been recorded in the office of the county recorder, as specified, then the owner shall give the claimant filing the stop notice a written notice, as specified, within 30 days after the receipt of the stop notice.

The bill would also provide that in the case of a stop notice or bonded stop notice filed by the original contractor or by a subcontractor contracting directly with an owner, the original contractor or subcontractor shall only be entitled to recover on the stop notice or bonded stop notice for the net amount due the original contractor or subcontractor after deducting the stop notice claims of all subcontractors or material suppliers who have filed bonded stop notices on account of work done on behalf of the original contractor or the subcontractor

Ch. 1628 (SB 2388) Campbell. Vehicle theft

Existing law makes it a felony to commit grand theft and vehicle theft; these crimes are punishable by various terms of imprisonment

This bill would provide that any person who has been previously convicted of the above crimes, regardless of whether or not the person served a prior prison term for those offenses, and is subsequently convicted of either of those crimes, shall be subject to imprisonment in the state prison for 2, 3, or 4 years or a $10,000 fine, or both.

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Ch. 1629 (SB 2622) Presley Payment of claims

This bill would appropriate $7,762,956.67, as scheduled, to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control.

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

Ch 1630 (AB 3234) Hill. Property taxation: full cash value: cable television possessory interests.

Existing law authorizes a city, county, or city and county to grant a franchise or license for the construction of a cable television system and, as an incident thereto, to permit the placement of wires, conduits, and appurtenances along or across public streets, highways, alleys, public properties, or public easements for cable television

Under existing property tax law, a cable television operator's possessory interest in the above public streets, highways, alleys, public properties, or public easements is "property" and subject to property tax at full value (Cox Cable San Diego, Inc. v. County of San Diego, 185 Cal. App. 3d 368).

This bill would provide that if the comparable sales method, which is not the preferred method, is used by the assessor to value a cable television possessory interest when sold in combination with other property including, but not limited to, intangible assets or rights, the resulting assessments shall not benefit from any presumption of correctness.

This bill would provide that the preferred method of valuation of a cable television possessory interest is capitalizing the annual rent, as specified, using an appropriate capitalization rate This bill would also provide that if the assessor does not use a portion of the franchise fee as economic rent, the resulting assessments shall not benefit from any presumption of correctness

This bill would provide that the intangible assets or rights of a cable television system, including certain specified items, are not subject to ad valorem property taxation This bill would, however, permit the assessment and valuation of a cable television possessory interest by assessing the presence of intangible assets or rights necessary to put that interest to beneficial or productive use in an operating cable television system.

This bill would also provide that a change in ownership statement filed in connection with a change in ownership of a cable television possessory interest shall, at the request of the assessor, give specified information and failure thereof shall result in a fine.

This bill would make various legislative findings and declarations, including that the bill is intended to clarify the application of existing law and to provide uniformity and certainty in the assessment of possessory interests of cable television systems and that the bill is not intended to affect the standard of review of an administrative decision in any judicial proceeding.

This bill would also specify that its provisions are severable.

Ch. 1631 (AB 4636) Quackenbush Hazardous waste facilities

(1) Existing law defines "hazardous waste," "recyclable material," "recycle," "retrograde material," and "waste" for purposes of the Hazardous Waste Control Law. Existing law exempts recyclable material from these provisions if the material meets specified conditions

This bill would revise those definitions, would delete the definition for "recycle," and would additionally define the terms "acutely hazardous waste," "non-RCRA hazardous waste," "reclaimed material," "recycled material," and "used or reused material."

(2) Existing law authorizes the State Department of Health Services to waive the provisions of the Hazardous Waste Control Law for any waste for which the department makes a specified determination.

This bill would revise that provision to instead authorize the department to grant a variance, pursuant to a specified procedure, for the management of a hazardous waste, which is a non-RCRA waste, or the hazardous waste management activity is regulated by the state but has been granted a waiver or variance pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or is not otherwise regulated pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended, if the department makes specified findings. The department would be required to revoke the variance if the department makes certain determinations.

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(3) Existing law exempts drilling for geothermal resources from the hazardous waste control act.

This bill would revise the exemption to exclude from the act geothermal waste resulting from that drilling.

(4) Existing law requires persons disposing of specified types of hazardous waste with a heating value or containing organic compounds to dispose of the hazardous waste by incineration or treatment.

This bill would require a hazardous waste subject to a treatment standard to be treated in compliance with that standard

(5) Existing law exempts from hazardous waste hauler registration and manifest requirements persons transporting specified amounts of hazardous waste which meet certain requirements.

This bill would additionally require the person to not accumulate more than 1,000 kilograms of hazardous waste onsite at any one time

(6) Existing law requires the department to classify as nonhazardous waste any fly ash, bottom ash, and flue gas residues generated from the combustion of solid waste or biomass material, if the wastes meet specified conditions, and prohibits the modification or repeal of such a classification made before January 1, 1985, except as specified.

This bill would limit this provision to non-RCRA hazardous wastes

(7) Existing law requires the department to adopt regulations to receive authorization pursuant to the Resource Conservation and Recovery Act of 1976, except as otherwise provided.

This bill would revise these provisions to delete those exemptions

(8) Existing law defines "hazardous waste constituent" for purposes of the Hazardous Waste Management Act of 1986, which requires the department to prohibit the land disposal of hazardous waste, except as specified

This bill would, instead, define hazardous constituent as having the meaning specified in the department's regulations This bill would also revise the provisions of the act to prohibit the land disposal of any hazardous waste prohibited by the Environmental Protection Agency, except as specified. The bill would also make the federal treatment standards applicable in the state.

(9) Existing law provides that the development project approval provisions, which require public agencies to approve applications within specified time periods, applies to the issuance of a permit for a hazardous waste facility project

This bill would require the department to review an application for a hazardous waste facilities permit and notify the applicant whether the application is complete within a 60-day period, as specified

(10) Existing law provides for the enforcement of hazardous waste laws and regulations by authorizing the State Department of Health Services to issue an order or a proposed order specifying a schedule of compliance or correction for violations or threatened violations of these laws or regulations The department is authorized to include in the order a requirement for corrective action with respect to the hazardous waste A person served with an order or proposed order is authorized to file a notice of intent to challenge the order and request a public hearing

The bill would additionally authorize the department to issue an order for corrective action when there has been a release of hazardous waste from a hazardous waste facility. The department would be required to include in an order issued pursuant to these provisions a requirement for corrective action and to include, in an order for corrective action at a hazardous waste facility, a requirement that corrective action be taken beyond the facility boundary

This bill would also delete the authority to issue a proposed order, and would allow a person served with an order to instead file a notice of defense with the department requesting a hearing

(11) Existing law prohibits the department from taking any approval action concerning a hazardous waste facility which conflicts with a water quality determination made by the State Water Resources Control Board.

This bill would repeal this provision and would instead require that any action taken

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by the department pursuant to the permitting provisions, be consistent with plans and policies adopted under the Porter-Cologne Water Quality Control Act, to the extent these are not less stringent than the statutes and regulations governing hazardous waste. The bill would authorize the department to set more stringent limitations, as specified.

(12) Existing law requires the operator of a hazardous waste facility to submit a hazardous waste facility closure and maintenance report to the department with the hazardous waste facilities permit application and requires the report to be approved by a California regional water quality control board.

This bill would revise these provisions to instead require the owner or operator to submit hazardous waste facility closure and postclosure plans and to additionally require submission when requested by the department, thereby imposing a state-mandated local program by creating a new crime. The department would be authorized to specify the nature of the evidence of financial responsibility required under these provisions and to assert a claim against the guarantor who provides the evidence of financial responsibility under specified circumstances.

The bill would prohibit the department from approving the plan until it is approved by the regional board, 60 days expire after the owner or operator of a specified facility submits the plans, or the director makes a specified finding. The bill would also make conforming changes.

(13) Existing law defines "recycled oil" for purposes of provisions regulating used oil and exempts used oil which meets specified standards of purity from regulation by the department.

This bill would revise the definition of recycled oil and would additionally require that used oil exempt from regulation not be mixed with any hazardous waste listed pursuant to federal regulations.

(14) Existing law requires the state board to classify wastes and disposal sites to ensure protection of water quality.

This bill would also require the state board to adopt standards and regulations for hazardous waste disposal sites to ensure compliance with the Resource Conservation and Recovery Act of 1976

(15) This bill would incorporate additional changes in Section 25199.6 of the Health and Safety Code proposed by AB 3206, to be operative only if AB 3206 and this bill are both enacted and become effective on or before January 1, 1989, and this bill is enacted last.

(16) This bill also would incorporate additional changes in Section 25250 1 of the Health and Safety Code proposed by AB 379, to be operative only if AB 379 and this bill are both enacted and become effective on January 1, 1989, and this bill is enacted last.

(17) The California Constitution requires the state to 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 concerning the handling of hazardous waste.

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

Ch 1632 (AB 3383) Quackenbush Hazardous waste facilities.

(1) Existing law defines "disposal," "hazardous waste facility," "hazardous waste management," "person," "storage," "storage facility," and "treatment" for purposes of the hazardous waste control law Existing law also defines "building standard" for purposes of the State Buildings Standards Law

This bill would specify that the definitions used in the federal Resource Conservation and Recovery Act (RCRA) apply to the hazardous waste control law. The bill would revise these definitions

The bill would exclude from the definition of "building standard" certain regulations concerning hazardous waste facilities or the discharge of waste to land

The bill would also define "acutely hazardous waste" and "non-RCRA hazardous waste," which would not become operative if AB 4639 is enacted and becomes effective January 1, 1989.

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(2) Existing law requires any person generating hazardous waste or owning or operating a hazardous waste treatment, storage, or disposal facility to file a hazardous waste notification statement with the Director of Health Services by January 1, 1988, and to amend that statement, as specified.

The bill would also require any person managing or generating hazardous waste to comply with the notification requirements of RCRA, except as specified

(3) Existing law requires the department to issue hazardous waste facilities permits and authorizes the department to grant interim status to a person who has applied for a permit.

This bill would revise these permitting provisions to limit the issuance of interim status to specified facilities and would terminate the interim status grant for certain facilities. The department would be required to limit the term of a hazardous waste facilities permit and to review the permit every 5 years, as specified. The bill would require the department to take final action on hazardous waste facilities permit applications by November 8, 1989, for incinerator facilities, and by November 8, 1992, for specified facilities for which an application was submitted by November 8, 1984.

The department would be required to mandate corrective action for all releases of hazardous waste or constituents at a facility engaged in hazardous waste management.

The bill would require any person planning to construct a new hazardous waste facility or unit to obtain a permit or permit amendment before commencing construction.

The bill would also make related changes.

(4) Existing law generally prohibits any person from discharging hazardous waste into land treatment units that have not been equipped with liners, a leachate collection and removal system, and a groundwater monitoring system, except as specified and authorizes the department to grant a variance from these requirements Existing law prohibits requiring owners and operators of land treatment units which are so equipped to conduct vadose zone monitoring.

The bill would redefine the terms "hazardous constituent," "facility," "treatment zone," "waste management unit," and "vadose zone" for these purposes and allow the department to grant a variance only from the requirements concerning liners and a leachate collection and removal system. This bill would instead require that a land treatment unit be equipped with a vadose zone monitoring system and would limit the prohibition concerning requiring vadose zone monitoring to land treatment units treating only non-RCRA hazardous wastes.

(5) Existing law prohibits any person from placing or disposing any hazardous waste in a land treatment unit if specified conditions exist concerning the migration of hazardous waste constituents or the equipment of the land treatment unit

This bill would revise those conditions.

(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 impose a state-mandated local program by creating new crimes concerning hazardous waste management.

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

Ch. 1633 (SB 2130) Mello. Parks and recreation: appropriations.

(1) This bill would amend and supplement the Budget Act of 1988 to appropriate $250,000 from the California Environmental License Plate Fund to the State Coastal Conservancy for transfer of the Tsurai Village site, as specified, and to appropriate $1,080,000 from that fund to the Department of Parks and Recreation for local assistance to the City of San Diego and the counties of Sacramento and Sonoma, as specified

(2) This bill would also amend and supplement the Budget Act of 1988 to appropriate $175,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974, and to appropriate $538,300 from the State, Urban and Coastal Park Fund, to the Department of Parks and Recreation for local assistance, as specified.

(3) Existing law provides for the identification, restoration, rehabilitation, and preser-

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vation of historical resources. Existing law authorizes expenditures of funds in the State, Urban, and Coastal Park Fund for acquisition, development, or restoration of real property for the state park system.

This bill would amend and supplement the Budget Act of 1988 to appropriate $110,000 from that fund to the Department of Parks and Recreation for rehabilitation at the Monterey State Historic Park, as specified.

(4) This bill would also amend and supplement the Budget Act of 1988 to appropriate $2,000,000 from the Special Account for Capital Outlay to the Department of Boating and Waterways for local assistance, to appropriate $1,206,000 from the Special Account for Capital Outlay to the Department of Parks and Recreation for local assistance, and to appropriate $65,000 from the Parklands Fund of 1980 to the Department of Parks and Recreation for capital outlay, as specified.

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

Ch. 1634 (SB 2745) Garamendi. Justice facility financing: San Joaquin County.

(1) Existing law establishes the San Diego County Regional Justice Facility Financing Agency, as specified, which has various specified powers with respect to justice facility financing for adult and juvenile detention facilities and courthouse facilities, 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 is 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.

Existing law establishes the Transactions and Use Tax Law, which includes the San Diego County Regional Justice Facility Financing Agency, as a "district" for purposes of that law if it is authorized to impose transactions and use taxes, as specified

Existing law also limits the combined rate of local sales or transaction and use taxes in San Diego County, as specified.

This bill would enact similar provisions with respect to San Joaquin County, except that it would provide for financing of adult detention facilities, sheriff facilities, and functionally related court facilities, as defined, but not juvenile detention facilities or courthouse facilities, and would provide that the ballot proposition for the transactions and use tax may include, as opposed to shall include, authorization to issue bonds payable from the proceeds of the tax and establish the appropriation limit of the agency, thereby imposing a state-mandated local program by creating a new local agency and imposing new duties on San Joaquin County.

This bill also would provide that the transactions and use tax shall be deemed to be a general tax for the purposes of voter approval of taxes, except 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 specified reasons

Ch. 1635 (SB 1732) Presley. Hospitals.

(1) Under the California Health Facility Construction Loan Insurance Law, a loan is eligible for insurance if specified conditions are met.

Existing law permits, in the case of acquisitions, a project loan to be guaranteed only for transactions not in excess of the fair market value of the acquisition, which is determined pursuant to a specified procedure.

Existing law specifies various sources to be taken into account by the Office of Statewide Health Planning and Development in determining financial feasibility of projects of counties under this law.

The bill would also specify that in determining financial feasibility of projects of counties, the office would be required to take into account any supplemental reimbursement or other assistance received pursuant to the bill

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(2) Under existing law, the California Medical Assistance Commission negotiates contracts binding on the State Department of Health Services with hospitals for the provision of inpatient hospital services under the Medi-Cal program.

This bill would permit hospitals contracting to provide Medi-Cal inpatient hospital services, or who contract with a county organized health system, and who meet specified criteria, to receive reimbursement, in addition to their Medi-Cal contract reimbursement, for a portion of the costs of projects approved by the California Medical Assistance Commission.

The bill would permit a qualifying hospital to apply for commission approval of construction, renovation, or replacement of hospital facilities, or fixed equipment, including new capital projects funded by new debt for which final plans have been submitted to the Office of the State Architect and the Office of Statewide Health Planning and Development after July 1, 1989, and prior to June 30, 1994. If approval is given, in accordance with the bill, the amount of additional reimbursement for a hospital during any fiscal year in which the facilities or equipment are being utilized would be computed through a formula, which takes into account the debt service on the revenue bonds for the project for that year, and the percentage of hospital patient days attributable to Medi-Cal patients.

The bill would require Medi-Cal reimbursement received under the bill to be placed by the hospital in a special account, with these funds to be used exclusively for the debt service owing on revenue bonds used to finance or refinance the project, and would require the hospital to pledge to the bondholders to use the funds for that purpose. It would require the state to pledge continued supplemental reimbursement until the debt service on the revenue bonds has been paid or until the supplemental rate is no longer required

The bill would express the intent of the Legislature that funds be appropriated in the Budget Act to cover costs which will be incurred by the California Medical Assistance Commission, the Office of Statewide Health Planning and Development, and the State Department of Health Services in administering the bill. It would require, insofar as possible, these agencies to implement the bill within existing administrative procedures.

The bill would state the findings and declarations of the Legislature that supplemental reimbursements made pursuant to the bill are subventions to local governmental entities and are not appropriations subject to limitation of the state under Article XIII B of the State Constitution

Ch 1636 (AB 3585) Allen. Innovative education programs.

Existing law provides general authority to the governing boards of school districts, and to county superintendents of schools, to administer educational programs to pupils enrolled in public elementary and secondary schools of this state

This bill would direct the State Board of Education, pursuant to consultation with certain representatives of various educational entities, recommendations of the Superintendent of Public Instruction, and evaluations conducted by the State Department of Education, to identify effective educational programs and practices, and to develop, evaluate, locally disseminate those programs and practices, and authorize funding for those purposes, as specified

Ch. 1637 (AB 3860) Frazee Aid to families with dependent children-foster care.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, through which qualified children in foster care are provided assistance for specified needs. The AFDC program is administered and partially funded by counties.

Under existing law, the State Department of Social Services is required to audit group homes receiving funds on behalf of children receiving funds under the AFDC-FC program

This bill would prohibit the department from offsetting overpayments determined pursuant to final audit adjustments of audits performed prior to June 30, 1988, against current AFDC-FC payments, unless the department determines that the proposed adjusted allowable costs for the current year are less than the current paid rate and the

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same facts or conditions exist in the current year which resulted in the audit adjustment during the year which was the subject of the prior audit.

Ch. 1638 (AB 3640) Campbell Contra Costa County retirement elective officers

Certain provisions of the existing County Employees' Retirement Law of 1937 authorize Contra Costa County to elect to provide alternative benefits designated Tier II.

This bill would, at the option of Contra Costa County, authorize certain elective officers of Contra Costa County to elect, under specified conditions, to become a member of either Tier Two or Tier One, as specified.

This bill would remain operative only until June 1, 1990, and would self-repeal on January 1, 1991.

Ch. 1639 (AB 4325) Bane. Automobile insurance excess profit

Existing law does not limit the underwriting profit insurers make on policies of private passenger automobile insurance.

This bill would limit the underwriting profit, as defined, on policies of private passenger automobile insurance written in California to 5%, as specified, and would require a refund or credit to policyholders for premiums paid in excess of that limit commencing July 1, 1991, if the average after-tax profit for a 6-year period exceeds by more than 5% of the earned premium, as specified. These provisions would be repealed on July 1, 1996, unless that date is deleted or extended by subsequent legislation.

Ch. 1640 (SB 2438) Alquist. Victims of crime. resource center.

Existing law provides for a resource center which shall operate a statewide, toll-free information service, consisting of legal and other information, for crime victims, and which shall provide information and educational materials discussing victims' legal rights, as specified.

This bill would provide that the information service is also for providers of services to crime victims, as defined.

Existing law requires the resource center to provide callers with information and advice regarding victims' legal rights, as specified.

This bill would require the resource center to provide callers who provide services to victims of crime with legal information regarding the legal rights of victims of crime.

Existing law requires the center to provide a 10% minimum cash match for appropriated funds

This bill would increase that cash match to 20% It would also provide that the center shall be compensated at its federally approved indirect cost rate, if any, as defined. The bill would further provide that all information and records obtained by the center in the course of providing services, as specified, shall be confidential and privileged pursuant to specified provisions of law, except that compilation and distribution of statistical data by the center shall not be prohibited

Ch 1641 (AB 3426) Leslie. The Small Business Development Board.

Existing law provides for a Small Business Development Board in the Department of Commerce, specifies the membership of the board, and specifies the duties of the board.

This bill would add several specified persons to the board as ex officio nonvoting members, would increase the number of members appointed by the Governor from 9 to 13, and would increase the number of appointments by the Speaker and the Senate Rules Committee from 2 to 4

This bill would also provide that the board would be required to advise the Governor, the Executive Director of the Office of Small Business, and the Small Business Advocate regarding issues and programs affecting California's small business community

This bill would provide that the public members of the board may, at the discretion of the Department of Commerce, be reimbursed per diem and travel expenses, as specified.

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

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Ch. 1642 (AB 4083) Leslie. Business development

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations.

This bill would generally revise and recast the above provisions and would delete the reference to Urban and Rural Development Corporations, instead referring to these corporations generally as Small Business Development Corporations.

Existing provisions of the Small Business Development Corporation Law become inoperative on July 1, 1989, and are repealed January 1, 1990.

This bill would extend these dates to July 1, 1991, and January 1, 1992, respectively.

This bill would also make technical clarifying changes.

Ch. 1643 (SB 2148) Rogers Vehicles Pearl Harbor Survivor license plates.

(1) Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified.

This bill would authorize any person who is a certified Pearl Harbor survivor, as specified, to be issued distinctive Pearl Harbor Survivor license plates, commencing July 1, 1989. The bill would require that the department charge a $35 fee to cover costs related to issuance of the plates or for issuance of substitute plates. The bill would also provide that the plates may be transferred to another vehicle for a $20 fee, but may not be transferred to other persons, and is required to be surrendered to the department upon the decease of the person to whom the plates were issued

(2) The bill would require the Controller to transfer $90,000 from the California Environmental License Plate Fund to the Motor Vehicle Account in the State Transportation Fund, and would appropriate that amount from the account to the department to implement the bill.

Ch 1644 (AB 3639) Campbell License plates· Purple Heart recipients

Under existing law, Congressional Medal of Honor recipients and prisoners of war may apply for special license plates for their vehicles.

This bill would permit Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees, as specified.

The bill would become operative on July 1, 1989

Ch. 1645 (SB 2460) Kopp. Official state dances

Existing law designates an official state flower and an official state tree, among other things

This bill would designate the West Coast Swing Dance as the official state dance.

This bill would designate the Square Dance as the official state folk dance.

Ch 1646 (AB 4187) Nolan Political parties. direct primary election endorsements: State Central Committee Convention

Existing law provides that the state convention, state central committee, and the county central committee in each county are the official governing bodies of a political party qualified to participate in the direct primary election Existing law prohibits these entities of a political party from endorsing, supporting, or opposing any candidate for nomination by that party for partisan office in the direct primary election.

This bill would specifically authorize the state central committee of the Republican Party to prohibit or limit the power of Republican county central committees to endorse, support, or oppose any candidate for nomination by the Republican Party for partisan office in the direct primary election

Existing law requires the Democratic State Central Committee to convene in Sacramento in the January after a general election, on a weekend which shall be no later than the last full weekend of the month.

This bill would instead require this committee to convene in Sacramento after a general election between the first full weekend in January and the first full weekend in March.

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Ch. 1647 (SB 825) Garamendi Sales and use tax exemptions transportation charges

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. The law excludes from the definitions of "sales price" and "gross receipts" for purposes of the law separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser. However, if the transportation is by facilities of the retailer or the property is sold for a delivered price, this exclusion applies only if the transportation occurs after the purchase of the property is made

This bill would also exclude from the definitions of "sales price" and "gross receipts" for purposes of the law, charges for transporting landfill from an excavation site to a site specified by the purchaser, either if the charge is separately stated and does not exceed a reasonable charge or if the entire consideration consists of payment for transportation

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 incorporate additional changes to Sections 6011 and 6012 of the Revenue and Taxation Code proposed by AB 884 only if this bill and AB 884 are both chaptered and this bill is chaptered last.

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

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DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1988

1987–88 REGULAR SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (SCA 35) Keene. County officers: assessor: election.

The Constitution presently requires the Legislature to provide for an elected governing body, an elected sheriff, and an elected district attorney in each county not governed by a charter, and permits the Legislature or the county governing body to provide for other county officers.

The Constitution similarly requires county charters to provide for an elected governing body, an elected sheriff, and an elected district attorney and permits the charter to provide for the appointment or election of other county officers.

This measure would require that the office of assessor be an elective office in both chartered and general law counties.

Res. Ch. 2 (SCR 61) Vuich. Rural Crime Prevention Month.

This measure would designate February 1988 as Rural Crime Prevention Month, commend the California Rural Crime Prevention Task Force, and encourage the people of California to support the efforts of the task force.

Res. Ch 3 (AJR 21) Johnston. Health care

This measure would memorialize Congress to authorize and provide funding for a study by the General Accounting Office to analyze health care policy and delivery systems for the purpose of guiding the Congress of the United States and state legislatures in the enactment of health care legislation. This measure also would request that the Governor and the National Conference of State Legislatures take action to urge Congress to make changes in the Employee Retirement Income Security Act, in order to allow the states to address adequately the issue of uncompensated care.

Res. Ch 4 (ACR 79) Stirling Leon Raymond Hubbard, Jr. Institute.

This measure would designate the San Diego Marine Research Hatchery, upon its establishment by the California Ocean Resources Enhancement and Hatchery Program, the Leon Raymond Hubbard, Jr. Institute. The measure would also direct the Department of Fish and Game to determine the cost of erecting appropriate plaques and markers

Res. Ch. 5 (AJR 18) Ferguson National monetary policy: banking

This measure would memorialize Congress to amend federal law to require an annual audit of the federal reserve's conduct of the nation's monetary policy, as specified.

Res. Ch. 6 (AJR 44) Hauser. Commercial whaling.

This measure would memorialize the Congress and the President of the United States to enforce specified existing laws to regulate foreign fishing in the fishery conservation zone by, and to ban importation of fish and fish products from, countries which pursue commercial whaling or endanger whales and their environment.

Res. Ch. 7 (AJR 46) Eaves Community aircraft noise impacts.

This measure would request the Federal Aviation Administration to study aircraft noise abatement matters and to engage in specified rulemaking.

Res. Ch. 8 (ACR 99) Bronzan. Cholesterol Management Week.

This measure would designate February 20 through February 28, 1988, as Cholesterol Management Week, and would state that the Legislature encourages cholesterol education and screening programs in local communities throughout the state.

Res. Ch. 9 (SCR 13) Robbins. Postrehabilitation residential care.

Under existing law, the State Department of Social Services licenses community care facilities, including residential care facilities for disabled persons.

This measure would request the State Department of Social Services to study the feasibility of establishing a pilot project to examine the cost efficiency of creating residential care facilities or using existing facilities for head trauma, spinal cord injury, and stroke victims, which would be funded through department resources or other funding

sources which might be available.

This measure would direct the department to report its findings to the Legislature on or before December 1, 1988.

Res. Ch 10 (SJR 33) Torres Vietnamese political prisoners.

This measure would memorialize the President, the Secretary of State, and the Congress of the United States to work with the United Nations High Commissioner of Refugees for the immediate release of persons held as political prisoners because of their previous association with the government of South Vietnam prior to 1975, and to give former Vietnamese political prisoners first priority in immigrating to the United States to join their families

Res. Ch 11 (AJR 40) Killea. Clandestine drug laboratories

This measure would urge the President and Congress of the United States to make federal drug law enforcement funds available to match state funds to be used for the cleanup of hazardous substances produced by clandestine drug laboratories.

Res. Ch. 12 (AJR 22) Filante. AIDS vaccine.

This measure would memorialize the President and Congress of the United States to enact legislation amending the federal Public Health Services Act to· (1) add AIDS vaccine, when it is approved by the federal Food and Drug Administration, to the National Vaccine Program, (2) fund the National Vaccine-Injury Compensation Trust Fund to compensate persons injured through AIDS vaccine administration, and (3) place a tax on vaccines, as determined by Congress, in order to provide funding for the National Vaccine-Injury Compensation Trust Fund.

Res. Ch. 13 (ACR 98) Hansen Women's History Month and International Women's Day.

This measure would designate the month of March 1988 as Women's History Month and would urge all Californians to join in the celebration of International Women's Day on March 8, 1988.

Res. Ch. 14 (ACR 106) Katz Earthquake Preparedness Month.

This measure would proclaim the month of April 1988 as California Earthquake Preparedness Month and urge all Californians to engage in appropriate earthquake safety-related activities during that month

Res. Ch 15 (SCR 58) Alquist. Seismic Safety Commission

Pursuant to the provisions of the California Earthquake Hazards Reduction Act, a coordinated program was established to be known as the California Earthquake Hazards Reduction Program to implement activities to reduce statewide earthquake hazards.

This measure expresses legislative interest in the status of the earthquake reduction program and requests reports from specified state agencies concerning their progress in carrying out the present 5-year program The measure would also require the Department of Insurance and the Office of Emergency Services to report on problems caused after the Whittier earthquake involving persons with earthquake insurance, and to make recommendations for preventing the occurrence of similar problems

Res. Ch. 16 (SCR 84) Marks. Pacific Rim Awareness Week

This measure would declare the week commencing Monday April 4, 1988, as Pacific Rim Awareness Week.

Res. Ch 17 (SJR 27) Watson. Child support

This measure would memorialize the President and the Congress to permit individual states to determine the appropriate date for retroactive modification or revocation of child support orders.

Res. Ch 18 (ACR 87) Costa. San Joaquin River Parkway.

This measure would request the San Joaquin River Committee, the City of Fresno, the

County of Fresno the County of Madera, other affected local agencies and appropriate state and federal agencies to devote effort to develop and implement a plan and management program to create and maintain the San Joaquin River Parkway, and to explore and identify all possible sources of funding for the project

Res Ch 19 (AJR 58) Speier. Women Vietnam veterans: memorial

This measure would memorialize the President and Congress to support and enact legislation for the erection of a memorial honoring women Vietnam veterans on the grounds of the Vietnam Veterans Memorial

Res Ch 20 (ACR 42) Harris. California Law Revision Commission attorneys' fees study

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. Existing law also requires that, 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 topics referred to it for the study by concurrent resolution of the Legislature

This measure would refer the topic of payment and the shifting of attorneys' fees between litigants to the commission for study

Res. Ch 21 (ACR 66) Hauser Poets in the schools

This measure would commend California Poets in the Schools and would urge the California Arts Council to continue to fund California Poets in the Schools at the highest level possible commensurate with its budget and the funding needs of other art programs, and continue to act as an advocate for the program before other funding agencies and sources.

Res. Ch 22 (ACR 78) Hughes Private educational accrediting associations.

This measure would request that the California Postsecondary Education Commission conduct a study of the operations and procedures of accrediting associations which accredit postsecondary educational institutions, as specified

This measure would also request that the Executive Director of the California Postsecondary Education Commission establish an advisory committee, as specified, to assist in the identification of issues to be included in the study, and would provide that the results of the study be transmitted to the education and budget committees of each house of the Legislature by February 15, 1989

Res Ch 23 (SCR 83) Rosenthal Kurt Waldheim

This measure would call upon Kurt Waldheim, the President of Austria, to resign his position

Res Ch. 24 (ACR 105) Katz Holocaust Memorial Week

This measure would designate the week of April 10 through April 16, 1988, as California Holocaust Memorial Week, and would urge Californians to observe appropriately these Days of Remembrance for the Victims of the Holocaust

Res Ch 25 (AJR 33) Campbell Imported roses

This measure would memorialize the United States Trade Representative to actively pursue negotiations with the European Economic Community to reduce their tariff schedules on imported roses and, if the tariff schedules are not reduced, would memorialize the President to support and the Congress to enact HR 750 to protect the American rose growers' market

Res. Ch 26 (AJR 79) N Waters. Cattlemen and sheep producers emergency relief

This measure would memorialize the President and Congress to direct the Agricultural Stabilization and Conservation Service in the United States Department of Agricul-

ture to implement its emergency livestock feed program and other applicable disaster relief programs to provide relief to California cattle and sheep producers experiencing drought conditions.

Res. Ch. 27 (ACR 96) Campbell. John Muir.

This measure would proclaim April 21, 1988, as John Muir Day, request the Governor to make a similar proclamation, designate the state's observance of April 21 of following years as a commemorative holiday to honor John Muir and observe the importance of an ecologically sound environment, and request public schools and public agencies to observe John Muir Day, as specified.

Res Ch 28 (ACR 95) Chacon. Voter registration.

This measure would declare the week of April 18, 1988, as "You've Got the Power. Register and Vote Week."

Res Ch 29 (AJR 27) Friedman. Jewish citizens of the Union of Soviet Socialist Republics

This measure would urge the government of the Union of Soviet Socialist Republics to free all of its political prisoners, to allow the emigration of all of its citizens who duly apply for that right, and to end the harassment of Soviet citizens who demonstrate for their rights The measure would also urge the President of the United States and other federal officials and Members of Congress to refrain from publicly or privately praising the Soviet Union for its "glasnost" policy that has permitted only a few dissidents and refuseniks to go free until the Union of Soviet Socialist Republics takes substantial and permanent steps to free all of its political prisoners, allow the emigration of all of its citizens who duly apply for that right, and end the harassment of Soviet citizens who demonstrate for their rights. The measure would also urge the President of the United States and other federal officials and Members of Congress to use all appropriate diplomatic channels in every meeting, contact, or communication between American and Soviet officials to press Soviet authorities to take the actions urged by this measure.

Res Ch. 30 (ACR 120) Longshore. Southeast Asia Genocide Remembrance Week.

This measure would proclaim April 24–30, 1988, as Southeast Asia Genocide Remembrance Week.

Res. Ch. 31 (AJR 64) Polanco Federal immigration reform.

This measure would memorialize the President and Congress to enact legislation to extend the legalization deadline for undocumented residents.

Res Ch. 32 (ACR 109) Seastrand. National Day of Prayer

This measure recognizes Thursday, May 5, 1988, as the "National Day of Prayer."

Res Ch 33 (ACR 143) Filante Barrier Awareness Day 1988

This measure would recognize May 7, 1988, as "Barrier Awareness Day 1988" in the State of California.

Res. Ch. 34 (ACR 144) O'Connell. Cultural Awareness Week

This measure would designate the week of May 2, 1988, as Mexican-American Cultural Awareness Week in the State of California.

Res Ch. 35 (ACR 104) Katz. Small business

This measure would request the Governor to proclaim, in conjunction with the national designation thereof, the week of May 8 through May 14, 1988, as California Small Business Week

Res. Ch 36 (ACR 116) Farr. Travel and Tourism Month.

This measure would proclaim May 1988 as Travel and Tourism Month The measure would also urge the Office of Tourism to work with local convention and visitor bureaus, local chambers of commerce, any other local tourism promotion agencies or groups, and the California Travel Industry Association to designate and promote appropriate events,

ceremonies, and activities commemorating Travel and Tourism Month The measure would further urge the Office of Tourism to coordinate its Travel and Tourism Month activities with any similar activities by the federal government

Res. Ch. 37 (ACR 142) O'Connell. Toxic Awareness Week.

This measure would proclaim the week of May 8, 1988, as "Toxic Awareness Week," and would encourage the public schools and businesses to take related actions concerning hazardous materials safety awareness. The measure would request the Department of Transportation to place a sign at the site of the toxic spill of May 14, 1984, in the City of Santa Barbara during this week to identify the location of the spill

Res Ch. 38 (ACR 146) La Follette. Mother's Day

This measure would commemorate the second Sunday of May 1988 as Mother's Day and urge all Californians to engage in appropriate observances and activities therefor

Res Ch 39 (SCR 53) Keene. William Z Hegy Memorial Highway

This measure would memorialize William Z Hegy and would designate the portion of State Highway Route 101 from the Little River near the City of Trinidad to the Patrick's Point Undercrossing as the William Z Hegy Memorial Highway.

The measure would also direct the Department of Transportation to determine the cost of and to erect appropriate plaques and markers upon receiving donations from private sources.

Res Ch 40 (ACR 140) Bates. Foster Care Awareness Month

This measure would recognize the month of May 1988 as "Foster Care Awareness Month" in the State of California.

Res. Ch 41 (AJR 68) Killea. United States-Canada Free Trade Agreement

This measure would memorialize the Congress and President of the United States to give favorable and prompt consideration to legislation implementing the United States-Canada Free Trade Agreement

Res Ch 42 (SCR 73) C. Green. Teacher Appreciation Week.

This measure would proclaim the week of May 8 through May 14, 1988, as "Teacher Appreciation Week" and would state that the Senate and Assembly commend and express their appreciation to the state's teachers, instructors, professors, and other educators. This measure would also urge all the people of the state to recognize and appreciate the contributions of California's professional educators.

Res Ch 43 (SCR 80) Roberti 225th anniversary of Filipinos in the continental United States.

This measure would express the support of the Legislature for the activities of the Filipino American National Historical Society as it celebrates the 225th anniversary of the presence of the Filipino American community in the continental United States

Res Ch. 44 (AJR 63) Katz. Federal funding of highways

This measure would memorialize the President and Congress to reduce or eliminate the federal funding role in highway construction programs after 1993, along with the federal gas tax, in order to focus resources available to each state on high priority transportation needs identified at the state and local level.

Res Ch. 45 (SCR 87) Mello. Joint Legislative Committee on the 1992 California Quincentennial of the Voyages of Christopher Columbus.

This measure would create the Joint Legislative Committee on the 1992 California Quincentennial of the Voyages of Christopher Columbus The committee would have specified powers and duties relative to the planning and implementation of events celebrating, commemorating, or memorializing the 500th anniversary of the first voyage of Christopher Columbus.

Res Ch 46 (SCR 78) Royce California Chiropractic Wellness Week
This measure would recognize the contributions of doctors of chiropractic to California citizens and would designate the week of June 11 through June 17, 1988, as "California Chiropractic Wellness Week."

Res Ch. 47 (SJR 41) Rosenthal National Estuaries Program Santa Monica Bay.
This measure would memorialize the Environmental Protection Agency to select Santa Monica Bay for the National Estuaries Program and to immediately convene the National Estuaries Program management conference for the bay

Res. Ch 48 (ACR 102) McClintock Stagecoach Inn
This measure would request the Department of Transportation to place a marker and plaque to designate the original site of the Stagecoach Inn, and would direct the department to determine the cost of erecting the appropriate marker and plaque and to erect the marker and plaque upon receiving donations from private sources covering the cost.

Res Ch 49 (ACR 115) Allen Public Lands Conservation and Recreation Month
This measure would declare June of 1988 as Public Lands Conservation and Recreation Month and would encourage programs relating to recreational opportunities on public lands and conservation and protection of this resource.

Res. Ch. 50 (ACR 119) N. Waters. Forest fires damage recovery effort
This measure would extend the support of the Legislature to the sponsors of OPERATION PHOENIX and encourage them in their forest fire rehabilitation and recovery efforts throughout the state

Res Ch 51 (ACR 149) Bronzan Better Hearing and Speech Month.
This measure would declare the month of May 1988 as Better Hearing and Speech Month

Res. Ch. 52 (ACR 128) W Brown. Tort liability law revision.
This measure would create the Joint Committee on Tort Liability as an investigating committee of the California Legislature It would charge the committee with studying the need for revision of the law relating to tort liability and related insurance laws, including the rules governing liability for, and the amount of compensation or damages to be paid on account of, injury to, or death of, persons, or damage to, or destruction of, property, the manner and method of determination and payment thereof, court procedures, and related matters
This measure would provide for the appointment of members to the committee, would provide for additional powers and duties of the committee, and would provide for the funding of the committee, by the Senate Committee on Rules and the Assembly Committee on Rules It would provide for the termination of the committee at the end of the 1987–88 Regular Session

Res Ch 53 (SJR 32) Morgan. Child care
This measure would memorialize the President and the Congress of the United States to enact legislation to help states make child care more affordable for low- and moderate-income families, increase the number of child care facilities and the number of qualified day care staff available to all families, improve the quality of child care available to all families, and coordinate child care resources to preserve their efficient use

Res Ch 54 (ACA 56) O'Connell Property taxation redevelopment projects.
Existing provisions of the California Constitution permit the Legislature to provide that any redevelopment plan may contain a provision that the taxes, if any, levied upon taxable property in a redevelopment project each year by or for one or more taxing agencies after the effective date of the ordinance approving the redevelopment plan be divided so that (1) the taxing agency or agencies receive that portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for them upon the total sum of the assessed value of the taxable property in the redevelopment

project as shown on the last equalized assessment roll prior to the effective date of the ordinance approving the redevelopment plan; and (2) the redevelopment agency receives that portion which equals the amount of taxes levied each year with respect to taxable property in the redevelopment project in excess of the portion received by the taxing agencies.

This measure would revise the method of dividing this property tax revenue between the taxing agencies and the redevelopment agency by excluding from the portion allocated to the redevelopment agency that portion attributable to a tax rate levied by a taxing agency for the payment of principal of, and interest on, bonded indebtedness for the acquisition or improvement of real property of the taxing agency which is approved by the taxing agency's voters on or after January 1, 1989.

Res Ch. 55 (ACR 103) Cortese High school student leadership activities

This measure would encourage school district governing boards and principals and faculties of individual high schools to promote and incorporate student leadership activities in the curricula of their high schools.

Res. Ch 56 (ACR 107) Johnston Community service student involvement

This measure would urge district boards of education to promote programs which involve students in community services and request principals of individual high schools to consider means of involving students in volunteer community organizations

Res. Ch 57 (ACR 110) Klehs. Dr Aristides de Sousa Mendes do Amaral e Abranches: honorary citizen of California.

This measure would declare Dr Aristides de Sousa Mendes do Amaral e Abranches to be an honorary citizen of California

Res. Ch. 58 (ACR 154) Bronzan. Mental Health Month

This measure would proclaim the month of May as Mental Health Month

Res. Ch 59 (ACA 63) Johnston. Deposit of public moneys.

The California Constitution authorizes the Legislature to provide for the deposit of public moneys in any bank, savings and loan association, or credit union in this state

This measure would additionally authorize the Legislature to provide for the deposit of public moneys in any federally insured industrial loan company in this state

Res Ch 60 (ACR 151) Polanco AIDS Awareness Week

This measure would designate May 29 to June 5, 1988, as Latino AIDS Awareness Week.

Res. Ch 61 (AJR 62) Cortese. Child care services

This measure would express to the Congress of the United States the support of the Legislature for the enactment of the federal Act for Better Child Care Services of 1987

Res Ch 62 (ACR 122) Stirling Highways· "Citizens for 52" Bridge

This measure would designate State Bridge No 57-968G in San Diego as the Citizens for 52 Bridge, and State Bridge No 57-923 in San Diego as the Senator Jim Ellis Bridge The measure would direct the Department of Transportation to erect appropriate plaques and markers upon receiving donations from private sources covering the cost.

Res Ch. 63 (SCA 9) Boatwright. The Governor.

Existing provisions of the California Constitution permit the Governor, subject to application procedures provided by statute, to grant a reprieve, pardon, and commutation after sentence, except in the case of an impeachment A twice-convicted felon may not be granted a pardon or commutation except upon the recommendation of 4 judges of the Supreme Court The Governor is required to report to the Legislature on reprieves, pardons, and commutations granted.

This measure would provide that no decision of the parole authority of this state concerning granting, denial, revocation, or suspension of parole of a person sentenced

to an indeterminate term upon conviction of murder shall become effective for a period of 30 days, during which period the Governor could review the decision subject to procedures provided by statute. The Governor could only affirm, modify, or reverse the decision of the parole authority on the basis of the same factors the parole authority is required to consider. The Governor would be required to report to the Legislature on each parole decision affirmed, modified, or reversed, as specified.

Res. Ch 64 (ACA 1) Elder Property taxation reappraisal exception.

Existing provisions of Article XIII A of the California Constitution, which were contained in Proposition 60 and were approved by the voters at the November 4, 1986, general election, permit the Legislature to provide for an exception to reappraisal upon purchases, changes in ownership, or new construction of real 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 transfer of base year value provisions exclude from their application replacement dwellings which were purchased or newly constructed prior to the effective date of the provisions. However, as a result of other existing provisions of Article XIII A which were contained in Proposition 58, and were approved by the voters at the November 4, 1986, general election, the operation of these transfer of base year value provisions were modified to apply only with respect to replacement dwellings which were purchased or newly constructed on or after November 6, 1986.

This measure would revise the operation of these existing transfer of base year value provisions so that they would apply to replacement dwellings which were purchased or newly constructed on or after November 5, 1986.

This measure would also authorize the extension of the above transfer of base year value provisions by permitting the Legislature to authorize each county board of supervisors, after consultation with local affected agencies, as defined, within its boundaries, to adopt an ordinance making those provisions also applicable to situations in which the replacement dwellings are located within that county and the original properties are located in another county within the state. This authorization would apply to replacement dwellings purchased or newly constructed on or after the date the county adopts the ordinance relating to the transfer of base year value provisions, but in no event prior to November 9, 1988

This measure would also revise specified provisions of Section 2 of Article XIII A of the California Constitution governing the general application of amendments to that section so that, unless otherwise provided, any amendment to that section adopted after November 1, 1988, is effective for changes in ownership which occur and new construction which is completed on and after the amendment's effective date, rather than after the amendment's effective date

Res. Ch. 65 (ACA 12) Stirling. Courts of record

The Constitution presently provides that all courts except justice courts are courts of record.

This measure would provide that all courts are courts of record

Existing law provides that a person is ineligible to be a judge of a municipal court unless the person has been a member of the State Bar or a judge of a court of record for 5 years

This measure would impose that requirement for justice court judges, except as specified.

The changes made by the measure would be operative on January 1, 1990.

Res. Ch. 66 (AJR 77) Isenberg McClellan Air Force Base.

This measure would support the efforts of the California congressional delegation to seek equity in the disbursement of national defense funds and in the reduction of budget expenditures in light of the hardship imposed on McClellan Air Force Base employees

by a proposed work furlough

Res. Ch. 67 (SCA 6) Davis. Commission on Judicial Performance.

(1) The California Constitution presently specifies that members of the Commission on Judicial Performance serve 4-year terms

This measure would shorten the terms of specified members to 2 years in order to provide for staggered terms. The measure would also prohibit members from serving more than 2 4-year terms, but would authorize a member whose term has expired to continue serving until a successor is appointed.

(2) The California Constitution presently authorizes various disciplinary actions to be taken against a judge for misconduct or malfeasance in office The Supreme Court, on recommendation of the Commission on Judicial Performance or on its own motion, may suspend a judge from office On recommendation of the Commission on Judicial Performance, the Supreme Court may also retire a judge for disability or censure or remove a judge. Finally, the commission is authorized to privately admonish a judge, subject to review by the Supreme Court The Judicial Council is required to provide for the confidentiality of these disciplinary proceedings

This measure would add provisions specifying the powers of the Commission on Judicial Performance if, after conducting a preliminary investigation, the commission determines that formal proceedings should be instituted The measure would also set forth specific findings and statements of public policy.

Res Ch 68 (SCA 16) Deddeh Property taxation

Existing provisions of the California Constitution exempt from property taxation property in the amount of $1,000 of a claimant who is an active or honorably discharged member of the armed forces, is the unmarried spouse of a member of the armed forces who is deceased, or is the parent of a member of the armed forces who is deceased and who meets various other conditions.

This measure would delete one of those conditions relating to the exemption claimant's or the armed forces member's residence in this state on a specific date or the armed forces member's residence in this state at the time of his or her entry into the armed forces

Res Ch. 69 (SCR 60) Craven David A Hoffman Memorial Bridge

This measure would designate the Del Mar Heights Road Overcrossing on Interstate 5 in Del Mar as the David A Hoffman Memorial Bridge

The measure would direct the Department of Transportation to determine the cost of appropriate signs showing that special designation, and upon receiving donations from private sources covering that cost, to erect those signs.

Res. Ch. 70 (ACA 17) Chacon. Judges

The California Constitution presently provides that a judge of a court of record may not practice law and during the term for which the judge was selected is ineligible for public employment or public office other than judicial employment or judicial office.

This measure would authorize a judge of a court of record to accept a part-time teaching position that is outside the normal hours of his or her judicial position and that does not interfere with the regular performance of his or her duties while holding office The measure would also prohibit a judicial officer from earning retirement service credit from a public teaching position while holding judicial office

The California Constitution presently provides that a judge of a superior or municipal court may become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy.

This measure would make this provision applicable instead to a judge of a trial court of record

Res Ch 71 (SJR 36) Marks United States Coast Guard funding

This measure would memorialize Congress to expeditiously approve reprogramming of $60,000,000 to the United States Coast Guard and appropriate funds necessary to

restore its services for the 1987–88 fiscal year, and to provide adequate funding for the Coast Guard in the 1988–89 fiscal year.

Res. Ch. 72 (ACR 133) Hughes. Postsecondary education: costs.

The measure would request the California Postsecondary Education Commission to (1) consider alternative strategies to expand early outreach and public information to elementary and junior high school pupils with respect to the costs of higher education; (2) explore the potential utilization of financial incentives to increase pupil motivation to complete their schooling and prepare for college; (3) establish an advisory committee, and (4) present to the Legislature and the Governor recommendations, a cost estimate, and a proposed time schedule for implementing new policy in this area.

Res. Ch. 73 (SCR 99) Deddeh Joint Committee on Organized Crime and Gang Violence.

This measure would establish the Joint Committee on Organized Crime and Gang Violence, and would specify the committee's duties and would make provision for the appointment of its membership and the financing of its activities. The measure would require the joint committee to report to the Legislature on or before November 30, 1988.

Res. Ch. 74 (ACA 54) Mountjoy. Enactment of statutes· consideration of bills by the Governor referendum.

(1) The Constitution presently provides that a bill passed by the Legislature and presented to the Governor that is not returned within 12 days becomes a statute, with a specific exception for bills passed by the Legislature before September 1 of the second calendar year of the biennium of a legislative session and in the Governor's possession on or after September 1, in which case the Governor has until and including September 30 to return those bills. The Constitution also provides that if the Legislature by adjournment of a special session prevents the return of a bill by the Governor, the bill becomes a statute unless, within 12 days, the Governor vetoes the bill by depositing it and the veto message with the Secretary of State

This measure, with respect to bills, other than bills which would establish or change boundaries of any legislative, congressional, or other election district, passed by the Legislature during the first calendar year of the biennium of a legislative session and in the possession of the Governor after the Legislature has adjourned for a joint recess to reconvene in the second calendar year of the biennium, would extend the period from 12 to 30 days before these bills become statutes if they are not returned.

In addition, this measure would provide, with respect to these provisions, that if the 12th day of a period specified for consideration of a bill by the Governor is a Saturday, Sunday, or holiday, the period shall be extended to the next working day.

(2) The Constitution presently provides, with certain exceptions relating to bills which take effect immediately upon enactment, that a statute enacted at a regular session goes into effect on January 1 next following a 90-day period from the date of enactment of the statute

This measure would exempt from these provisions a statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature during the first calendar year of the biennium of a legislative session and in the possession of the Governor after the Legislature has adjourned for a joint recess to reconvene in the second calendar year of the biennium. This measure would provide that the statute would become effective on January 1 next following its enactment An exception to this effective date would be made where, prior to January 1, the proponents of a referendum measure affecting the statute request a title for the measure from the Attorney General, in which case the statute would go into effect on the 91st day after enactment, unless the proponents of the measure qualify the measure for submission to the electors.

(3) The Constitution provides, with respect to the referendum process, that a referendum measure may be proposed by presenting to the Secretary of State, within 90 days after the enactment date of a statute, a petition certified to have been signed by a specified number of electors asking that the statute or part of it be submitted to the electors.

This measure, with respect only to a statute enacted by a bill passed by the Legislature during the first calendar year of the biennium of a legislative session and in the possession of the Governor after the Legislature has adjourned for a joint recess to reconvene in the second year of the biennium, would prohibit presentation of a referendum petition on or after January 1 next following the enactment date of the statute unless the proponents of a referendum measure affecting the statute request a title for the measure from the Attorney General

(4) The Constitution provides that any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 30 of the second calendar year of the biennium may no longer be acted upon by the house

This measure would change the January 30 deadline to January 31

Res. Ch 75 (SCR 64) Montoya Sales and Use Tax Law training program

This measure would request the State Board of Equalization to establish a more comprehensive program to properly educate the general public and the business community in general regarding the correct application of the California Sales and Use Tax Law so as to assure the proper assessment of the tax to any particular transaction or event

Res Ch 76 (SCR 72) Rogers State employee merit awards

This measure would authorize merit awards, which have been approved by the Department of Personnel Administration, to be paid to specified employees

Res Ch 77 (SCR 82) Garamendi Student participation in the decisionmaking process

This measure would encourage the State Board of Education, the Superintendent of Public Instruction, county boards of education, unified school districts and high school districts to promote programs that involve students in the decisionmaking process

Res Ch 78 (AJR 60) Hauser Vietnam veterans centers

This measure would urge the President of the United States to support, and the Congress to enact, legislation to continue funding of Vietnam veterans centers in community locations to ensure that veterans receive needed assistance

Res Ch 79 (AJR 76) Sher California's coastal management program

This measure would request the President of the United States and the Secretary of Commerce not to proceed with decertification of California's coastal management program, would urge the state and the secretary to enter into negotiations to resolve any dispute over California's approved coastal management program, and would request Congress to take action to encourage negotiation and to prevent the Department of Commerce from proceeding with decertification

Res Ch 80 (SCR 91) Seymour Acquired immune deficiency syndrome

This measure would commend all California companies that have made special efforts to become informed about the AIDS epidemic and to develop business policies based on that information and in this connection would also commend specified California companies

Res Ch. 81 (SCR 62) 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. 82 (SCR 67) Russell Heavy commercial vehicles and drivers' safety.

This measure would request the Governor to establish a task force to investigate, and to make recommendations to improve, heavy commercial vehicle and driver safety in California.

Res Ch 83 (SCR 68) Campbell. State buildings' landscaping

This measure would urge the Department of General Services to utilize drought resistant plants for landscaping new state buildings

Res. Ch 84 (SCR 77) Garamendi. Arthritis Self-help Course

This measure would urge the Chancellor of the California Community College system to encourage community colleges which are currently under their enrollment cap to work with the Stanford University Arthritis Center to offer the Arthritis Self-help Course as a noncredit course under the health and safety category and that the Chancellor's office of the California Community College system encourage community colleges to attend a workshop on the Arthritis Self-help Course sponsored by Stanford University.

Res. Ch 85 (SCR 85) Hart. University of California increased enrollments.

This measure would request the Regents of the University of California to develop, by July 1989, a long-range plan, as specified, for accommodating anticipated additional enrollments into the twenty-first century

Res. Ch 86 (SCR 66) Deddeh. Railroad crossings maintenance: pavement management system

This measure would request the Department of Transportation to assist a committee consisting of specified members to develop a pavement management system to provide a uniform rating system for the evaluation of railroad grade crossings throughout the state, including a procedure to establish priorities of those crossings in need of repairs, and to report to the Legislature by January 1, 1990

Res Ch. 87 (SCR 90) Robbins Joint Committee on Courthouse Financing and Construction

This measure would establish the Joint Committee on Courthouse Financing and Construction, and would specify the committee's duties and provisions for the appointment of its membership and the financing of its activities The measure would require the joint committee to report to the Legislature on or before November 30, 1988, as to the status of courthouse construction within the state and the methods available to finance courthouse construction within the state. The measure would authorize the joint committee to act until November 30, 1988, and would terminate the existence of the joint committee as of that date.

The measure would also terminate the existence of the Joint Committee on Computers in State Government

Res Ch. 88 (ACR 113) Elder Education curriculum aging

This measure would request the State Department of Education and the State Board of Education to add aging issues to the curriculum for grades 1 to 6, inclusive, to ensure that the education of school aged children includes subject matter specifically addressing the aged

Res Ch. 89 (ACR 127) Farr. Interagency Task Force on Tourism.

This measure would request the Director of Commerce to convene an Interagency Task Force on Tourism, to be composed of representatives from specified state agencies, for the purpose of assisting the Department of Commerce and the Office of Tourism to develop a tourism marketing plan and to help identify and solve problems in the delivery of visitor services.

Res Ch. 90 (ACR 163) Katz. Los Angeles Lakers

This measure would commend the Los Angeles Lakers on the occasion of their winning the 1987–88 world championship of professional basketball.

Res. Ch. 91 (SCR 76) Robbins Family law· minors counsel

Existing statutory law provides that the court may appoint counsel to represent the interests of a minor child in proceedings under the Family Law Act where there is in issue the custody of or visitation with the minor child if the court determines that the representation would be in the best interests of the minor child Existing statutory law also provides that counsel so appointed shall receive a reasonable sum for compensation and expenses, and that such amount of that sum as deemed by the court to be just shall be paid by the parents of the minor child.

This measure would request the Judicial Council to provide recommendations to the Legislature, by December 31, 1989, on the feasibility of the establishment of a fund for payment of the compensation and expenses of counsel so appointed to represent a minor child, in those cases in which the court determines that the child's parents do not have sufficient funds to pay for counsel to represent the minor child, as specified.

Res Ch 92 (SCR 81) Garamendi. The genome project.

This measure would resolve that the Members of the Legislature recognize and appreciate the necessity to map the human genome and proclaim their support of federal funding for the genome project

The measure would also urge the Governor to mobilize public and private organizations to develop a strategy for supporting the genome project and for assuring new funding for the project so that California's researchers remain competitive, and to work with the Congressional delegation from California to confirm California's readiness to participate in the genome project and enhance its continuing role as a leader in basic research

Res Ch 93 (SCR 89) 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 1988, transfer $3,322,200 from the Senate Contingent Fund and $3,322,200 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 94 (SCR 94) Kopp Highways federal fuel tax

This measure would request state and local entities to work together to bring about an elimination of the federal fuel tax It would provide for the formation of a task force, composed of specified representatives, to develop a policy and methodology to eliminate or reduce the federal fuel tax, and would direct the task force to report to the Legislature and the Governor on its adopted policy by January 1, 1989

Res Ch 95 (SCR 65) Morgan Stanford House State Historic Park

This measure would request the Department of Parks and Recreation to include in the preliminary general plan submitted to the State Park and Recreation Commission for the Stanford House State Historic Park consideration of the feasibility of such adaptive uses as reception areas, conference rooms, and overnight accommodations

Res Ch 96 (SCR 88) Bergeson Newport Bay pollution

This measure would request the California Regional Water Quality Control Board for the Santa Ana Region to prepare, in concert with other specified agencies, a followup report to a specified earlier report on the water quality of Newport Bay and its watershed in view of the activities during the past 2 years, including specified assessments and recommendations The bill would request that the report be submitted to the Legisla-

ture not later than September 1, 1989, and would declare related matters.

Res. Ch. 97 (SCR 93) Garamendi Disease prevention.

This measure would recognize the significant relationship between diet and cancer and would declare a goal for yearly consumption of fruit and vegetables of 500 pounds per person, the equivalent of a minimum of 5 servings per day, in California by the year 2000 A D , as a chronic disease prevention measure

Res Ch. 98 (SCR 97) Kopp Insurance automobile assigned risk plan.

Under existing law, the Insurance Commissioner has approved and issued a plan known as the California Automobile Assigned Risk Plan for the equitable apportionment among insurers of applicants for automobile liability insurance who are unable to procure it through ordinary means The plan provides for premium adjustments based on penalty points assigned for convictions of, among other things, operating a private passenger motor vehicle without state authority, including an assignment of 5 penalty points for operating such vehicle during a period of revocation or suspension of motor vehicle registration or driver's license

This measure would request the commissioner, on or before March 1, 1989, to provide for more equitable assignment of points by assigning only 2 penalty points for the conviction for operating a motor vehicle without state authority, if a motor vehicle registration or driver's license has not been renewed for more than 90 days but less than one year

Res Ch. 99 (SCR 101) Ellis Aviation and airports

This measure would increase the membership of the California Commission on Aviation and Airports from 21 to 25, and would specify the qualifications and appointment of the new members. The measure also would provide that reimbursement for the expenses of the commission and the members appointed by the Senate Committee on Rules may be allocated from the Contingent Fund of the Senate, and that reimbursement of the members of the commission appointed by the Speaker of the Assembly may be allocated from the Contingent Fund of the Assembly.

Res Ch 100 (SJR 34) McCorquodale. General Clifton B Cates naming of naval vessel

This measure would memorialize the Secretary of the Navy to name an appropriate United States Navy vessel in honor of General Clifton B Cates, 19th Commandant of the United States Marine Corps

Res Ch 101 (SJR 45) McCorquodale Recovery of natural resources damaged by 1987 wildfires.

This measure would memorialize the President and Congress to support and approve budget requests of the Forest Service of the United States Department of Agriculture for the recovery effort on national forest lands damaged by wildfires in 1987

Res Ch 102 (SCA 37) Lockyer Property taxation. full cash value

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 permit the Legislature to exclude from the term "newly constructed" the construction or addition of any active solar energy system and the construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvement.

This measure would permit the Legislature to also exclude from the term "newly constructed" the construction, installation, or modification on or after the effective date of this provision of any portion or structural component of a single or multiple family dwelling eligible for the homeowner's exemption if the construction, installation, or

modification is for the purpose of making the dwelling more accessible to severely disabled persons.

Existing provisions of the California Constitution also permit the Legislature to provide, as specified, for an exception to reappraisal upon purchase, change in ownership, or new construction of real property by 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.

This measure would allow the Legislature to extend the above exception to the reappraisal provisions to severely disabled homeowners with respect to replacement dwellings purchased or newly constructed on or after the measure's effective date.

Res. Ch 103 (ACR 100) La Follette Solid waste: recycling

This measure would request that the Department of General Services establish a collection service for all state government offices in and around the capitol building for recyclable paper products, would request the department to indicate whether items listed in its procurement catalog are made from recycled materials, and would request each Member of the Legislature and each state department and agency to take a leadership role in promoting recycling and reuse by ordering and using recycled office supplies whenever possible.

Res. Ch. 104 (ACR 111) Vasconcellos Peace Day

This measure would make certain legislative findings and declarations and would encourage the Governor to proclaim annually the 3rd Sunday of May "Peace Day"

Res. Ch. 105 (ACR 117) Bane. Health care practitioners.

Existing law provides that it is unlawful for specified healing arts licensees to charge, bill, or otherwise solicit from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, as prescribed, unless the licensee first discloses in writing to the patient, or to a 3rd-party payer upon request, as specified, that there is the interest, and advises the patient or payer, or both, regarding available alternative services

This measure would request that the Department of Consumer Affairs carry out a specified public information program regarding these provisions

Res. Ch 106 (ACR 121) Cortese. Highway interchange. San Jose

This measure would request the Department of Transportation to prepare a project study of completing the Route 87 Freeway from Coleman Avenue to the Route 101 interchange in San Jose, and to report its findings to the Legislature

Res Ch 107 (ACR 126) Campbell. University of California differential treatment.

This measure would request the Regents of the University of California and the Trustees of the California State University to develop and implement programs and policies as are necessary to identify and correct any existing behaviors, practices, and policies, as specified, that result in differential treatment among its students. This measure would also request the Regents of the University of California and the Trustees of the California State University to submit a report to the Governor and Legislature by March 31, 1990, detailing steps taken by the university to achieve the intent of this measure

Res. Ch. 108 (ACR 131) Costa. San Joaquin Amtrak route.

This measure would request the Department of Transportation to work with the National Railroad Passenger Corporation to provide a third daily passenger train over the San Joaquin Amtrak route and to submit a report to the Legislature on or before September 1, 1988, including information regarding funding needs and sources, as specified.

Res. Ch. 109 (ACR 136) Hauser. California Native American Monument.
This measure would urge the establishment of a monument honoring California Native American history and culture, and that appropriate state agencies assist in securing funding for its design and construction.

Res Ch 110 (ACR 137) Cortese. Sister state: Queretaro.
This measure would extend to the people of the Mexican State of Queretaro an invitation to join California as a sister state in order to encourage artistic, academic, and professional exchanges and to lead to an indelible friendship and lasting relationship between the citizens of California and the citizens of Queretaro.

Res Ch. 111 (ACR 153) Isenberg Mokelumne River Basin
This measure would encourage all of the water supply agencies within the Mokelumne River Basin to join with the Department of Water Resources in a preliminary study to review the water supply and water quality problems in the area and determine possible solutions

Res Ch. 112 (ACR 158) Hauser Hlel-Din Memorial Bridge.
This measure would designate Bridge No 4-50 on State Highway Route 299 as the Hlel-Din Memorial Bridge The measure would also direct the Department of Transportation to erect appropriate plaques and markers upon receiving donations from private sources covering the cost

Res Ch 113 (ACR 164) La Follette. National Association of Educational Office Personnel.
This measure would commend the National Association of Educational Office Personnel and, in particular, the California Association of Educational Office Personnel for the valuable service that their members provide to our educational system.

Res Ch 114 (AJR 34) Leslie. Federal transportation funding
This measure would memorialize the President and Congress to return the accumulated balance in the federal transportation trust fund to states in proportion to each state's contribution.

Res Ch 115 (AJR 59) Hauser Federal timber receipts.
This measure would memorialize the President and the Congress to enact legislation to guarantee each rural county currently receiving federal timber receipts a minimum allocation of federal timber receipts for the 1987–88, 1988–89, 1989–90, and 1990–91 fiscal years to help ensure that each county may maintain essential public services

Res Ch 116 (AJR 65) Moore Electricity bulk transactions
This measure would request the President, Congress, the Federal Energy Regulatory Commission, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to support and continue studies currently in progress regarding electrical transmission system improvements to facilitate bulk transmission of electrical power, to expedite resolution of disputes between sellers, buyers, and transmitters, and to facilitate construction of necessary new facilities

Res. Ch 117 (AJR 71) Leslie Mobilehome parks. proposed federal site-elevation requirements.
This measure would memorialize the Federal Emergency Management Agency to continue an exemption from flood-plain site elevation requirements for existing mobilehome parks unless and until the agency determines by actual study and published documentation that termination of the exemption is necessary to protect property values or protect against loss of life or injury.

Res Ch 118 (AJR 83) Costa Federal diesel fuel excise tax
This measure would memorialize the President and Congress to repeal the collection of the federal diesel fuel excise tax for off-road vehicle use

Res. Ch. 119 (SCR 79) Hart. AIDS education: institutions of higher education in California.

This measure would encourage each institution of higher education in the state to develop policies and guidelines for campus issues related to acquired immune deficiency syndrome (AIDS); to involve students, faculty, administrators, and employee groups in the development of these policies and guidelines; to provide students, faculty, administrators, and staff with accurate up-to-date AIDS prevention information; to ensure that campus services have staffs who have various information relative to AIDS; and to consider establishing a Peer Education Volunteer Program on AIDS, and would request each of these institutions to report to its systemwide office or statewide membership association on actions taken or planned to be taken to comply with the resolution.

This measure would also request the systemwide offices and membership associations of each institution of higher education in the state to report to the education and health policy committees of the Legislature by December 1, 1989

This measure would request the Secretary of the Senate to transmit copies of this resolution to each institution of higher education in the state

Res Ch. 120 (SCR 86) Mello. Award for Lifetime Achievement in the Arts.

This measure would establish an annual Award for Lifetime Achievement in the Arts in conjunction with the Los Angeles County High School for the Arts and would award the first annual award to Monsieur Hubert de Givenchy for his lifetime accomplishments in fashion.

Res Ch. 121 (SCR 96) Garamendi. Ports: surface transportation

This measure would request the Department of Transportation and the California Transportation Commission, in consultation with port representatives, to develop a proposal, for inclusion in the state transportation improvement program, for improving state highways and railway systems that serve ports, and that those entities explore and identify all possible sources of funding for road access to ports

Res. Ch. 122 (SCR 100) Presley. Air pollution: diesel emissions

This measure would request the State Energy Resources Conservation and Development Commission, the South Coast Air Quality Management District, and the State Air Resources Board, in consultation with diesel engine manufacturers and representatives of operators of diesel-powered vehicles, to develop and, where feasible, implement a common strategy to achieve the maximum feasible reduction in public exposure to diesel emissions in a cost-effective manner, as specified These agencies would be requested to report to certain legislative committees by March 31, 1989, on the progress of these activities

Res Ch 123 (SJR 30) Ayala. Central Valley Project

This measure would memorialize Congress to transfer control and operation of the federal Central Valley Project to California or other public entity The measure would also provide that if the transfer is made, the state or public entity will comply with the legal and contractual obligations of the United States, as specified

Res Ch 124 (AJR 73) Roos. Trauma care

This measure would memorialize Congress to establish a national clearinghouse on emergency medical services and provide federal block grants to states with a comprehensive emergency medical services and trauma care plan. It would also memorialize Congress to expeditiously enact legislation to provide funds for continued and expanded injury prevention activities of the Division of Injury Epidemiology and Control Centers for Disease Control.

Res. Ch. 125 (AJR 74) Chacon 1990 Census

This measure would urge the Congress of the United States to pass, and the President of the United States to sign, legislation requiring the Census Bureau to adjust the 1990 Census by using statistically valid methodology to correct for any undercount of minorities, the poor, the homeless, recent immigrants, and residents of remote rural areas

Res. Ch 126 (AJR 80) Speier United States airline workers.

This measure would memorialize the President and Congress to support efforts to ensure that all United States registered aircraft are repaired in facilities where trained, licensed, and competent mechanics are employed and are supervised by the Federal Aviation Administration.

The measure would also urge that the Federal Aviation Administration consider the potential negative impact of foreign repair stations before expanding their use.

Res. Ch 127 (AJR 85) M Waters Hazardous materials. Community Right-To-Know Act.

This measure would urge the Congress of the United States to amend the Emergency Planning and Community Right-To-Know Act of 1986 to give discretion to a state, which had previously enacted a similar state act, when implementing the procedural or administrative requirements of the federal act.

Res Ch 128 (AJR 86) Hauser Native American Remains.

This measure would urge the Smithsonian Institution to comply in a respectful and timely manner with requests of individuals and tribal organizations for the return of skeletal remains of California Native Americans and associated grave goods

Res. Ch 129 (AJR 89) Clute Aviation

This measure would memorialize the President, the Congress, and the Federal Aviation Administration to develop and implement those legislative and administrative actions needed to significantly expand and improve the capacity and efficiency of the nation's air transportation system

Res Ch 130 (ACR 94) Statham Children's services

This measure would urge the Legislature to adopt a Uniform Children's Services Policy, as specified

Res. Ch 131 (ACR 83) Leslie Liability insurance for obstetrical services.

This measure would request the Legislative Analyst to conduct a study of published reports on the effects of professional liability insurance costs on access of the public to obstetrical care and to submit a report to the Legislature on or before June 30, 1989

Res Ch 132 (ACR 108) Roos AIDS education in the workplace

This measure would request and encourage employers to implement AIDS education programs for their employees

Res Ch 133 (ACR 118) Polanco Commercial vehicles: owner responsibility. traffic violations

This measure would request the Department of the California Highway Patrol, in coordination with the Judicial Council, the Department of Motor Vehicles, the trucking industry, and a truck driver employee representative, to review the potential for implementing a statewide program to eliminate improper posting of vehicle equipment violations on the records of drivers of commercial vehicles, and to report its recommendations to the Legislature by June 30, 1989

Res Ch 134 (ACR 129) Hauser. Rural highway

This measure would request the Department of Transportation to submit a report to the Legislature on or before March 1, 1989, regarding passing lanes on rural two-lane highways and the Department of Motor Vehicles to develop a motorist education program regarding turnout and passing lanes

Res Ch. 135 (ACR 130) Bronzan. Family Unity Month

This measure would proclaim the month of November 1988 as Family Unity Month

Res. Ch. 136 (ACR 132) Hannigan Auburn-Sacramento-Oakland-San Jose intercity rail corridor: study

This measure would request the Metropolitan Transportation Commission, in coordi-

nation with the Sacramento Area Council of Governments and the Department of Transportation, to conduct an intercity rail corridor upgrade study for the Auburn-Sacramento-Oakland-San Jose corridor and to submit a report to the Legislature within 12 months of the passage of this measure.

Res. Ch 137 (ACR 148) Bane Capitol Park

This measure would request the Department of General Services to include adequate funds in its budget for the 1989-90 fiscal year for the preparation of a plan for the renovation and refurbishment of Capitol Park and to report its recommendations to a specified subcommittee of the Joint Rules Committee by January 1, 1990.

Res. Ch 138 (ACR 156) D Brown. Human Rights Violations· Cuba

This measure would express the Legislature's solidarity with the requests made by certain groups to the Human Rights Commission of the United Nations for an investigation of alleged human rights violations in Cuba

Res. Ch 139 (ACR 165) Bronzan. Mental Illness Awareness Week.

This measure would proclaim the week beginning on October 2, 1988, 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 140 (ACR 166) Farr Computer Learning Month

This measure would request the Governor of the State of California to proclaim the month of October 1988 as "Computer Learning Month "

Res Ch. 141 (ACR 167) 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 30, 1988, and is authorized to act only until November 30, 1988

This measure would extend the deadline for submission of the report of the joint committee until March 30, 1989, and authorize the joint committee to act until March 30, 1989.

Res Ch. 142 (ACR 77) Harris. Northern California Center for Afro-American History and Life

This measure would propose that the Department of Parks and Recreation acquire, at no cost, the collections and property of the East Bay Negro Historical Society, and maintain the facility as the "Northern California Center for Afro-American History and Life "

Res. Ch. 143 (ACR 138) Chacon. Pacific Rim language instruction

This measure would urge California schools to offer pupils, beginning in the elementary grades, in addition to English, courses in Pacific Rim languages, including, but not limited to, Japanese, Spanish, Chinese, or Korean

Res. Ch. 144 (ACR 145) Chacon. Hispanic state employees

This measure would request the Speaker of the Assembly and Senate Rules Committee to appoint a task force to conduct an ongoing assessment of the efforts of individual state agencies and departments to achieve a state work force in which Hispanics are at parity with their representation in the private work force It would request the task force to submit semiannual reports to the Legislature concerning the assessment of Hispanic underrepresentation in the state's work force It would urge all state agencies and departments to take various actions to reach a parity of Hispanics in the state work force.

Res Ch. 145 (ACR 152) Hayden. Ad Hoc Committee on Video Display Terminals

This measure would request the Ad Hoc Committee on Video Display Terminals to

report to the California Occupational Safety and Health Standards Board with proposals regarding the necessity for video display terminal related standards by May 1, 1989, and would request the Division of Occupational Safety and Health to make a progress report on these issues to the Legislature by December 1, 1988.

Res. Ch. 146 (ACR 155) Leslie. Preston School of Industry.

This measure would request the Department of the Youth Authority to study the feasibility of reinstituting an agricultural program on lands surrounding the Preston School of Industry and to report its findings and recommendations to the Legislature not later than 6 months from the enactment of this measure This measure would further provide that the land on which the agricultural program may be operated shall not be sold until the department has completed its study and reported to the Legislature The measure would also request the Governor to consider making available funds in the Budget Act of 1989 for the implementation of any recommendations made by the department.

Res Ch 147 (ACR 160) Sher. Energy resources

This measure would request the Public Utilities Commission, in its standard offer update proceeding, and the State Energy Resources Conservation and Development Commission, in its resource assessment and supply policies, to take the benefits of nonprice factors into account

The measure would also request those commissions to inform the Legislature on or before December 1, 1989, on how the benefits of nonprice factors have been taken into account in various proceedings of the commissions.

Res. Ch. 148 (ACR 162) Farr. University of California: Council on Science and Technology.

This measure would urge the establishment, within one year of the effective date of this resolution, of the California Council on Science and Technology, to report to the presidents of the University of California, the University of Southern California, the California Institute of Technology, Stanford University, and the Chancellor of the California State University, and to respond to the Governor, the Legislature, and other entities on public policy issues related to science and technology

Res Ch 149 (ACR 170) Campbell. California State University, Chico

Existing law authorizes the establishment of auxiliary organizations at the California State University

This measure does the following

(1) Strongly encourages the President of the California State University, Chico, to suspend immediately his decree to form two new commercial auxiliary organizations and, at least on an interim basis, renew the commercial lease beween the university and the Associated Students auxiliary organization, which lease expired June 30, 1988, and enter into a lease for the Bell Memorial Union

(2) Strongly encourages the Trustees of the California State University to contract for an independent and external review and audit to assist in the negotiations of the dispute between the administration of the California State University, Chico, and the Associated Students auxiliary organization

(3) Strongly encourages that the trustees to ensure that a mutual, long-term agreement is reached between the administration and the auxiliary organization as it exists to serve students through student governance and commercial services.

(4) Strongly encourages the Chancellor of the California State University to submit a report to the educational policy and fiscal committees of the Legislature not later than February 1, 1989, describing the results of the negotiated agreement and the subsequent resolution ensured by the trustees

Res Ch 150 (ACR 171) Mojonnier The Joint Legislative Committee on Surrogate Parenting.

This measure would create the Joint Committee on Surrogate Parenting, and direct

and authorize the joint committee to ascertain, study and critically analyze facts relating to commercial and noncommercial parenting The joint committee would be required to report its findings to the Legislature, including findings on specified issues, no later than December 31, 1989

The measure would authorize the joint committee, among other things, to appoint advisory committees; to enter into contracts with public or private agencies upon the approval of the Joint Rules Committee or the Senate or Assembly Committee on Rules if either of these committees makes its contingent funds available; and to utilize specified existing legislative staff.

The measure would authorize the Senate Committee on Rules to make moneys available from the contingent funds under its direction to the joint committee, as specified.

Res. Ch 151 (AJR 67) N. Waters. Auburn Dam.

This measure would advise Congress that the Legislature continues to support construction of a multipurpose dam at the Auburn site, subject to specified conditions, and would encourage Congress to give serious consideration to a specified offer of the American River Authority to share the costs of a multipurpose dam. The measure would declare that the state, while participating in any study of the American River watershed, should consider the needs of, and potential benefits to, El Dorado and Placer Counties, as well as those of the City of Sacramento, Sacramento County, and other local entities.

Res. Ch. 152 (AJR 78) Friedman Resettlement of Ethiopian Jews.

This measure would urge the government of Ethiopia to allow all Ethiopian Jews to emigrate to Israel.

The measure would also memorialize the President of the United States, the Secretary of State and other federal officials, and Members of Congress to urge the Ethiopian government to complete the resettlement of Ethiopian Jews in Israel

Res. Ch. 153 (AJR 82) Elder. Alzheimer's disease Medicare program.

This measure would memorialize the President and the Congress to enact legislation expanding benefits under the Medicare program, under which various health services are provided to the aged and disabled, for Alzheimer's disease patients and their families, to include in-home and community-based services, as specified, and long-term residential care

Res Ch. 154 (AJR 91) Zeltner. Amerasian Resettlement Program.

This measure would urge the Congress of the United States to provide funding for the Amerasian Resettlement Program It would also urge that Amerasian immigrants be allowed to choose the cluster site at which they will be located under the provisions of the program, that funds be provided for the establishment of cluster sites in California, and that a representative of the state be appointed to the Amerasian Resettlement Planning Committee.

Res Ch. 155 (AJR 92) Zeltner Medal of Honor

This measure would urge the Congress of the United States to enact 2 bills which would waive the statutory time limits on the awarding of the Medal of Honor in order to so honor 2 black Americans who served in World War I and World War II, respectively

Res. Ch 156 (AJR 93) Isenberg. Resettlement of Indochinese refugees

This measure would memorialize the President and Congress of the United States to request the State Department to reevaluate its proposed policy of "voluntary" repatriation of Vietnamese refugees. It would urge that Indochinese refugees with relatives in the United States who qualify under immigrant status be given priority for admission into the country and that the admission quota remain at its current level.

Res. Ch. 157 (AJR 94) Ferguson Federal fuel tax increase

This measure would memorialize the Congress of the United States to seek deficit reduction through means other than an increase in the motor vehicle fuel tax.

Res. Ch. 158 (SJR 9) Robbins. Federal income taxation: deduction: long-term care insurance.

This measure would request the President and the Congress of the United States to allow, for federal income tax purposes, an income tax deduction as a miscellaneous itemized deduction for the total premiums paid by a taxpayer for the purchase of long-term care insurance for the taxpayer or on behalf of an elderly relative.

Res. Ch. 159 (SJR 35) Hart. Emergency Broadcast System.

This measure would memorialize the President and the Congress of the United States to make specified changes in the Emergency Broadcast System based upon determinations and findings of the Senate Task Force on California Nuclear Emergency Response.

Res. Ch. 160 (SJR 44) Mello. Federal aid to the Azores

This measure would memorialize the President and Congress of the United States to restore federal aid to the autonomous government of the Azores in Portugal to the levels agreed upon in the Portugal-United States agreement of 1983.

Res. Ch. 161 (SJR 48) Marks National Sir Winston Churchill Week.

This measure would memorialize the President and Congress of the United States of America to declare that November 27 through December 3, 1988, be designated as "National Sir Winston Churchill Week."

Res. Ch. 162 (SCR 69) Morgan. Nonresident student tuition policy

This measure would request the California Postsecondary Education Commission to convene one or more meetings of an advisory committee consisting of representatives of the University of California, California State University, Hastings College of the Law, California community colleges, Department of Finance, Legislative Analyst, authorized student representatives, and the California Postsecondary Education Commission for the purpose of developing recommendations for a long-term nonresident undergraduate and graduate student tuition policy, as specified. This measure would also request the California Postsecondary Education Commission to present to the Legislature and the Governor recommendations developed by the advisory committee.

Res. Ch. 163 (SCR 74) Montoya Intercollegiate athletics: student athletes.

This measure would request public institutions of higher education in this state to consider policies for the award of financial aid based on financial need for student athletes beyond the period of their participation in intercollegiate athletics, and to ensure that all of their student athletes who participate in intercollegiate athletics are adequately covered by medical and disability insurance.

In addition, this measure would request those institutions to report their findings and conclusions regarding those issues no later than January 1, 1990, to the Legislature and the Governor.

Res. Ch. 164 (SCR 92) Montoya Foreign languages: trade relations.

This measure would recognize the importance of academic instruction in the native languages and cultures of the major foreign trading partners of the United States in improving the balance of trade between the United States and its major foreign trading partners.

This measure would also request various educational institutions to promote foreign language, history, and culture programs and to offer and establish a Spanish and at least one Asian language course at each campus.

This measure would further state legislative intent as to California's participation in the EXPO '90 International Garden and Greenery Exposition in Osaka, Japan and would urge the Governor to support California's participation in EXPO '90.

1988 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I am reducing the General Fund appropriation contained in Section 1 (c) of Assembly Bill No. 436 from $7,255,381.89 to $7,217,155 89 by removing the funding for Claim No. G101064 relating to watermelon crop losses incurred during the summer of 1985.

The claim in question was previously rejected by the Board of Control. The claimant was given every opportunity to file a proper claim but declined to do so.

With this reduction, I approve Assembly Bill No. 436.

GEORGE DEUKMEJIAN, Governor

2 I am reducing the appropriation contained in Section 1 of Assembly Bill No. 2721 from $2,272,000 to $1,429,000, for a reduction of $843,000

I have been informed by the Department of Forestry and Fire Protection that the appropriation in this bill can be reduced by $843,000 as a result of one-time savings achieved by the Department.

The reduced appropriation will provide the Department with adequate funds to institute the early activation of the State's firefighting resources. The Department is able to redirect one-time funding of $843,000 towards the early activation of fire season without adversely affecting overall fire suppression activities.

With this reduction, I approve Assembly Bill No. 2721.

GEORGE DEUKMEJIAN, Governor

3 I am deleting the following amounts included in the General Fund appropriation contained in Assembly Bill No. 2789:

The proposed desegregation deficiency of $3,653,000 resulted from action taken by the State Controller to pay the San Francisco Unified School District an amount of funds which is in excess of the statutory formula This matter is currently the subject of an appeal in federal court. If the San Francisco claim had not been paid, the appropriation would have been sufficient to pay all legitimate claims.

The proposed desegregation deficiency of $3,000,000 for Ravenswood is also contrary to state law as the district has not yet incurred costs for which it may be reimbursed Additionally, I understand this matter is still the subject of litigation. Therefore, it appears prudent to resolve all policy and legal issues prior to payment of funds.

The Community Colleges apportionments deficiency of $8 2 million because funding shortfalls are addressed in the current apportionment formula In addition, to the extent that actual 1987–88 property taxes are higher than the amount estimated by the county auditors, those funds will be available to meet this need.

With these deletions, I approve Assembly Bill No. 2789

GEORGE DEUKMEJIAN, Governor

4 I object to the following appropriations contained in Assembly Bill No. 224

Item 0250-001-001—For support of Judiciary I reduce this item from $107,862,000 to $106,783,000 by increasing:

(fx) Unallocated Reduction from −$2,214,000 to −$3,293,000.

I am reducing this item in the amount of $1,079,000 which represents a one percent unallocated reduction This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 0420-101-001—For local assistance, for the state's share of salaries and health, dental and vision benefits of judges of superior courts, as provided by Section 68206 of the Government Code. I reduce this item from $56,243,000 to $56,154,000 by reducing

(a) State share and advances per Section 68206 of the Government Code for

Superior Court judges from $57,598,000 to $57,509,000.

I am deleting $89,000 for health, dental and vision benefits for superior court judgeships that have been delayed in their appointment by legislative action to delete funding for the Trial Court Funding Program. The salaries associated with these judgeships were deleted by the Legislature, but not the associated benefits. I have retained benefit funding on a half-year basis, however, and have set aside sufficient funding to support legislation that would permit the Trial Court Funding Program to commence on January 1, 1989.

Item 0440-101-001—For local assistance, for payment to counties for disbursement as a $60,000 block grant for each of the superior court judgeships created by statutes enacted since January 1, 1973. I reduce this item from $13,500,000 to $7,050,000.

I am reducing this item by $6,450,000, half of the $12,900,000 amount augmented by the Legislature. When the Legislature eliminated funding for the Trial Court Funding Program, it was necessary for them to make this augmentation. Since I am urging the Legislature to send me the necessary clean-up legislation for the Trial Court Program and use funding available from my reductions to the 1988–89 Budget Bill to finance the Trial Court Funding Program on a half-year basis commencing January 1, 1989, one-half of the Legislature's augmentation is unnecessary

Item 0500-001-001—For support of Governor and of Governor's Office. I reduce this item from $7,471,000 to $7,410,000 by increasing:

(dx) Unallocated Reduction from −$122,000 to −$183,000.

I am reducing this item by $61,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians

Item 0690-001-001—For support of Office of Emergency Services, California Emergency Council and Advisory Committees. I reduce this item from $10,146,000 to $10,045,000 by increasing.

(ex) Unallocated Reduction from −$314,000 to −$415,000.

I am reducing this item in the amount of $101,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 0820-001-001—For support of Department of Justice. I reduce this item from $159,760,000 to $154,462,000 by reducing:

(f) 45-Public Rights from $23,379,000 to $20,530,000,

(g) 50-Law Enforcement from $129,532,000 to $128,070,000,

(h) Reimbursements from −$35,892,000 to −$35,319,000,

and by increasing:

(gx) Unallocated Reduction from −$2,191,000 to −$3,751,000,

and by deleting Provision 5.

I am deleting the $1,462,000 legislative augmentation and 18.8 personnel years to expand the Organized Crime and Criminal Intelligence Program to include two new organized crime strike force teams. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. It should also be noted that with the existing budgeted resources, the Department of Justice's Bureau of Organized Crime and Criminal Intelligence and Special Prosecutions Unit are already engaged in many of the activities proposed for the new strike force teams.

I am deleting the $2,276,000 legislative augmentation and associated 4.8 personnel years for litigation work related to the Atlantic Richfield Company (ARCO) v. State Lands Commission, et al Funding for this legal work should more appropriately be

included in the State Lands Commission budget, since the Commission has the lead programmatic responsibility regarding this matter. In addition, before any further support is provided for this litigation, the Legislature should study carefully the need for and level of additional resources necessary to meet the legal requirements of this case.

I am deleting Provision 5 of this item to conform with this action.

I am reducing this item in the amount of $1,560,000 which represents a one percent unallocated reduction This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am reducing the scheduled reimbursements in this item to delete a $573,000 legislative augmentation and 9.7 personnel years funded by the Department of Health Services for costs associated with litigation efforts to recover the costs of cleaning up hazardous waste sites because it is unclear that the workload identified will materialize. This conforms to my action in Item 4260-011-014.

Item 0820-101-001—For local assistance, Department of Justice. I reduce this item from $1,310,000 to $310,000 by reducing Program 50, Law Enforcement.

I am reducing this item by $1,000,000 for reimbursements to counties with populations under 1,250,000 for costs associated with the Clandestine Laboratory Enforcement Program I am supportive of efforts in this area, however it is now estimated that claims for reimbursements from eligible counties for 1987–88 will total $200,000. Therefore, the $310,000 remaining in this item should be sufficient to meet the funding needs of eligible counties during 1988–89.

Item 0840-001-001—For support of State Controller. I reduce this item from $61,841,000 to $61,223,000 by increasing:

(dy) Unallocated Reduction from −$1,378,000 to −$1,996,000.

I am reducing this item by $618,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent I believe this remaining amount will continue to provide essential services to Californians

Item 0860-001-001—For support of State Board of Equalization I reduce this item from $103,007,000 to $101,711,000 by reducing:

(a) 100000-Personal Services from $124,249,000 to $124,066,000,

(b) 300000-Operating Expenses and Equipment from $31,907,000 to $31,821,000, and by increasing

(bx) Unallocated Reduction from −$1,000,000 to −$2,027,000.

I am deleting the legislative augmentation of $269,000 and 4.7 personnel years to implement the provisions of SB 2407 of the 1987–88 Regular Session, and the enhancement of the Property Taxes Exemption Unit. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current vital programs and provide for a prudent reserve for economic uncertainties.

I am also reducing this item in the amount of $1,027,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 0890-001-001—For support of Secretary of State I reduce this item from $22,298,000 to $22,075,000 by increasing:

(cx) Unallocated Reduction from −$458,000 to −$681,000.

I am reducing this item in the amount of $223,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue

shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians

Item 0950-001-001—For support of State Treasurer. I reduce this item from $6,083,000 to $6,021,000 by increasing:

(bx) Unallocated Reduction from —$124,000 to —$186,000,

and by deleting Provisions 1 and 2.

I am deleting Provision 1 which was added by the legislature to require the State Treasurer's Office to select banking firms and bond counsel based on a review process that allows all banking firms and bond counsels to participate; and to report to the Legislature the firms that have been awarded contracts related to the issuance of the State's bonds and notes during 1988. While this Administration favors open competition in connection with selecting providers of State goods and services, a change in the substantive law related to selection of banking firms and bond counsel is not appropriate as part of the Budget Act. In addition, the information regarding the issuance of the State's bonds and notes is readily available as public information. Consequently, the Provision 1 language proposed by the Legislature is unnecessary.

In addition, I am deleting Provision 2 added by the Legislature because conducting specified bond and note issuance seminars could be costly and may not result in the most cost effective method of providing information. Further, I am reducing $1,000 from this item to reflect the savings that will be achieved based on my vetoing of the seminar requirements of this provision and the reporting requirements proposed in Provision 1.

I am also reducing this item by $61,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 0977-101-001—For local assistance, California Health Facilities Financing Authority. I delete this item and Provision 1.

I am deleting the $100,000 General Fund legislative augmentation to expand services provided by the California Health Facilities Financing Authority. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 1 to conform to this action

Item 1100-001-001—For support of Museum of Science and Industry. I reduce this item from $8,787,000 to $8,699,000 by increasing:

(bx) Unallocated Reduction from —$182,000 to —$270,000.

I am reducing this item in the amount of $88,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 1120-001-704—For support of Board of Accountancy I reduce this item from $5,132,000 to $4,398,000 by reducing:

(a) 3—Board of Accountancy from $5,151,000 to $4,417,000.

I am deleting the legislative augmentation of $734,000 and 8.5 personnel years. The 1988–89 Budget already provides an increase of $925,000 for the Board's enforcement program. I believe the Board should have the opportunity to incorporate this augmentation into current operations before more resources are added.

Item 1700-001-001—For support of Department of Fair Employment and Housing. I reduce this item from $9,466,000 to $9,359,000, by reducing:

(a) 50-Administration of Civil Rights Law from $11,761,000 to $11,760,000,

and by increasing:

(ax) Unallocated Reduction from −$216,000 to −$322,000,

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 three 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 believe Provision 1 is inconsistent with the separation of powers provision concerning the Executive Branch authority and represents a substantive change of law.

I am reducing this item in the amount of $106,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 1700-011-001—For support of the 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 seven 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 support of the 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

Item 1700-021-001—For the support of the Department of Fair Employment and Housing, San Francisco Legal Office. I reduce this item from $437,000 to $436,000, revise the language in this 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. In 1986–87 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 1988–89, 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 the support of the 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, inasmuch as existing law does not define or reference the San Francisco Legal Office, the language represents a substantive change of law.

Item 1700-031-001—For the support of the Department of Fair Employment and Housing, Boalt Hall Employment Discrimination Clinic. I reduce this item from $72,000 to $71,000, 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. In 1986–87 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 1988–89, 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 the support of the 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.

Item 1730-001-001—For support of Franchise Tax Board. I reduce this item from $153,216,000 to $151,684,000 by adding:

Unallocated Reduction −$1,532,000.

I am reducing this item in the amount of $1,532,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 1760-001-001—For support of the Department of General Services I reduce this item from $10,533,000 to $9,732,000.

I am reducing this item by $125,000 to delete a legislative augmentation for a study to review earthquake damage to historical buildings in the City of Whittier. The need for this augmentation has not been demonstrated.

I am reducing this item by $115,000 to delete a legislative augmentation for the remodeling of the State Capitol 6th floor cafeteria. I am retaining an augmentation of $71,000, which, together with $113,000 budgeted in the current year, is sufficient to complete this remodeling project.

I am reducing this item by $458,000 and 11.8 personnel years to eliminate a legislative augmentation for increased State Police security services for Legislative staff. The Budget was augmented $476,000 to provide increased State Police security services for Legislative staff housed in five locations in Sacramento. The need for permanent onsite security at those locations has not been documented. However, I am retaining $18,000 and 0.5 personnel year to provide necessary Police escort services at those Sacramento locations.

I am directing the Department of General Services to conduct a comprehensive study to assess and prioritize the security needs of State employees in leased facilities throughout the State.

I am also reducing this item in the amount of $103,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 1760-001-666—For support of Department of General Services. I revise this item by reducing:

(b) 300000—Operating Expenses and Equipment from $229,315,000 to $228,617,000,

(d) Amount payable from the General Fund (Item 1760-001-001) from −$10,533,000 to −$9,732,000,

and by increasing:

(cx) Unallocated Reduction from −$928,000 to −$1,031,000.

I am revising this item to correspond to the $801,000 General Fund reduction made in Item 1760-001-001.

Item 1760-012-001—For support of the Department of General Services. I reduce this item from $9,548,000 to $8,040,000 by reducing:

(b) Operating Expenses and Equipment from $9,091,000 to $7,583,000.

I am reducing the PCB Removal Program by $1,508,000. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 1760-022-001—For support of Department of General Services. I reduce this item from $9,508,000 to $3,590,000 by reducing:

(b) Operating Expenses and Equipment from $9,189,000 to $3,271,000.

I am reducing the Asbestos Abatement Program in the amount of $5,918,000. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians. The funds remaining will allow expenditures to continue at the 1987–88 level.

Item 1760-301-033—For capital outlay, Department of General Services. I delete this item and Provision 1.

I am deleting the $428,000 legislative augmentation from the Van Nuys State Office Building Space Frame Roof Covering for existing structure because the project should be submitted through the annual budget process for consideration in the context of competing Statewide priorities.

I am deleting Provision 1 to conform to this action.

Item 1880-001-001—For support of State Personnel Board. I reduce this item from $21,476,000 to $20,914,000 by reducing:

(a) 10—Merit System Administration from $24,633,000 to $24,282,000,

and by increasing:

(dx) Unallocated Reduction from −$431,000 to −$642,000,

and by deleting Provision 5.

I am deleting the $350,000 and 5.7 personnel year legislative augmentation to expand the Hispanic Hiring Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am reducing this item in the amount of $211,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall

General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am reducing this item by an additional $1,000 related to drug testing. Executive Order D-58-86 directed the State Personnel Board to develop standards to be used in establishing a drug free workplace. The board had public hearings on this subject and is nearing adoption of regulations that will be used by State agencies for drug testing. The drug testing regulations developed by the State Personnel Board are needed by State agencies to ensure the uniform application of drug testing standards and procedures for new State employees. Although the State Personnel Board did not receive additional funding to support the drug testing program. I am reducing the Board's budget by $1,000 which represents savings that will be achieved as a result of not devoting staff time and resources to comply with requirements contained in Provision 5.

I am deleting Provision 5 to conform to this action.

I believe the provision inappropriately restricts the State Personnel Board in its efforts, within the Board's existing statutory authority, in continuing to provide standards for fitness of new State employment applicants. Further, I believe this language conflicts with exising law pertaining to the adoption of administrative regulations.

Item 1960-101-001—For local assistance, Department of Veterans Affairs. I reduce this item from $2,150,000 to $1,000,000.

I am deleting the $1,150,000 legislative augmentation to expand assistance to county veteran services offices. This has always been funded by the counties, and State support has been supplemental. This increase in State funding would supplant local responsibility. Chapter 1424, Statutes of 1987, already provides a mechanism whereby counties may gain increased federal funding for the services provided in assessing Medi-Cal eligibility.

Item 1970-011-001—For support of Veterans' Home of California. I reduce this item from $24,855,000 to $23,955,000 by reducing.

(a) 30—Care of Sick and Disabled Veterans from $42,957,000 to $42,057,000.

I am reducing this item by $900,000. Federal Veterans Administration per diem payments to members of the Veterans' Home of California were increased by the enactment of Public Law 100-322 (Veterans Benefits and Services Act of 1988). This increase in per diem payments results in increased reimbursements from the members, which permits the reduction of $900,000 in General Funds. These funds will be replaced by the increased reimbursements, leaving total funding unchanged.

Item 2100-001-001—For support of Department of Alcoholic Beverage Control. I reduce this item from $21,292,000 to $21,079,000 by adding:

Unallocated Reduction —$213,000.

I am reducing this item by $213,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 2180-001-001—For support of Department of Corporations. I reduce this item from $9,381,000 to $9,287,000 by adding:

Unallocated Reduction —$94,000.

I am reducing this item by $94,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administation, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 2200-001-001—For support of Department of Commerce. I reduce this item from $9,256,000 to $7,530,000 by reducing:

(a) 10-Business Development from $3,577,000 to $3,227,000,

(f) 50-Small Business from $2,592,000 to $1,292,000,

and by adding:

Unallocated Reduction −$76,000.

I am deleting the legislative augmentation of $1,300,000 and 2 positions for the Small Business Development Center program. I am supportive of efforts in this program and during the May Revision process I proposed continued funding for three existing Small Business Development Centers and one new Center. The Legislature rejected my proposal and instead proposed this significant General Fund augmentation. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. I understand there is pending legislation (Senate Bill 1255) that contains provisions for a comprehensive plan for program expansion and a funding source which is a viable alternative to this legislative augmentation.

I am also deleting the legislative augmentation of $350,000 and 4 positions for the Enterprise Zone Program. It is my understanding the Auditor General is required to evaluate the effectiveness of this program and report to the Legislature by June 30, 1988. It would be premature to augment this program prior to reviewing this report.

This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am also reducing this item by $76,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent I believe this remaining amount will continue to provide essential services to Californians.

Item 2200-001-147—For support of Department of Commerce I delete this item and Provision 1.

I am deleting this item due to the uncertainty regarding unitary tax receipts in fiscal year 1988–89. Although Chapter 660, Statutes of 1986 specifies the development of regulations for infrastructure activity supported by unitary tax receipts, I believe there are sufficient resources within the department to support such development without a direct appropriation from the Unitary Fund.

I am deleting Provision 1 to conform to this action.

Item 2240-001-001—For support of Department of Housing and Community Development. I reduce this item from $5,928,000 to $5,738,000 by reducing:

(b) 20-Community Affairs Program from $13,619,000 to $13,566,000,

(c) 30-Housing Policy Development Program from $1,315,000 to $1,283,000,

(d) 50.01-Administration from $7,030,000 to $6,930,000,

(o) Amount payable from the Housing Rehabilitation Loan Fund (Item 2240-001-929) from −$573,000 to −$520,000,

and by adding:

Unallocated Reduction −$58,000.

I am deleting the legislative augmentation of $32,000 and 0.5 position for the preparation of an inventory of low-income rental units. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the legislative augmentation of $100,000 and 2.0 positions for implementation of the California Housing and Homeless Bond Act of 1988 which will be on the November 1988 ballot. Because that bond measure has yet to be acted on by the voters, it would be premature to allocate implementation resources at this time. Such resources can be administratively provided upon approval of the measure by the voters in November.

I am reducing this item by $58,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am also revising this item to conform to the actions I have taken in Items 2240-001-843 and 2240-001-929.

Item 2240-001-843—For support of Department of Housing and Community Development. I delete this item.

I am deleting this item to conform to the actions I have taken in Items 2240-001-001 and 2240-001-929.

Item 2240-001-929—For support of Department of Housing and Community Development. I reduce this item from $573,000 to $520,000.

I am deleting the legislative augmentation of $53,000 and 1.0 position to provide staffing to administer the Deferred Payment Rehabilitation Loan Program. This is consistent with my May Revision proposal, and with legislative action which deleted funding for the program.

This action conforms to the actions I have taken in Items 2240-001-001 and 2240-001-843.

Item 2240-101-001—For local assistance, Department of Housing and Community Development. I reduce this item from $8,150,000 to $4,400,000 by reducing:

(a) 20-Community Affairs from $66,100,000 to $61,500,000,

(b) Amount payable from the Farm Labor Housing Rehabilitation Loan Account (Item 2240-101-844) from −$1,350,000 to −$500,000,

and deleting Provisions 1, 2 and 3.

I am deleting the $250,000 legislative augmentation for the Homeless Relief Pilot Project in San Diego County While I agree with the concept of coordinating and centralizing the delivery of services for the homeless, I continue to believe that public and private funds available within San Diego County can be redirected to implement the program.

I am deleting Provision 1 to conform with this action

I am deleting the $1,000,000 legislative augmentation to provide for the renovation and construction of treatment facilities for intravenous drug users at special risk of becoming AIDS victims Under my Administration, funding for the AIDS program has experienced significant growth statewide. The AIDS General Fund budget has been increased from $52 7 million in 1987–88 to $67.3 million in 1988–89. This represents an increase of $14 6 million, or 27.7 percent.

I am deleting Provision 2 to conform with this action.

I am deleting the $2,500,000 legislative augmentation to provide funds for the operating costs of homeless shelters. The $2,000,000 remaining in the budget for the Emergency Shelter Program will be used to provide grants to shelters. Currently, up to 50 percent of each grant may be used to fund the operating costs of emergency shelters. In addition, a housing bond measure on the November 1988 ballot, if approved by the voters, would provide an additional $25,000,000 to this program.

I am deleting Provision 3 to conform with this action.

I am also revising this item to conform to the actions I have taken in Item 2240-101-844.

Item 2240-101-843—For local assistance, Department of Housing and Community Development. I reduce this item from ($6,000,000) to ($4,000,000) by reducing.

(e) For transfer to the Emergency Housing and Assistance Fund (985) from ($4,000,000) to ($2,000,000).

I am deleting the $2,000,000 legislative augmentation to fund the Emergency Shelter Program, consistent with my May Revision proposal. The $2,000,000 remaining in the budget for the program will be used to provide grants to shelters. In addition, a housing bond measure on the November 1988 ballot, if approved by the voters, will

provide an additional $25,000,000 to this program.

Item 2240-101-844—For local assistance, Department of Housing and Community Development I reduce this item from $1,350,000 to $500,000,
and delete Provisions 1 and 2.

I am deleting the $500,000 legislative augmentation to establish a farm labor camp in San Diego. The allocation of Farm Labor Housing Rehabilitation Loan Account monies for this purpose would be inappropriate as current statutes specify that all monies in the account are to be expended for rehabilitation loans to owners of farmworker housing.

I am deleting Provision 1 to conform with this action

I am deleting the $350,000 legislative augmentation for the Rural Technical Assistance Program, which assists low-income rural communities in resolving domestic water and wastewater problems. As stated above, the allocation of Farm Labor Housing Rehabilitation Loan Account monies for other than rehabilitation loans to owners of farmworker housing would be inappropriate. Also, funds are available in the budget to provide similar assistance to rural communities. Of the $82.8 million in the department's local assistance budget, over 50 percent is designated for small cities and rural areas. In addition, my Rural Renaissance Program provides $20 million in the current year, with over half of that amount expected to be carried over into 1988–89, to finance public improvements in rural counties.

I am deleting Provision 2 to conform with this action.

These actions conform to the actions I have taken in Item 2240-101-001.

Item 2660-001-042—For support of Department of Transportation I reduce this item from $1,108,492,000 to $1,108,392,000 by reducing

(b) 20-Highway Transportation from $1,309,284,000 to $1,309,184,000,
  (1) 20.10.010-Rehabilitation from ($85,968,000) to ($85,944,000),
  (2) 20 10 020-Operational improvements from ($101,364,000) to ($101,336,000),
  (3) 20.10.030-New facilities from ($173,775,000) to ($173,727,000),
  and by deleting Provision 9.

I am deleting the $100,000 legislative augmentation for a study to improve the department's organization structure and project delivery process because such a study would be duplicative of existing efforts I share a strong concern for improving the efficiency of all agencies of State government, including the Department of Transportation. However, during the 1987–88 fiscal year, two major efforts were undertaken by my administration aimed specifically at improving Caltrans' organization and project delivery process. First, by Executive Order, I created the Governor's Interagency Task Force on Transportation, which has identified a variety of process improvement actions which can be taken by State departments, e.g., the acceleration of mandated permit and review processes which will help speed the delivery of highway projects. Second, the department initiated an internal review during which it expended six personnel years to identify procedural changes which can expedite project delivery. Finally, I would like to point out that the 1988–89 Budget includes eight personnel years ($449,000) to demonstrate a "fast track" project delivery process which will help identify additional improvements which can enhance project delivery in future years.

I am deleting Provision 9 to conform with this action.

Item 2660-001-046—For support of Department of Transportation. I delete Provision #2

I am deleting Provision 2 because this language is unnecessarily restrictive. It would limit the use of $256,000 of intercity rail funds to the improvement of service on the Los Angeles-Santa Barbara segment of the San Diegan passenger train. These funds are part of the base budget for all Amtrak rail services. No analysis has been performed to indicate that the need for improvement on the Los Angeles-Santa Barbara segment is greater than the need for improvement on any other segment. Therefore, I believe the funds should be available to the department for allocation to any intercity rail

project on a priority basis.

Item 2660-101-042—For local assistance, Department of Transportation. I reduce this item from $107,000,000 to $96,000,000 by reducing·

(b) 30-Mass Transportation from $75,000,000 to $64,000,000.

I am deleting the $11,000,000 legislative augmentation for transit guideways. Improving transportation facilities is one of the highest priorities of my administration For that reason, my 1988–89 Budget proposed to augment funding for transit guideways from the 1987–88 level of $31,920,000 to $64,000,000—an increase of 100 percent. The Legislature accepted my proposal, but chose to augment the Budget further by $11,000,000. While the intent of this augmentation may be laudable, a limit must be placed on the appropriation of State Highway Account funds for transit guideway projects if sufficient funds are to remain available for highway improvements I believe the appropriation of $64,000,000 for guideways represents the best division of our transportation resources between transit guideway and highway needs.

Item 2660-301-036—For capital outlay, Department of Transportation. I delete this item.

I am deleting the $100,000 legislative augmentation to construct a soundwall for the Lutheran School. I support the Department of Transportation's retrofit soundwall construction program as provided by State law. Under this program, funding for soundwalls is allocated from the State Highway Account to projects on the retrofit soundwall list in priority order This augmentation would provide separate funding from the Special Account for Capital Outlay (SAFCO) for one particular project. In doing so, it would provide an inequitable advantage to one project over others. Such separate treatment would set an undesirable precedent Furthermore, by proposing to fund the soundwall from the Special Account for Capital Outlay, this augmentation ignores both the limited funding available in the account and the many other, high priority capital outlay needs of State programs which are funded from SAFCO

Item 2660-492—Reappropriation, Department of Transportation. I am reducing expenditure authority in this item by revising the reappropriation language

"046—Transportation Planning and Development Account

(1) Item 2660-001-046, Budget Act of 1987..... 60,600

(2) Item 2660-001-046, Budget Act of 1986. . ..... ~~1,283,000~~ *1,222,000*

~~(3) Item 2660/001/046, Budget Act of 1985..... ....

~~conduct a rail corridor study for the Auburn to San Jose Rail Corridor, in accordance with Assembly Concurrent Resolution 132. .....99,000~~"

Item 2720-001-044—For support of Department of the California Highway Patrol. I reduce this item from $531,652,000 to $529,752,000 by reducing:

(a) 10-Traffic Management from $488,963,000 to $487,268,000,

(b) 20-Regulation and Inspection from $46,608,000 to $46,445,000,

(c) 30-Vehicle Ownership Security from $12,305,000 to $12,263,000,

and deleting Provision 2.

I am deleting the $1,900,000 legislative augmentation to bring the pay scale of management level officers up to parity with officers at comparable levels in other law enforcement agencies. Compensation for management level Highway Patrol officers is subject to salary setting by the Department of Personnel Administration. The legislative augmentation would undermine that process and thereby establish an undesirable precedent

I am deleting Provision 2 to conform with this action

Item 2740-001-044—For support of Department of Motor Vehicles. I revise this item by reducing·

(e) 35-New Motor Vehicle Board from $1,103,000 to $1,060,000 and

(j) Amount payable from the New Motor Vehicle Board Account (Item 2740-001-054) from −$1,103,000 to −$1,060,000

I am revising this item to conform to the action I have taken in Item 2740-001-054.

Item 2740-001-054—For support of Department of Motor Vehicles. I reduce this item from $1,103,000 to $1,060,000.

I am deleting the legislative augmentation of $43,000 and 1.0 position. This augmentation was made by the Legislature to support an additional staff counsel position in the New Motor Vehicle Board I believe that there are better alternatives available to address the Board's legal workload

Item 3340-001-001—For support of California Conservation Corps I reduce this item from $42,471,000 to $40,912,000 by reducing

(a) 10-Training and Work Program from $56,165,000 to $54,332,000,

(d) Reimbursements from −$7,488,000 to −$7,220,000, and

(e) Amount payable from the Energy Resources Programs Account, General Fund (Item 3340-001-465) from −$6,206,000 to −$5,787,000,

and by adding:

Unallocated Reduction −$413,000.

I am reducing the Training and Work Program, Homeless Component, in the amount of $1,833,000 and 14.3 personnel years. I am also reducing this item in the amount of $413,000, which represents a one percent unallocated reduction This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians. Due to the recent unexpected General Fund revenue shortfall, this action is necessary to protect current, vital programs and provide for a prudent reserve for economic uncertainties. I am directing the Corps to prioritize within its existing resources to target homeless youth for inclusion in its program and to give high priority consideration to work projects which benefit homeless shelters and homeless service providers

Item 3340-001-465—For support of California Conservation Corps. I reduce this item from $6,206,000 to $5,787,000.

I am reducing this item by $419,000 to conform to my actions on Item 3340-001-001.

Item 3340-495—Reversion, California Conservation Corps. I delete this item.

I am deleting this item because the item is unnecessary since this appropriation reverted June 30, 1988, pursuant to Section 2 of the 1987 Budget Act.

Item 3360-021-465—For support of State Energy Resources Conservation and Development Commission I delete this item

I am deleting the transfer of $600,000 from the Energy Resources Programs Account fund balance to the General Fund. I believe the transfer would be an inappropriate use of electricity surcharge funds collected from electrical utility ratepayers. Since existing law (Revenue and Tax Code Section 40182) provides that these funds be used for energy programs and energy projects, including the activities of the Energy Commission. I believe it inappropriate to transfer Energy Resources Programs Account funds to the General Fund.

Item 3400-001-001—For support of the Air Resources Board. I reduce this item from $2,895,000 to $2,820,000 by reducing:

(a) 10-Air Pollution Control from $56,756,000 to $56,681,000,

and by deleting Provision 4

I am reducing the $75,000 legislative augmentation and one position for oversight by the Air Resources Board (ARB) of local monitoring and enforcement activities. Experience to date does not demonstrate the need for additional oversight of local Air Board activities. Should the need arise, the ARB would be able to redirect resources for oversight of monitoring and enforcement activities by the local air pollution control districts with regard to the Safe Drinking Water and Toxic Enforcement Act of 1986.

I am also deleting Provision 4 to conform with this action

Item 3480-001-001—For support of Department of Conservation. I reduce this item from $14,873,000 to $14,796,000 by reducing:

(c) 30-Special Services for Resources Protection from $1,376,000 to $1,375,000,

and by increasing:

(ex) Unallocated Reduction from −$152,000 to −$228,000,

and by deleting Provision 1

I am reducing this item by $1,000 to achieve the savings associated with not conducting a study of alternatives to the capitalization of income formula used to assess properties under Williamson Act contracts A study of this nature and at this time is not of sufficient priority for the Department to conduct within its resources My budget already provides $90,000 for the Department to contract for a study of the costs and benefits of the Williamson Act participation to local governments.

I am deleting Provision 1 to conform to this action

I am also reducing this item in the amount of $76,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians

Item 3540-001-001—For support of Department of Forestry and Fire Protection I reduce this item from $210,682,797 to $205,803,797 by reducing·

(a) 100000-Personal services from $201,014,018 to $199,790,018,

(b) 300000-Operating expenses and equipment from $92,668,779 to $90,292,779,

(i) Amount payable from the Forest Resources Improvement Fund (Item 3540-001-928) from −$4,213,000 to −$3,413,000,

and by adding:

Unallocated Reduction −$2,079,000.

I am deleting the $2,100,000 legislative augmentation to expand the restoration of forest lands and watersheds that burned during the 1987 fire season by reducing the main item (3540-001-001) by $1,300,000 and the amount payable from the Forest Resources Improvement Fund (3540-001-928) by $800,000. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current vital programs and provide for a prudent reserve for economic uncertainties The 1988–89 Budget augments the existing level for reforestation by $1,000,000, which will be spent on the reforestation of the 1987 burn areas.

I am reducing the Fire Protection Program in the amount of $1,500,000 and 54.2

personnel years because, due to more favorable weather conditions, the Department of Forestry and Fire Protection has revised its staffing pattern to meet the fire protection needs of the State. Under the revised plan, an increase of $3.7 million and 96.3 personnel years will be retained to permit the department to add one fire fighter per station rather than one fire fighter per fire engine to effectively enhance the initial attack fire suppression forces.

I am also reducing this item in the amount of $2,079,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3540-001-928—For support of Department of Forestry and Fire Protection. I reduce this item from $4,213,000 to $3,413,000.

I am reducing this item by $800,000 to conform to the action I have taken in Item 3540-001-001.

Item 3560-001-001—For support of State Lands Commission. I reduce this item from $14,541,000 to $13,901,000 by reducing:

(a) 10-Extractive Development from $10,489,000 to $8,989,000,

(f) Amount payable from the California Environmental License Plate Fund (Item 3560-001-1140) from −$1,250,000 to −$250,000,

and by increasing:

(dx) Unallocated Reduction from −$287,000 to −$427,000,

and by deleting Provision 3.

I am deleting the legislative augmentation of $181,000 and 3.0 personnel years for the litigation work related to the Atlantic Richfield Company (ARCO) v. State Lands Commission, and the $1,319,000 legislative augmentation for a comprehensive offshore oil study Before any further support is provided for litigation support or the study, the Legislature should consider carefully the need for and level of additional resources necessary and address this through legislation which provides funding in the State Lands Commission's budget.

I am deleting Provision 3 to conform to this action.

I am also reducing this item in the amount of $140,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3560-001-140—For support of State Lands Commission. I reduce this item from $1,250,000 to $250,000.

I am reducing this item by $1,000,000 to conform to the action I have taken in Item 3560-001-001.

Item 3600-001-001—For support of Department of Fish and Game. I reduce this item from $8,867,000 to $8,778,000.

I am reducing this item in the amount of $89,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3600-001-140—For support of Department of Fish and Game. I reduce this item from $11,882,000 to $11,672,000.

I am deleting $210,000 of the legislative augmentation and retaining $25,000 for a debris retention barrier to protect the Lake Merritt Wildlife Refuge. Funding levels for environmental education projects, financed by the California Environmental License Plate Fund this year, are adequate and it is more appropriate to use remaining

funds for projects which directly benefit wildlife, such as wetland rehabilitation and acquisition of critical habitat for endangered species. The environmental education aspects of this project can be considered for inclusion in the 1989-90 budget, along with other projects proposed from the California Environmental License Plate Fund.

Item 3600-001-200—For support of Department of Fish amd Game. I revise this item by reducing:

(b) 300000-Operating Expenses and Equipment from $53,737,000 to $53,527,000,

(d) Amount payable from the General Fund (Item 3600-001-001) from −$8,867,000 to −$8,778,000, and

(f) Amount payable from the California Environmental License Plate Fund (Item 3600-001-140) from −$11,882,000 to −$11,672,000,

and by adding:

Unallocated Reduction −$89,000

I am revising this item to correspond to the actions taken in Items 3600-001-001 and 3600-001-140.

Item 3600-301-200—For capital outlay, Department of Fish and Game. I reduce this item from $2,741,000 to $1,935,000 by deleting:

(8.5) 90.89.005—Healdsburg Dam Fish Ladder—Preliminary Plans, Working Drawings, and Construction ($806,000),

and by deleting Provision 1

I am reducing this item by $806,000, to delete the Healdsburg Dam Fish Ladder project because the role and responsibility of the State has not been determined. In addition, this project should be submitted during the normal budget process for consideration for funding in the context of competing needs and priorities.

I am deleting Provision 1 to conform with this action

Item 3640-301-748—For capital outlay, Wildlife Conservation Board I reduce this item from $3,839,000 to $3,484,000 by deleting:

(5) 80.10 160—Van Arsdale Fish Screen and Bypass—Project Planning ($355,000), and by deleting Provisions 5 and 7.

I am deleting $355,000 for project planning for the Van Arsdale Fish Screen and Bypass. This project is more appropriately the responsibility of the Department of Fish and Game and should be submitted for consideration during the normal budget process.

I am deleting Provision 5 to conform with this action.

I am deleting Provision 7 because this restrictive language interferes with the ability of the Executive Branch to utilize these resources most effectively The funds should be available to the Board for allocation to projects on a priority basis

Item 3680-101-036—For local assistance, Department of Boating and Waterways. I delete this item and Provision 1

I am deleting the legislative augmentation of $2,000,000 for Phase II of the San Francisco Seawall Project because it is not of sufficient statewide priority to justify the use of the limited tidelands oil revenues. I am also deleting the legislative augmentation of $2,000,000 for the San Francisco Bay Dredging Project because funding for this project is not a State responsibility. This is a cost which should properly be borne by the Port of San Francisco.

I am also deleting Provision 1 to conform to my action on the San Francisco Bay Dredging Project.

Item 3720-001-001—For support of California Coastal Commission. I revise this item from $6,841,000 to $5,847,000 by reducing

(a) 10-Coastal Management Program from $9,004,000 to $8,196,000,

and by adding:

Unallocated Reduction −$186,000

I am deleting the $518,000 and 10 9 personnel years legislative augmentation to expand the Coastal Management Program This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is

inconsistent with the need to protect current vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the $417,000 legislative augmentation for the Coastal Management Program, which resulted from the rejection of the Finance Letter proposal to reduce the Commission. In accordance with that request, I am now reducing $127,000 to reflect a two percent unallocated reduction which is necessary to help adjust the recent revenue shortfall, and I am reducing $290,000 to eliminate the operational costs for the support of the Santa Barbara and Santa Cruz district offices. I eliminated funding for these two offices in my veto action on the 1987 Budget. The veto message stated that workloads from these two areas could be handled through the San Francisco and Los Angeles offices. However, the Commission has chosen to redirect funding from other areas to keep these offices open. This reduction will again capture savings from the elimination of these offices, and I again direct the Commission to conduct the activities for these areas from the San Francisco and Los Angeles offices.

I am also reducing this item in the amount of $59,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3760-001-036—For support of State Coastal Conservancy. I delete this item

I am deleting the legislative augmentation of $75,000 for the Orange County Resale Control Program because I do not believe that funding is a State responsibility This program would require the Conservancy to contract with an entity to enforce resale restrictions for affordable housing units built in the coastal zone of Orange County pursuant to provisions that existed between 1976 and 1981 in the Coastal Act. These provisions were intended to assure the continued affordability of units subject to the development permits approved by the Coastal Commission for certain Orange County housing developments. I believe that the maintenance of affordable housing units in Orange County's coastal zone is properly a local responsibility. Additionally, current law does not provide appropriate authority to enable this program to be efficiently administered by the Conservancy.

Item 3760-001-565—For support of State Coastal Conservancy. I reduce this item from $380,000 to $290,000 by reducing:

(a) 100000-Personal Services from $2,047,000 to $1,958,000, and

(b) 300000-Operating Expenses and Equipment from $714,000 to $713,000.

I am deleting the legislative augmentation of $90,000 and 1.5 positions which was added to provide State support for the implementation, administration and litigation assistance for the Orange County Resale Control Program. This conforms to the action I have taken in Item 3760-001-036.

Item 3760-301-140—For capital outlay, State Coastal Conservancy. I delete this item and Provisions 1 and 2.

I am deleting this $400,000 legislative augmentation for the Mendocino Botanical Gardens acquisition. This project should be submitted for consideration during the normal budget process for consideration for funding in the context of statewide needs and priorities for the Conservancy.

I am deleting Provisions 1 and 2 to conform to this action.

Item 3760-301-748—For capital outlay, State Coastal Conservancy. I revise this item by deleting Provision 5.

I am deleting Provision 5 because it has been the Legislature's practice to grant the State Coastal Conservancy program budget flexibility to insure that high statewide priority projects may be effectively implemented as opportunities exist. This language would reduce that flexibility.

Item 3790-001-001—For support of Department of Parks and Recreation. I reduce this item from $78,692,000 to $77,905,000 by increasing:

(bzz) Unallocated Reduction from −$795,000 to −$1,582,000,
and by deleting Provision 9.

I am reducing this item by $787,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am deleting Provision 9 because the language represents a substantive change of law which can only be included in a single subject bill, not the Budget Act

Item 3790-101-001—For local assistance, Department of Parks and Recreation. I delete this item. I am deleting this $20,000 legislative augmentation for the San Joaquin River Parkway and Conservation Trust. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Item 3790-101-036—For local assistance, Department of Parks and Recreation. I reduce this item from $2,743,000 to $1,163,000 by reducing.

(1) 50.20 036.800-City of San Diego-Balboa Park, rehabilitation projects, from $1,000,000 to $500,000,
and by deleting:

(2) 50.20.036.801-County of Sacramento-Sacramento-Multicultural Park ($300,000),

(7) 50.20.036 806-California Academy of Sciences, facilities renovation ($500,000),

(8) 50.20.036 807-Tulare County Fair, greenbelt buffer zone acquisition ($280,000),
and by deleting Provision 1.

I am retaining $1,163,000 in this item to provide $500,000 for City of San Diego—Balboa Park, rehabilitation projects, $150,000 for Midpeninsula Regional Open Space District-Alpine Pond Underpass; $213,000 for City of Oakland—William Knowland Zoo and $300,000 for Red Bluff-Tehama Community Center. I am deleting $1,580,000 in legislative augmentations for three local assistance projects While the three remaining legislative augmentations may be for meritorious projects, they are not of significant statewide priority to justify the use of limited tidelands oil revenues nor do they appear to be of a critical or urgent nature requiring immediate funding. The unfunded projects should be submitted through the normal budget process so that they may be reviewed and evaluated in the context of statewide priorities and available funding.

I am deleting Provision 1 to conform to this action.

Item 3790-101-140—For local assistance, Department of Parks and Recreation I reduce this item from $1,850,000 to $100,000 by deleting

(5) 50.20.140.801-City of San Diego—Mission Bay Park Shoreline Protection and Water Quality ($750,000),

(6) 50.20.140.802-City of San Diego—Famosa Slough Acquisition ($1,000,000).

I am deleting the legislative augmentation of $750,000 for City of San Diego—Mission Bay Park Shoreline Protection and Water Quality and of $1,000,000 for City of San Diego—Famosa Slough Acquisition because neither project completed the statutory review process for funding from the Environmental License Plate Fund

These projects should be submitted for consideration during the normal budget process so that they may be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-101-463—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $200,000 legislative augmentation for the City of Los Angeles—Los Angeles City College Community Sports Complex. This project is more appropriately funded from the Community Colleges Capital Outlay Program and should be considered for funding in the context of the competing needs of that program.

Item 3790-101-722—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $165,000 legislative augmentation for the City of Vallejo, Vallejo Naval and Historical Museum: Repair and Restoration. This project should be submitted for consideration during the normal budget process so that it may be considered in the context of competing needs for this fund source.

Item 3790-101-733—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $175,000 legislative augmentation for three local assistance grants from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

These projects should be submitted for consideration during the normal budget process so that they may be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-101-742—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the legislative augmentations of $450,000 for City of Oxnard, Colonia Park Gymnasium, and $88,300 for Southgate Regional Park District, Countryside Park project.

These projects should be submitted for consideration during the normal budget process so that they may be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-101-786—For local assistance, Department of Parks and Recreation I delete this item and Provisions 1 and 2.

I am deleting the legislative augmentations of $200,000 for Ennis-Brown House and for $250,000 for City of Cudahay-Recreation Complex.

Requests for funding of these projects from this source should be submitted in accordance with the application process established in the voter-approved bond act which created this fund.

I am deleting Provisions 1 and 2 to conform to this action.

Item 3790-102-733—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $14,000 legislative augmentation for City and County of Sacramento-Sacramento Sports Complex.

This project should be submitted for consideration during the normal budget process so that it may be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-102-742—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $27,000 legislative augmentation for the City and County of Sacramento-Sacramento Sports Complex.

This project should be submitted for consideration during the normal budget process so that it may be reviewed and evaluated in the context of completing needs for this fund source.

Item 3790-301-721—For capital outlay, Department of Parks and Recreation. I reduce this item from $814,000 to $339,000 by deleting:

(3) 90.5X.600-Marconi Conference Center: Planning, Surveys, and equipment ($300,000),

(4) 90.CN.100-Monterey SHP: Custom-house Plaza—Recreational trail and improvements ($110,000),

(5) 90.CN.101-Monterey SHP: First Brick House—Items to complete ($65,000).

I am deleting the legislative augmentations of $300,000 for Marconi Conference Center: Planning, Surveys, and equipment, $110,000 for Monterey SHP: Custom-house Plaza—Recreational trail and improvements; and $65,000 for Monterey SHP: First Brick House—Items to complete.

Requests for these projects should be submitted through the annual budget process so that the proper level of funding and a well-defined scope may be determined.

Item 3790-301-722—For capital outlay, Department of Parks and Recreation. I reduce this item from $7,905,000 to $6,680,000 by deleting.

(0.5) 90.EC.100.880-Baldwin Hills SRA: Ridge Site Development ($1,000,000),

(2.5) 90.FU.100.880-California Citrus SHP: Interpretive and preliminary planning, artifact acquisition ($225,000).

I am deleting the legislative augmentations of $1,000,000 for Baldwin Hills SRA: Ridge Site Development, and $225,000 for California Citrus SHP· Interpretive and preliminary planning, artifact acquisition

Funding requests for these projects should be submitted through the annual budget process so that the proper level of funding and a well-defined scope may be determined.

Item 3790-490—Reappropriation, Department of Parks and Recreation. I revise this item by deleting.

036—(1.5) Item 3790-301-036(7), Budget Act of 1984, East Bay Shoreline Project—acquisition and development,

722—(21.5) Item 3790-301-722(4), Budget Act of 1986, 90.EC.400.861, Baldwin Hills SRA—acquisition; providing that funds may be used for alternative sites (parcels),

733—State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974. (1) Item 3790-301-721(ss), Budget Act of 1982, as reappropriated by Item 3790-490-721(13), Budget Act of 1983, as amended and reappropriated by Item 3790-490-721(q), Budget Act of 1984, by Item 3790-490-733(3), Budget Act of 1985, by Item 3790-490-733(1), Budget Act of 1986, and by Item 3790-490-733(1), Budget Act of 1987; and pursuant to Section 28 provisions. Item 3790-301-733(d), Fresno Agricultural Museum—development; provided that the funds reappropriated in this item shall be for a local assistance grant to the City of Fresno for the California Agricultural Museum and shall not be subject to the review of the Public Works Board.

I am deleting the reappropriation of Item 3790-301-036(7), Budget Act of 1984, East Bay Shoreline Project—acquisition and development, because of the availability of funds from other existing appropriations for the project and the reduced amount of revenues generally available for SAFCO.

I am deleting the reappropriation of Item 3790-301-722(4), Budget Act of 1986, 90.EC 400.861, Baldwin Hills SRA—acquisition, because the parcels proposed to be acquired with the reappropriated funds are not contiguous to the existing park and have not been identified as priority acquisitions by the Department.

I am deleting the reappropriation of Item 3790-301-721(ss), Budget Act of 1982, as reappropriated by Item 3790-490-721(13), Budget Act of 1983, as amended and reappropriated by Item 3790-490-733(1), Budget Act of 1987, and pursuant to Section 28 provisions; Item 3790-301-733(d), Fresno Agricultural Museum—development, because this project is no longer a State responsibility. Any request for this redefined project should be considered in the normal budget process in the context of competing needs for this fund source.

Item 3790-497—Reversion, Department of Parks and Recreation I delete this item.

I am deleting this item to conform to the action I have taken in Item 3790-101-463.

Item 3810-001-001—For support of Santa Monica Mountains Conservancy. I revise this item by reducing.

(b) 300000-Operating Expenses and Equipment from $702,000 to $202,000,

and by deleting·

(e) Project Planning and Design (to be reimbursed from Item 3810-301-786) —$300,000, and

(f) Project Planning and Design (to be reimbursed from Item 3810-302-786) —$200,000,

and by deleting Provision 1.

I am deleting the capital outlay reimbursements to this item by $500,000 because the use of bonds authorized by Proposition 70 for support purposes as well as for capital

outlay purposes should be reviewed during the normal budgetary process. This action is consistent with my action in Items 3810-301-786 and 3810-302-786.

I am deleting Provision 1 to conform with this action.

Item 3810-101-140—For local assistance, Santa Monica Mountains Conservancy. I delete this item and delete Provision 1.

I am deleting the legislative augmentation of $120,000 for the payment of interest on the City of Glendale's note for the Inter-Valley Ranch property. The use of scarce State funds to pay interest expenses incurred by a local government sets a fiscally unsound precedent.

I am deleting Provision 1 to conform to this action.

Item 3810-302-786—For Capital Outlay and grants, Santa Monica Mountains Conservancy. I delete this item and Provision 1, 2 and 3.

I am deleting this legislative augmentation of $10,000,000, for the Santa Susana Mountain Project Pursuant to Proposition 70, which was approved by the voters on June 7, 1988, funding for this acquisition project is directly appropriated to the Department of Parks and Recreation. Although Proposition 70 does contain a provision which allows the Legislature to "at any time allocate all or a portion of these funds to the Santa Monica Mountains Conservancy for the purposes for which the funds were originally allocated", it also provides the Department of Parks and Recreation until July 1, 1993 to expend the funds. Therefore, I believe that this reallocation is premature and that the responsibility for this project should appropriately remain with that Department at this time

Item 3860-001-001—For support of Department of Water Resources I reduce this item from $28,910,000 to $28,881,000 by increasing.

(fx) Unallocated Reduction from −$859,000 to −$888,000

I am reducing this item in the amount of $29,000, which represents the incremental amount necessary to achieve the equivalent of a one percent unallocated reduction after taking into account the previous unallocated reduction adopted by the Legislature. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3860-001-140—For support of Department of Water Resources. I reduce this item from $849,000 to $749,000,

and delete Provision 2.

I am deleting the $100,000 legislative augmentation to conduct a field research project on gypsum block irrigation monitoring to determine soil moisture. The Department of Water Resources currently determines soil moisture content through the use of 58 weather stations statewide which are monitoring devices that measure solar radiation, wind velocity, temperature, and rainfall. The current method is applicable statewide; whereas, gypsum block irrigation monitoring has limited application throughout the State because each soil type will have different moisture readings.

I am deleting Provision 2 to conform to this action

Item 3860-301-036—For capital outlay, Department of Water Resources. I reduce this item from $8,440,000 to $8,439,000 by reducing:

(1) 30.95 010 Sacramento Riverbank Protection Project from $4,230,000 to $4,229,000,

and deleting Provision 6

I am reducing this item by $1,000 and deleting Provision 6 which would require the development and implementation of mitigation work under a proposed assurance agreement. This language would require an assurance agreement between the State and the United States Army Corps of Engineers which is in addition to the requirements of the California Environmental Quality Act (CEQA). I believe that CEQA has established adequate safeguards to be met prior to the construction of this

flood control project and any additional mitigation not required by CEQA could delay or possibly jeopardize federal funding for the Sacramento Riverbank Protection Project.

I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 6 of this item.

Item 3940-001-001—For support of State Water Resources Control Board. I reduce this item from $41,270,000 to $37,329,000 by reducing:

(a) 10-Water Quality from $66,513,000 to $63,878,000,

(e) Reimbursements from −$6,151,000 to −$5,341,000,

and by increasing:

(ex) Unallocated Reduction from −$825,000 to −$3,466,000,

and by deleting:

(m) Amount payable from the California Environmental License Plate Fund (Item 3940-001-140) (−$525,000),

and by deleting Provision 3.

I am reducing this item by deleting the $810,000 legislative augmentation and seven positions to reimbursements scheduled from the Department of Health Services for hazardous waste site cleanup. This action conforms to my action in Item 4260-011-014. The funding which would have been provided through this item is premature, and the matter should be considered as part of the 1989–90 budget process.

I am deleting Provision 3 to conform with this action.

I am reducing this item by deleting the $100,000 legislative augmentation to expand the Water Quality program for toxic hot spots in bays and estuaries. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am reducing this item by deleting the $1,200,000 legislative augmentation to expand the Water Quality program for abatement of pollution in the New River. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am reducing this item by deleting the $325,000 legislative augmentation, payable from Item 3940-001-140, to expand the Water Quality program for abatement of pollution in the New River. This Administration has consistently articulated a position that pollution emanating from Mexico is a complex international problem which demands an international solution and that the Federal Government must address this issue rather than the State.

I am reducing this item by deleting the $200,000 legislative augmentation, payable from Item 3940-001-140, to expand the Water Quality program for the San Francisco Bay-Delta Aquatic Habitat Institute. It is not clear that additional funding for the Institute would be cost effective.

I am reducing this item in the amount of $2,641,000. By making this an unallocated reduction, I am providing the State Water Resources Control Board with the maximum flexibility to efficiently use existing resources. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 3940-001-140—For support of State Water Resources Control Board. I delete this item.

I am deleting this item to conform to my actions in Item 3940-001-001. This action eliminates the amount payable from this item to Item 3940-001-001.

Item 3940-101-890—For local assistance, State Water Resources Control Board, Program 10, Water Quality, payable from the Federal Trust Fund. I reduce this item

from $174,368,000 to $174,367,000 by reducing:

(a) Program 10-Water Quality from $182,076,185 to $182,075,185,

and deleting Provision 1.

I am reducing this item by $1,000. Provision 1 would prohibit use of the pilot program funds for the cleanup of nonfuel leaking tanks until the State Board provides a guidance document for overseeing the cleanup of nonfuel tanks. To develop such a document pertaining to all the potential nonfuel substances would cost at least $1,000 and would take resources away from the State Board's other more critical programs. 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.

It is not reasonable to prohibit action on dangerous leaks simply because guidelines have not been published by the State Board. Local agencies already respond to such situations and can ask for State Board assistance on more difficult cleanups.

I am deleting Provision 1 to conform to this action.

Item 4170-001-001—For support of Department of Aging. I reduce this item from $4,686,000 to $4,685,000 by increasing:

(fx) Unallocated Reduction from −$47,000 to −$48,000,

and by deleting Provision 2.

I am reducing this item by $1,000 and deleting Provision 2 to eliminate unnecessary administrative costs. Provision 2 requires establishment of a Minority Advisory Committee. The committee would assist in improving hiring of Hispanic and other underrepresented minorities and work to improve services to minority elderly communities. I concur that improving underrepresentation of Hispanics and other minorities is an important goal, however, I believe there is a more productive way to accomplish the increased hiring of minorities and to address minority service needs in Health and Welfare programs. Therefore, I am directing the Health and Welfare Agency to designate a position to examine these issues on an Agency-wide basis, including the establishment of an advisory committee to assist the Agency with its efforts. Minority issues are better served by an Agency-wide process.

Item 4170-101-001—For local assistance, Department of Aging. I reduce this item from $34,090,000 to $32,020,000 by reducing:

(a) 10-Nutrition from $61,710,000 to $60,785,000,

(1) 10.10-Congregate nutrition from $44,930,500 to $44,468,000,

(2) 10.20-Home delivered nutrition from $16,779,500 to $16,317,000, and

(d) 40-Special Projects from $30,539,000 to $29,394,000.

I am deleting the $925,000 legislative augmentation to provide a cost-of-living adjustment for the Nutrition programs. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current vital programs and provide for a prudent reserve for economic uncertainties. In light of the recent federal fund reduction in this program, I believe I have demonstrated my commitment to the nutrition program by offsetting this reduction with increased General Fund ($331,000) to maintain the existing level of services in 1988–89.

I am also deleting the $1,145,000 legislative augmentations for Special Projects as follows.

I am deleting the $1,000,000 legislative augmentation to expand the Alzheimer's Day Car Resource Centers (ADCRC). This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. I have provided $1.1 million (General Fund) in 1988–89 for support of the 16 existing ADCRC's. This represents a 99 percent increase over the 1986–87 level of support, I, therefore, do not believe a further increase is supportable at this time

I am deleting the $120,000 legislative augmentation to fund the Public Guardian Pilot Project. This augmentation was made by the Legislature despite the lower

revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the $25,000 legislative augmentation to expand the Volunteer Service Credit Program. This augmentation was made by the Legislature despite the lower revenues available to the General Fund and is simply inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties I have provided $50,000 in the 1988–89 Budget for this project. Given the fact that this is the first year of this pilot program, I believe this level of funding is sufficient until data are available to document the program's cost effectiveness.

Item 4200-001-001—For support of Department of Alcohol and Drug Programs. I reduce this item from $6,941,000 to $5,882,000 by reducing·

(b) 20-Drug Program from $8,949,000 to $7,949,000,

and by adding:

Unallocated Reduction —$59,000,

and by deleting Provision 2.

I am deleting the $1,000,000 legislative augmentation to provide training to drug abuse treatment staff for AIDS related drug treatment programs I believe the training of additional drug abuse staff can be accomplished within existing resources This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 2 to conform with this action

I am reducing this item by $59,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4200-101-001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from $76,795,000 to $71,795,000 by reducing.

(b) 20-Drug Program from $80,571,000 to $75,571,000,

and by deleting Provision 5

I am deleting the $5,000,000 legislative augmentation to expand treatment programs for intravenous drug users at risk of contracting or spreading HIV infection. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget contains $7,802,000 to combat the spread of AIDS by increasing treatment programs for intravenous drug users. This reflects a 56 percent increase in funds over the amount budgeted in 1987–88. Furthermore, an AIDS Leadership Committee was recently formed consisting of State and local agencies, health professionals, AIDS experts, insurance and public safety representatives, and others This committee will be providing me with advice and direction concerning AIDS issues and policies.

I am deleting Provision 5 to conform with this action.

Item 4210-001-001—For support of the Governor's Policy Council on Drug and Alcohol Abuse. I delete this item and Provisions 1 and 2

I am deleting the legislative augmentation of $1,000,000 for the Governor's Policy Council on Drug and Alcohol Abuse. The Legislature transferred $1,000,000 from the Department of Alcohol and Drug Program's main support item to the newly established Governor's Policy Council on Drug and Alcohol Abuse. I created the Governor's Policy Council on Drug and Alcohol Abuse through Executive Order D-70-88. Through that Executive Order, I have directed the Governor's Policy Council on Drug and Alcohol Abuse to develop an integrated plan on substance abuse enforcement, treatment and prevention programs and services I believe that this plan will address the Legislature's concerns as portrayed in the Budget Act language

in this item. In addition, I am willing to work with the Legislature, including gathering additional information from the field, in order to develop the best strategies to address this serious societal problem. In vetoing this item, I am setting aside funds for the restoration of the Department's support budget to ensure the continuation of vital programs

I am deletng Provisions 1 and 2 to conform to this action.

Item 4260-001-001—For support of Department of Health Services. I reduce this item from $153,254,250 to $146,571,250 by reducng·

(a) 100000-Personal Services from $173,299,269 to $173,106,269

(b) 300000-Operating Expenses and Equipment from $138,711,981 to $133,700,981, and by increasing.

(c) Unallocated Reduction from −$1,500,000 to −$2,979,000

and by revising Provisions 3 and 13 and deletng Provisions 5, 7, 9.1, 11 and 12.

I am reducing $330,000 of the $699,000 legislative augmentation to expand the McFarland Investigation of Childhood Cancer. I am sustaining $233,000 pursuant to a request I made in March 1988 for a followup review and investigation which would enable the Department to review the childhood cancer cases in McFarland and isolate the probable causes of cancer. According to the Department of Health Services, the $233,000 is sufficient to conduct an investigation in McFarland. In addition, I am sustaining $136,000 in this item to be used for free medical screenings of all elementary school children in McFarland. I will be working with the Legislature to make the $136,000 available for this purpose.

I am revising Provision 13 to conform with this action.

"13. Of the funds appropriated in this item, ~~$699,000~~ *$233,000* shall be for the McFarland Childhood Cancer study and used for the following purposes:

(a) San Joaquin Valley Cancer Investigation 213,000

~~(b) Environmental Exposure Monitoring in McFarland 391,000~~

(c) Followup and Independent Review of McFarland Studies of 1981–83 ~~95,000~~ *20,000.*"

I am deleting the $4,000,000 legislative augmentation for the establishment of the AIDS Drug Development Program. This augmentation would fund a program proposed in AB 3281 to assist California-based corporations in vaccine and drug development. I am opposed to both AB 3281 and this legislative augmentation because research grants for the development of an AIDS vaccine are already being provided by both the National Institutes of Health and the State through both the University of California's budget and a reappropriation of $2 million in vaccine development monies made available by Chapter 1463, Statutes of 1986 While I recognize the importance of developing an AIDS vaccine, I believe that it is inappropriate for California to fund clinical trials in foreign countries. In addition, under my Administration, the AIDS budget has experienced significant growth Statewide, the AIDS General Fund budget is increasing from $52.7 million in 1987–88 to $67 3 million in 1988–89, or by $14.6 million. This represents a 27 7 percent increase in the AIDS General Fund budget between 1987–88 and 1988–89. Furthermore, an AIDS Leadership Committee was recently formed consisting of State and local agencies, health professionals, AIDS experts, insurance and public safety representatives, and others This committee will be providing me with advice and direction concerning AIDS issues and policies.

I am deletng Provision 9 1 to conform with this action.

I am reducing the Department of Health Services budget by $522,000 and 9 5 positions to reflect the elimination of the proposed survey of imported processed foods authorized by Chapter 1244, Statutes of 1987 (AB 78) Although I signed AB 78, this reduction from my original proposed funding level is necessitated by the unexpected revenue shortfall in the General Fund and the critical needs in other higher priority programs. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General

Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am reducing the drinking water Maximum Contaminant Level (MCL) program in the amount of $350,000. The 1985 Budget Act required the Department to develop MCLs for 30 chemicals. In May, I proposed an increase of $500,000 to enable the Department to fund staff needed to defend the 30 MCLs through the regulatory process ($150,000), and to complete risk assessments for additional chemicals for which MCLs are not required ($350,000). I am now proposing that funding for risk assessments for additional MCLs be delayed at this time. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am deleting Provision 5 which requires the Rural and Community Health Division to remain in its current location. I believe that this language conflicts with the Executive Branch's authority to manage its programs in the best interest of the State.

I am reducing $1,000 from this item and deleting Provision 7 to eliminate unnecessary administrative costs. This provision requires specific duties to be performed by the Department's Equal Employment Opportunity Committee and, additionally, establishes a Special Advisor on minority employment initiatives. I concur that improving underrepresentation of minorities is an important goal, however, I believe there is a more productive way to accomplish the increased hiring of minorities and to address minority service needs in Health and Welfare programs. Therefore, I am directing the Health and Welfare Agency to designate a position to examine these issues on an Agency-wide basis, including the establishment of an advisory committee to assist the Agency with its efforts Minority issues are better served by an Agency-wide process.

I am reducing this item by $1,000 and deleting Provision 11 to eliminate unnecessary costs. Provision 11 requires the Department of Health Services to establish a position of State Transportation Coordinator, and specifies the responsibilities of that position While this position was proposed in a Department of Finance Letter, Provision 11 would commit the State and local agencies to activities such as performing surveys on a prescribed schedule and providing case by case assistance to beneficiaries. Although no augmentations are associated with these requirements, there would be costs of at least $1,000 incurred by the Department of Health Services to comply with them. I am reducing $1,000 from this item, which represents the savings that will be achieved based on vetoing the language contained in this provision.

I am deleting Provision 12 which would require the Department to include a proposal in the 1989–90 budget to fully fund the Contract Counties program based upon a workload analysis of the current level of services. This language is an infringement on the Executive Branch's budget development process and restricts my authority to prepare a budget which reflects my spending priorities within available fiscal resources. I have no problem making the Department's workload study of the Contract Counties program available to the Legislature

I am reducing the Department of Health Services' 1988–89 support budget by $1,479,000 to reflect a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am revising Provision 3 regarding the Department of Health Services' fees. Health and Safety Code Section 115 authorizes the Department to collect fees to cover costs

associated with the Licensing and Certification Division. I am reducing the Legislature's proposed fee increase from 42 1 percent to 41.6 percent to correct a technical error in the calculation of the fee. Health and Safety Code Section 116 provides for an adjustment of fees associated with the issuance or renewal of licenses for laboratory services. I am reducing the laboratory fee from 8 2 percent to 8.1 percent to correct an error in the calculation of that fee. In addition, I am revising the Public Health fee increases subject to Health and Safety Code Sections 113 and 114 The Legislature adopted a fee increase of 2.7 percent plus 0 5 percent for each 1 percent increase in employee compensation granted in the 1988–89 budget. Consistent with my overall veto action regarding the Department's Public Health budget, I am revising the fee increase to 2.11 percent plus 0 5 percent for each 1 percent increase in employee compensation granted in the 1988–89 budget

"3 Effective July 1, 1988, 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 $18 55 per bed. Effective July 1, 1988, the annual fee for a skilled nursing facility, intermediate care facility, or intermediate care facility for the developmentally disabled is $83.64 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 ~~4.2 1~~ *41 6* percent effective July 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 ~~8.2~~ *8.1* percent effective January 1, 1989.

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 ~~2.7~~ *2 11* percent plus 0 5 percent for each 1 percent increase in employee compensation granted in the 1988 Budget Act.

The Director of Finance shall propose language to implement fee adjustments in the 1989 Budget Bill."

Item 4260-011-014—For support of Department of Health Services (Toxic Substances Control Division). I revise this item by reducing:

(a) 12.10-Site Mitigation from $58,789,000 to $57,406,000,

(h) Amount payable from Hazardous Substance Account (Item 4260-011-455) from −$7,980,000 to −$7,407,000,

(i) Amount payable from Hazardous Substance Cleanup Fund (Item 4260-011-710) from −$19,591,000 to −$18,781,000,

and deleting Provisions 6 and 7

I am deleting the $573,000 legislative augmentation, payable from Item 4260-011-455, for Attorney General cost recovery activity as there is not adequate workload justification to support this augmentation. AB 4373, currently pending before the Legislature, would extend the statute of limitations such that a previously anticipated workload increase may not materialize in 1988–89. If, in fact, an increase does occur, then the $1.7 million currently budgeted for Attorney General support to the Toxics program should be prioritized and used for this purpose, as warranted

I am deleting Provision 6 to conform with this action.

I am deleting the $810,000 legislative augmentation, payable from Item 4260-011-710, to provide additional hazardous waste site cleanup funding for the State Water Resources Control Board and regional boards. The need for additional funding for this purpose should be identified as part of the normal budgetary process. The cleanups at these sites will average 20 years in duration and work has not yet progressed to the point that additional resources are needed in 1988–89. Moreover, use of these bond funds as a funding source would force the regional boards to adopt a different and more costly cleanup process than required by the bond act, effectively

negating much of the effort made to date at these sites and imposing administrative delays on the important cleanup efforts now underway.

I am deleting Provision 7 to conform with this action.

Item 4260-011-455—For support of Department of Health Services (Toxic Substances Control Division). I reduce this item from $7,980,000 to $7,407,000.

I am reducing this item to conform to the action I have taken in Item 4260-011-014.

Item 4260-011-710—For support of Department of Health Services (Toxic Substances Control Division). I reduce this item from $19,591,000 to $18,781,000.

I am reducing this item to conform to the action I have taken in Item 4260-011-014.

Item 4260-101-001—For local assistance, Department of Health Services, Medical Assistance Program. I reduce this item from $2,985,831,000 to $2,910,934,000 by reducing:

(a) 50.11-Benefits (Medical Care and Services) from $5,973,732,000 to $5,779,731,000,

(b) 50.10-Eligibility (County Administration) from $170,883,000 to $166,668,000,

(c) 50.50-Fiscal Intermediary Management from $53,804,000 to $53,560,000,

(d) Reimbursements from −$71,272,000 to 0,

(e) Amount Payable from the Federal Trust Fund (Item 4260-101-890) from −$3,119,838,000 to −$3,067,547,000,

and by deleting Provisions 15.5, 18, 22, 23, 25, 26, and 27.

I am reducing this item by $3,291,000 and taking a corresponding action in Item 4260-101-890 by reducing $3,291,000 in federal funds to reflect deletion of the legislative augmentation to increase perinatal services rates by 18.8 percent in the Medi-Cal program This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

To conform with this action I am deleting Provision 22 which requires the Department of Health Services to increase the Medi-Cal reimbursement rates for obstetricians performing normal deliveries by 18.8 percent above the rates paid on June 1, 1988.

The 1988–89 Budget contains funds for adequate increases in Medi-Cal rates for maternity services in order to expand access to medical care for pregnant women. This includes a 16 percent increase in physician rates for obstetric services and a 10.45 percent increase in clinic rates, as well as an additional $150 payment for those participating in the comprehensive perinatal services program who provide nine or more office visits beginning in the first trimester of pregnancy. This follows an increase in physician reimbursement rates for maternity services of 26.5 percent in 1986–87.

I am reducing this item by $4,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $4,000,000 in federal funds to reflect deletion of the legislative augmentation to expand Medi-Cal eligibility for prenatal care to 185 percent of the federal poverty level. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

To conform with this action I am eliminating Provision 27 which states that the Department shall amend the state Medicaid plan to provide for implementation of the federal Medicaid option for extending eligibility for prenatal care to pregnant women whose incomes are between 100 percent and 185 percent of the federal poverty level, and eliminate the resource (asset) test when assessing Medi-Cal eligibility for pregnant women.

The current standard of eligibility for a two-person family unit is 111 percent of the federal poverty level. I believe that funding the continuation of services to current Medi-Cal eligibles (those at or below 111 percent of the federal poverty level) is a higher priority for available resources than expanding eligibility levels to higher

income groups. The 1988–89 Budget contains funds to increase rates for maternity services in order to expand access to medical care for current eligibles.

I am reducing this item by $5,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $5,000,000 in federal funds to reflect the deletion of the legislative augmentation for Medi-Cal rate increases for hospitals designated as trauma centers or hospitals providing complex emergency Medi-Cal services. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

To conform with this action, I am deleting Provision 23 which requires the Department of Health Services to allocate $10,000,000 to the contracting pool for disproportionate share hospitals operating trauma centers or complex emergency Medi-Cal services.

The Budget Act of 1987 appropriated $25,000,000 to the Department of Health Services for negotiated rate increases for disproportionate hospitals contracting to provide Medi-Cal services These funds currently are being allocated by the California Medical Assistance Commission for rate increases which are effective in 1987–88 and 1988–89.

I am reducing this item by $10,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $10,000,000 in federal funds to reflect deletion of the legislative augmentation to increase rates for disproportionate share providers of hospital outpatient services. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

To conform with this action, I am deleting Provision 15.5 which requires the Department of Health Services to allocate $20,000,000 to increase rates for outpatient services provided by disproportionate share hospitals.

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

The 1988–89 Budget contains funds for rate increases for which all outpatient providers may qualify. This includes a 10 percent rate increase for comprehensive children's office visits and a 10 percent rate increase for well child examinations In addition, this budget contains a 16 percent increase for physicians providing maternity care and a 10.45 percent increase for maternity care provided in clinics to cover inpatient delivery services as well as outpatient perinatal care

I am reducing this item by $1,000 and deleting Provisions 18 and 25 to eliminate unnecessary costs. Provision 25 requires the Department of Health Services to study access to dental care, and to report to the Legislature no later than January 1, 1989 I believe that the dental access study is not necessary since the Department of Health Services completed a study of access to dental care in 1987 which was subsequently released to the Legislature. Provision 18 requires the Department of Health Services to amend the State Medicaid plan to implement targeted case management for pregnant women, and provide status reports to the Legislature on a quarterly basis beginning October 1, 1988 The budget I have proposed contains rate increases to expand maternity care for Medi-Cal eligibles. In addition, I have retained a legislative augmentation of $500,000 in Item 4260-111-001 to provide State matching funds for federal funds to be used for the case management of perinatal services. Consistent with this policy, the Department of Health Services will take the steps necessary to obtain federal Medicaid funds. However, Provision 18, which would require the Department of Health Services to submit quarterly status reports to the Legislature, creates a new and unfunded cost in the Department which is unnecessary in view of

other alternatives available. Although no augmentations are associated with Provisions 25 and 18, there would be costs of at least $1,000 incurred by the Department of Health Services to comply with their requirements. I am reducing $1,000 from this item, which represents the savings that will be achieved based on vetoing the language contained in these provisions.

In addition, I am making the following reductions to appropriations originally proposed in my budget.

I am reducing this item by $22,605,000 to reflect deletion of funds for the repayment of the federal portion of Medi-Cal overpayments, as required by the Consolidated Omnibus Budget Reconciliation Act of 1985. The schedule for implementation of these requirements is indeterminate at this time and it is not certain that the federal government will claim these funds in 1988–89. Therefore, I will request these funds when the State receives claims for repayment from the federal government.

I am reducing this item by $30,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $30,000,000 in federal funds to reflect a revision of the Medi-Cal checkwrite schedule for 1988–89. The revised schedule includes 47 checkwrites, rather than the 48 listed in Medical Services Bulletin number 155. These funds will be paid to providers as part of the regularly scheduled checkwrites in 1989–90.

This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am deleting Provision 26 which requires the Department of Health Services to eliminate the rate differential for Caesarean sections and instead establish a rate of reimbursement for vaginal and Caesarean births which is a weighted average of the existing two Medi-Cal rates.

The Medi-Cal program is intended to be operated in conformity with State and/or Federal laws. The calculation of reimbursement rates for providers reflects an analysis of provider costs. This Provision would have impermissibly substituted an arbitrary formula for the required rate calculation and, therefore, jeopardizes federal funds. Since 1983–84, Medi-Cal program expenditures have increased by $2.2 billion or 55 3 percent In preparing the 1988–89 Medi-Cal budget, the Department has made improving access to maternity care its highest priority The 1988–89 Budget contains funds to increase rates for maternity services in order to expand access to medical care for pregnant women. This includes a 16 percent increase in physician rates for obstetric services and a 10.45 percent increase in clinic rates, as well as an additional $150 payment for those participating in the comprehensive perinatal program who provide nine or more office visits beginning in the first trimester of pregnancy. This follows an increase in physician reimbursement rates for maternity services of 26 5 percent in 1986–87.

Finally, I am deleting $71,272,000 in reimbursements contained in this item. These funds were originally added to support Medi-Cal expenditures for refugees and eligible legalized aliens. However, later action by the Legislature provided the necessary expenditure authority for refugee services in Item 4260-103-890, and for eligible legalized aliens in Section 23.50 of the Budget Act. Therefore, reimbursement expenditure authority is no longer needed for these purposes.

Item 4260-101-890—For local assistance, Department of Health Services, for transfer to Item 4260-101-001. I reduce this item from $3,119,838,000 to $3,067,547,000.

I am deleting the $3,291,000 legislative augmentation to increase the Medi-Cal perinatal services rate by 18.8 percent. This corresponds to my action on this issue in Item 4260-101-001.

I am deleting the $4,000,000 legislative augmentation to expand Medi-Cal eligibility for prenatal care to 185 percent of the federal poverty level. This corresponds to my action on this issue in Item 4260-101-001

I am deleting the $5,000,000 legislative augmentation to be allocated to hospitals designated as trauma centers or to hospitals providing complex emergency Medi-Cal services. This corresponds to my action on this issue in Item 4260-101-001.

I am deleting the $10,000,000 legislative augmentation to increase rates for disproportionate outpatient services. This corresponds to my action on this issue in Item 4260-101-001.

I am reducing this item by $30,000,000 to reflect the revision of the Medi-Cal checkwrite schedule for 1988–89. This corresponds to my action on this issue in Item 4260-101-001

Item 4260-106-001—For local assistance, Department of Health Services, for cost-of-living increases. I reduce this item from $53,072,000 to $52,493,000 by reducing·

(a) 50.11-Benefits (Medical Care and Services) (for transfer to Item 4260-101-001) from $53,672,000 to $52,493,000,

and by deleting Provisions 1 and 2.

I am reducing the legislative augmentation for implementation of the new minimum wage requirement by $579,000, from $14,400,000 to $13,821,000, in this item and by reducing $589,000 in federal funds, from $14,300,000 to 13,711,000, in Item 4260-106-890. The amounts I have retained in this item and in federal funds are consistent with the most recent minimum wage rate study completed by the Department of Health Services and will allow the Department to increase rates sufficiently to fully fund the cost of California's new minimum wage.

I am deleting Provision 1 which requires the Department of Health Services to adopt regulations to increase the reimbursement rate for long-term care providers to reflect the impact of the minimum wage This provision is unnecessary because the State Medi-Cal Plan requires the Department prospectively to adjust reimbursement rates for long-term care providers when State or federal laws or regulations impose additional costs on long-term care providers Furthermore, federal regulations specify that rates must be adequate to meet costs which must be incurred by efficiently and economically operated facilities

In addition, this provision requires the Department of Health Services to increase long-term care rates by a specific weighted average for each patient day in order to implement minimum wage requirements The weighted average rate increase required by this provision is inconsistent with the most recent minimum wage rate study completed by the Department and would result in additional Medi-Cal costs of $1,168,000 ($579,000 General Fund). Moreover, even the current weighted average is an estimate which is subject to change in 1988–89, depending on the patterns of utilization within each of the peer groupings which have different rates. Therefore, because of the differences in rates among peer groups, establishing a specific weighted average rate adjustment in statute could require the Department to spend more than is necessary to fund the cost of the minimum wage.

I am deleting Provision 2 which establishes a wage pass through requirement for long-term care provider reimbursement rates This requirement is unnecessary since Title 8, California Administrative Code, Section 11000 (Order No MW-88) implements the recent order of the Industrial Welfare Commission to increase the minimum wage to $4.25 per hour, effective July 1, 1988. This order, which is enforceable by the Labor Commissioner, applies generally throughout California and includes work performed in long-term care facilities. Therefore, a statute which requires this wage increase to be made would be redundant. In addition, the auditing requirement contained in this provision for the purpose of monitoring wage pass through compliance would increase costs by $644,000 ($322,000 General Fund) and 12 positions beginning in 1989–90.

With these actions, my budget contains $27,532,000 for implementation of the minimum wage and $67,361,000 for a cost-of-living adjustment for the long-term care reimbursement rate Approximately two-thirds of the cost-of-living adjustment represents funds to be used for wages and benefits for non-administrative employees

Finally, I am reducing the Benefits category in this item by $600,000 to correct an

error in the enrolled budget bill. This bill schedules $53,672,000 in category (a) 50.11-Benefits (Medical Case and Services) (for transfer to Item 4260-101-001), while appropriating only $53,072,000 in this item and not scheduling any other funds.

Item 4260-106-890—For local assistance, Department of Health Services, for cost-of-living increases I reduce this item from $52,820,000 to $52,231,000 by reducing:

(a) 50.11-Benefits (Medical Care and Services) (for transfer to Item 4260-101-890) from $52,820,000 to $52,231,000

I am reducing the $14,300,000 legislative augmentation for the minimum wage rate increase for long-term care providers in this item by $589,000. This corresponds to my action on this issue in Item 4260-106-001

Item 4260-111-001—For local assistance, Department of Health Services I reduce this item from $1,188,605,200 to $1,164,623,000 by reducing

(a) 11-Preventive Medical Services from $8,086,200 to $7,816,000

(b) 15-AIDS from $49,549,000 to $37,199,000

(c) 20-Family Health Services from $144,210,000 to $133,048,000

(d) 40-Rural and Community Health from $986,760,000 to $986,560,000,

and by deleting Provisions 1(c), 1(e), 2(b), 2(i), 2(j), 2(k), 2(o), 2(p), 2(q), 2(r), 3(f), 3(h), 3(i), 3(j), and 4(e).

I am deleting the legislative augmentation of $170,200 to expand the State's groundwater testing program Chapter 818, Statutes of 1985, requires the Department of Health Services to assist local health officers in evaluating small public water systems for organic chemical contamination A total of $4,538,000 has been appropriated since 1985–86 for this purpose According to the Department, the appropriation is sufficient to carry out the evaluation of small water systems required by Chapter 818 In addition, this augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 1(c) to conform to this action

I am deleting the $100,000 legislative augmentation to expand the Dental Disease Prevention Program Chapter 1134, Statutes of 1979, established the Dental Disease Prevention Program which authorizes the Department to contract with county health departments and school districts to provide dental education and prevention services to children. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am deleting Provision 1(e) to conform to this action

I am deleting the $500,000 legislative augmentation which would fund local comprehensive AIDS plans Many of the counties which receive various sources of funding for AIDS programs, including from the State AIDS Community Block Grant program, already have developed comprehensive AIDS plans and other counties are now in the process of developing them In addition, the Department of Health Services holds an annual statewide AIDS conference for the purpose of providing updates on AIDS information and issues to assist in coordination and planning and to provide contractors with a forum to exchange program experiences I believe that it is appropriate for the State to continue to provide this technical assistance and for counties to use their AIDS Block Grant monies for planning purposes if they so choose. However, I do not support providing additional State funding for local planning on the basis that development of local plans is a local responsibility

I am deleting Provision 2(b) to conform with this action.

I am deleting the $2,000,000 legislative augmentation for AIDS home health care, attendant care, and hospice projects This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget already provides for a substantial

increase for these treatment pilot projects. Funding for 1988–89 is proposed at $4.1 million compared to $1.5 million for 1986–87, a $2 6 million or 173.3 percent increase. In addition, I am supporting language added by the Legislature in Provisions 2(l) and 2(n) of this item which would provide additional funding for these projects to the extent there are savings associated with the AIDS Home and Community Based Waiver and AIDS Pediatric programs. Furthermore, I am supporting the Legislature's reappropriation language in Item 4260-490(3) which would make savings in 1987–88 AIDS programs available for three AIDS activities during 1988–89, including home and community-based services

I am deleting the $4,000,000 legislative augmentation for the establishment of health screening and outpatient treatment programs for asymptomatic HIV-infected people. The Office of AIDS is currently funding two pilot projects to provide these services The projects began operation in March, 1988 in Long Beach and Santa Clara at a cost of $200,000 per center. The Legislature's augmentation would provide startup funding for 20 additional centers at a cost of $200,000 per center. While outpatient treatment services are a priority of this Administration, given the unexpected revenue shortfall in the General Fund and the need to ensure that a prudent reserve for economic uncertainties will be maintained, I am unable to provide any additional funding for this purpose. In addition, because the two existing pilot projects just began operation, I believe that this augmentation is premature.

I am deleting Provision 2(o) to conform to this action

I am deleting the $100,000 legislative augmentation to assess the feasibility of serving persons with AIDS in an adult day health care setting This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. Under my Administration, the AIDS budget has also experienced significant growth. Statewide, the AIDS General Fund budget is increasing from $52.7 million in 1987–88 to $67 3 million in 1988–89, or by $14.6 million. This represents a 27.7 percent increase in the General Fund budget since I became Governor and State funding for AIDS was first provided. In addition, an AIDS Leadership Committee was recently formed consisting of State and local agencies, health professionals, AIDS experts, insurance and public safety representatives, and others This committee will be providing me with advice and direction concerning AIDS issues and policies

I am deleting Provision 2(p) to conform to this action.

I am deleting the $225,000 legislative augmentation for the Barlow Hospice Center in Los Angeles This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the $1,500,000 legislative augmentation for early AIDS intervention for intravenous drug users (IVDUs). This augmentation proposes to expand outreach programs aimed at the IVDUs. I have proposed that the Office of AIDS' information and education budget increase from $11.1 million in 1987–88 to $15.1 million in 1988–89, or by $4 million This represents an increase of 36 percent over the 1987–88 budget These funds are available for use by programs directed at IVDUs, including outreach activities. In addition, I am supporting the Legislature's reappropriation language in Item 4260-490(3) which would make savings in 1987–88 AIDS programs available for three AIDS activities during 1988–89, including outreach to IVDUs

I am deleting Provision 2(r) to conform to this action.

I am deleting the $500,000 legislative augmentation for the establishment of resource centers for AIDS prevention and education contractors to provide technical assistance on training of health professionals and on management and programmatic issues. This augmentation would provide additional funding for the existing San Francisco center and for the establishment of a new center in Southern California. The 1988–89 Budget for AIDS information and education grants has increased from $11.1

million in 1987–88 to $15 1 million in 1988–89, or by $4 million, and is available for programs including training of health care professionals and health care workers These funds are allocated by the Office of AIDS based upon need These funds should continue to be allocated based upon the Department's review of the competing contracts and available resources and not arbitrarily augmented for specific contractors.

I am deleting Provision 2(i) to conform to this action

I am deleting the $250,000 legislative augmentation which would provide increased funding for an evaluation of AIDS information and education activities. The 1988–89 Budget already includes $500,000 for an evaluation of the various information and education activities administered by the Office of AIDS. The funding provided in the base budget is sufficient for completion of the evaluation. Therefore, this augmentation is unnecessary.

I am deleting Provision 2(k) to conform to this action

I am deleting the $2,000,000 legislative augmentation for additional AIDS education contracts for publicly funded clinics This augmentation would add funding for education contracts for family planning, maternal and child health, primary care, and sexually transmitted disease clinics. The 1988–89 Budget for the Office of AIDS includes $15.1 million for information and education grants, or $4 million (36 percent) more than the 1987–88 budget of $11.1 million These grant funds are available on a competitive basis to various contractors throughout the State and publicly funded clinics are eligible to compete for these information and education grants. My 1988–89 General Fund budget for AIDS also includes $2,571,000 for confidential testing in publicly funded clinics. The clinics which provide confidential testing also receive education funding for clients as part of the reimbursement process for HIV testing. In addition, I am supporting the Legislature's reappropriation language in Item 4260-490(3) which would make savings in 1987–88 AIDS programs available for three AIDS activities during 1988–89, including education of high-risk people served in publicly funded clinics.

I am deleting Provision 2(j) to conform to this action.

I am deleting the $125,000 legislative augmentation to provide additional training funds for the California Nurses Association (CNA) contract with the Office of AIDS. The Office of AIDS receives requests from many different organizations for funding to train health care professionals Not only has the CNA requested funding, but there are various professional organizations which have requested funding to obtain training from organizations other than the CNA. Therefore, the Office of AIDS has attempted to distribute available funds in an equitable manner to organizations competing for health care training monies. Contract funds for training of health care workers and professionals total $1,011,000 in 1988–89 compared to $734,000 in 1987–88, an increase of $277,000 (37.7 percent increase). Of the total, the CNA contract is budgeted at $225,000 for 1988–89 with the remaining budget provided to other organizations based on the Department's review of total training needs I also cannot support an augmentation for additional training funds due to the unexpected revenue shortfall in the General Fund and the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the $150,000 legislative augmentation to fund two demonstration projects to assess the need to provide funding to lawyers who provide services to indigent people with AIDS or HIV infection. Currently, legal services to county indigents are the responsibility of the counties, with the exception of major criminal cases in which the State may provide assistance I believe that the counties should continue to be responsible for funding these legal services.

I am deleting Provision 2(q) to conform to this action

I am reducing the Alternative Test Site (ATS) program in the amount of $1,000,000. My January budget proposed to increase the ATS program budget from $5.4 million to $6 4 million to fund an anticipated increase in the number of tests per month from

11,000 to 13,000 The most recent utilization data indicates, however, that monthly testing has not exceeded 11,000 tests

I am reducing this item by $5,112,000 to reflect a shift in funding from the General Fund to federal funds for the Maternal and Child Health (MCH) program Subsequent to the development of my 1988–89 Budget, the Department of Health Services learned that $5,612,000 in additional federal funds would be available in 1988–89 for MCH services I am reducing the MCH General Fund budget by $5,112,000 to reflect these additional federal funds and retaining $500,000 to be used for case management services which will help ensure that low-income pregnant women and their children receive essential MCH services. This fund shift is necessitated by the unexpected revenue shortfall in the General Fund and the need to ensure that a prudent reserve for economic uncertainties will be maintained Even with this fund shift, the MCH budget has doubled under my Administration from $15.3 million in 1982–83 to $30.7 million in 1988–89. In addition, I am retaining language added in Provision 3(d) which would require contractors to bill the Medi-Cal program for services provided to Medi-Cal eligibles This language will allow for an expansion of MCH services by maximizing the use of federal funds and freeing up General Fund monies which can be redirected to fund additional services.

I am reducing the $500,000 legislative augmentation to this item which, when combined with a like augmentation to Control Section 23 50, would provide a total of $1,000,000 for prenatal care to high-risk pregnant women, of which $500,000 would be targeted for outreach services to eligible legalized aliens (ELAs) I have provided $900,000 in federal funds in Control Section 23 50 for outreach services to ELAs and, additionally, am sustaining the $500,000 federal fund augmentation to the same Control Section for this purpose. My action will allow outreach services to be provided on a coordinated basis by the Health and Welfare Agency.

I am deleting Provision 3(i) to conform with my action

I am deleting the $1,000,000 legislative augmentation to expand the Community-Based Perinatal Services program This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget contains $30.7 million for Maternal and Child Health services. This represents a 101 percent increase over the 1982–83 budget of $15 3 million for this program.

I am deleting the $2,000,000 legislative augmentation to expand the Child Health and Disability Prevention Program (CHDP) to provide three health screens for children age 13–29 months Currently, only one health screen is provided for this age group This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties The 1988–89 Budget includes $22.8 million for the CHDP program This amount represents an increase of $2.9 million (14 6 percent) over the 1987–88 budget of $19.9 million.

I am deleting Provision 3(j) to conform to this action.

I am deleting the $50,000 legislative augmentation to provide funding for the Edward R Roybal dental clinic in Los Angeles County The Department had funded this clinic in previous years utilizing discretionary federal MCH funds. I believe that it is inappropriate to use General Fund monies for this clinic when other dental programs serving low-income children are funded either through Medi-Cal or the county in which the clinic is located To make an exception for the Roybal dental clinic could set an undesireable precedent for the use of State General Fund monies to support other county dental programs

I am deleting the $1,500,000 legislative augmentation to expand the Adolescent Family Life program. The program is currently budgeted at $5 million and this augmentation would represent a 30 percent increase in funding This augmentation was made by the Legislature despite the lower revenue available to the General Fund,

and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 3(f) which would authorize the Department to allocate up to $425,000 of the funds in this item to support school-based health clinics in California. This language would have allowed the Department to spend up to $425,000 in the public health local assistance item for the operation of school-based health clinics. This Provision constitutes an item of appropriation which I cannot support because it would be at the expense of ongoing AIDS, Maternal and Child Health, California Children's Services, and other public health programs In addition, school districts are provided with over $12 billion in general purpose and categorical funds that can be used for school-based health clinics. The Department of Education also has budgeted $574,000 in 1988–89 to develop curriculum as well as pamphlets and flyers regarding available health services.

I am deleting the $1,000,000 legislative augmentation to expand Chlamydia testing and treatment services. My budget for the Office of Family Planning includes $34.2 million for contracts with various agencies to provide family planning services. These funds are available for various services, including testing and treatment of sexually transmitted diseases such as Chlamydia.

I am deleting Provision 3(h) to conform to this action.

I am deleting the $200,000 legislative augmentation to provide technical assistance and fiscal support to county hospitals which are threatened with closure due to financial problems This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 4(e) to conform to this action.

Item 4260-116-001—For cost-of-living increases, Department of Health Services. I reduce this item from $31,829,000 to $21,829,000.

I am deleting the $10,000,000 legislative augmentation to fund a cost-of-living adjustment for the Medically Indigent Services Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Item 4260-121-001—For local assistance, Department of Health Services, (Alzheimer's Disease Program). I reduce this item from $9,964,250 to $2,214,250.

I am reducing $7,750,000 of the $9,964,250 legislative augmentation to expand the Department of Health Services' Alzheimer's Disease program This augmentation consists of a redirection of $2,214,250 in existing funds from Item 4260-001-001 ($465,250) and Item 4260-111-001 ($1,749,000) as well as an augmentation of $7,750,000 for a program expansion. I am retaining the $2,214,250 needed to continue current Alzheimer's Disease activities. I am deleting the additional $7,750,000 for research and diagnostic and treatment centers because this augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

Item 4260-495—Reversion, Department of Health Services I revise the language in this item.

I am revising the language in this item to conform to the action I have taken in Item 4260-011-014.

"Item 4260-495—Reversion, Department of Health Services.

As of June 30, 1988, the unencumbered balance of the appropriation provided in the following citation shall revert to the fund balance of the fund from which the appropriation was made.

710—Hazardous Substance Cleanup Fund

(1) Chapter 1439, Statutes of 1985, ~~$31,355,000~~ *$30,545,000* appropriated for site cleanup."

Item 4300-001-001—For support of Department of Developmental Services. I reduce this item from $13,422,000 to $13,287,000 by reducing

(a) 10-Community Services Program from $10,313,000 to $10,312,000,

and by adding:

Unallocated Reduction —$134,000,

and by revising Provisions 4 and 5, and deleting Provisions 6 and 7

I am deleting $1,000, revising Provisions 4 and 5 and deleting Provisions 6 and 7 to eliminate unnecessary administrative costs. Although no augmentations are associated with these provisions, there will be administrative costs incurred to comply with the requirements of these provisions. I am reducing $1,000 to reflect savings that will be achieved based on vetoing language contained in these provisions.

I am revising Provisions 4 and 5 regarding the P.L 99-457 Early Intervention Program to remove the portion that requires 30-day legislative notification and consideration before the Department of Developmental Services may apply for third year federal grant funds Currently, the Legislature is notified after grant funds are received but before the funds are spent I believe that this language would establish a precedent in requiring legislative notification prior to the application for federal funds, thereby adding to the bureaucracy unnecessarily.

"4 ~~The Department of Developmental Services shall not apply for third year funding for the Early Intervention Program under Public Law 99/457, without 30/day notification of and consideration by the Joint Legislative Budget Committee Upon approval from the Director of the Department of Finance, the department may submit a letter of intent for third year federal funding, if required by the federal government~~ By April 1, 1989, the Department of Developmental Services shall report to the Joint Legislative Budget Committee, the fiscal, and the relevant policy committees of the Assembly and Senate on the status of: ~~(a) the objectives as defined in the approved federal grant under~~ Public Law 99-457; ~~and (b) the Department's activities and timelines~~ for ~~addressing the federal requirements pursuant to Section 678(b) of P.L. 99/457~~

~~5. The department shall report to the Joint Legislative Budget Committee and the fiscal and policy committees on~~ all of the following

(1) The administration's recommended options for defining "developmental delay"

(2) The estimated cost of implementing the federally mandated program for Early Intervention Services utilizing these definitions.

(3) The administration's recommendation on whether or not to apply for third-year funding.

(4) The aspects of the proposal which require legislative action

(5) The department shall only submit this report if the federal government requires states to submit a comprehensive application for third-year funds during the 1988–89 fiscal year"

I am deleting Provisions 6 and 7 which require establishment of a Hispanic Advisory Committee and a series of evaluations to assist in meeting minority employment parity goals and applying these goals to Developmental Center staffing plans as well as contracted services. I concur that improving underrepresentation of Hispanics is an important goal. However, I believe there is a more productive way to accomplish the increased hiring of Hispanics in Health and Welfare programs. Therefore, I am directing the Health and Welfare Agency to designate a position to examine these issues on an Agency-wide basis, including the establishment of an advisory committee to assist the Agency with its efforts Minority issues are better served by an Agency-wide process

I am reducing this item by $134,000 for a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still

increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4300-002-001—For the purpose of a report to the Legislature which shall include written notification of approval of the State Plan and written assurances of eligibility for federal reimbursement for case management services under the Medicaid/Case Management Program (Title XIX) as allowed under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 or approval of a request pursuant to Section 27.00 of this act. I reduce this item from $6,795,000 to $6,727,000 by adding:

Unallocated Reduction —$68,000.

I am reducing this item by $68,000 for a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4300-101-001—For local assistance, Department of Developmental Services, for Regional Centers. I reduce this item from $428,857,000 to $426,533,000 by reducing.

10.10-Regional Centers

(a) 10.10.010-Operations from $133,098,000 to $131,045,000,

(c) 10.20.010-Program Development from $3,774,000 to $3,503,000,

and by deleting Provision 8.

I am deleting Provision 8 which specifies that the amount of prior year federal reimbursement to be received for case management services provided by regional centers be made available to regional center operations. This language which constitutes an item of appropriation, is contrary to my belief that any excess reimbursements should revert to the General Fund in order to compete for expenditure for high priority programs In addition, Provision 8 specifies that of the funds appropriated in this item, $1,100,000 General Fund shall be made available to regional centers for costs associated with rent increases. Regional centers are currently reimbursed for all allowable operation costs through appropriations contained in the Budget Act so this allocation is an unwarranted restriction on the Executive Branch's authority to manage the programs.

I am deleting the $271,000 to expand the pilot regional resource development project to include Agnews State Developmental Center These funds were proposed for reduction as part of the May Revision; however, the Legislature failed to adopt this reduction.

Further, I am reducing the regional center employee compensation adjustment in the amount of $2,053,000. I am retaining $625,000 which will provide up to a 6 percent salary and a 1 percent benefit increase package effective June 1, 1989. This conforms with my action on Item 9800-001-001. It has been the Administration's policy to tie the employee compensation increase for regional centers with that of State employees.

These reductions are necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making these reductions in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4300-111-001—For local assistance, Department of Developmental Services, for Developmental Centers. I reduce this item from $39,397,000 to $36,627,000 by reducing·

(a) 20-Developmental Centers Program from $493,591,000 to $490,653,000,

(b) Reimbursements from —$453,338,000 to —$453,170,000,

and by deleting Provision 4.

I am reducing this item by $1,770,000, the scheduled reimbursements in this item by $168,000 and 54.6 personnel years for Developmental Center salary savings.

In addition, I am reducing this item by $1,000,000 for Developmental Center recurring maintenance.

These reductions are necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making these reductions in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

I am deleting Provision 4 to conform with this action.

Item 4440-001-001—For support of Department of Mental Health. I reduce this item from $23,594,000 to $23,210,000 by reducing:

(a) 10-Community Services from $17,898,000 to $17,748,000,

and by adding:

Unallocated Reduction —$234,000.

I am deleting the $150,000 legislative augmentation to fund support activities for AIDS programs. Specifically, this augmentation consists of $75,000 to provide technical assistance to local programs and $75,000 for AIDS related administrative costs within the Department of Mental Health. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and is simply inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am reducing this item by $234,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4440-011-001—For support of the State Hospitals, Department of Mental Health. I reduce this item from $313,648,000 to $313,466,000 by reducing:

(a) 20.10-Lanterman-Petris-Short Act from $190,711,000 to $190,697,000 and

(b) 20.20-Penal Code and Judicially Committed from $122,937,000 to $122,769,000,

I am deleting the $14,000 legislative augmentation for the continuation of the Arts Program at Napa State Hospital. The Department expects to receive continued funding from the California Arts Council for this program in 1988–89. However, even if this funding is not continued, the Department of Mental Health plans to continue this program within existing resources.

Additionally, I am reducing the State Hospital program by $168,000 to conform with an action in the Department of Developmental Services, Item 4300-111-001 This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 4440-016-001—For support, Department of Mental Health, for Conditional Release Services. I reduce this item from $18,091,000 to $17,910,000.

I am reducing this item by $181,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians

Item 4440-101-001—For local assistance, Department of Mental Health. I reduce this item from $524,934,000 to $493,574,000 by reducing·

(b) 10.25-Community Services—other treatment from $547,702,000 to $522,702,000,

(e) 10.65-Residential Care Services from $16,057,000 to $14,057,000,

(g) 10 85-AIDS from $5,060,000 to $700,000,

and by deleting Provision 12

I am deleting the $100,000 legislative augmentation to provide additional funding for the Hemophilia Council to provide an expansion of services for hemophiliacs with AIDS and their families

I am deleting the $4,260,000 legislative augmentation to expand AIDS related mental health programs. This augmentation includes $2,510,000 for community mental health programs, $350,000 for four demonstration projects for mental health day treatment programs for persons who are HIV positive but who do not have severe medical complications, $950,000 for one psychiatric/medical unit to serve Medi-Cal eligible patients who require acute or subacute care in a distinct part of a medical facility; and $450,000 for a demonstration project of two locked facilities for Medi-Cal eligible persons who require lower than an acute level of care but whose behavior poses a danger to themselves or to others.

Furthermore, an AIDS Leadership Committee was recently formed consisting of State and local agencies, health professionals, AIDS experts, insurance and public safety representatives, and others This committee will be providing me with advice and direction concerning AIDS issues and policies.

I am deleting the $2,000,000 legislative augmentation to expand the residential care rate supplement program

I am also deleting the $25,000,000 legislative augmentation for the community mental health services

These augmentations were made by the Legislature despite the lower revenue available to the General Fund, and simply are inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am deleting Provision 12 to conform with this action

Item 4440-111-001—For local assistance, Department of Mental Health, for services to brain damaged adults. I reduce this item from $5,357,000 to $4,357,000, and delete Provisions 1 and 2

I am deleting the legislative augmentation of $1,000,000 to expand the brain damaged adults program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget provides $4,357,000 for this program which reflects a 33.8 percent growth over the 1987–88 budgeted level.

I am also deleting Provisions 1 and 2 to conform with my actions

Item 4440-141-001—For local assistance, Department of Mental Health, for services provided in institutions for mental diseases. I delete Provision 12 5

Provision 12.5 provides that any excess reimbursements collected in this item would revert to the Department of Mental Health for reallocation to the Community Services Program. This provision constitutes an item of appropriation which I cannot support. I believe that any excess reimbursements from this program should revert to the General Fund in order to compete for expenditure for high priority programs.

Item 5100-001-001—For support of Employment Development Department, for transfer to Item 5100-001-870. I reduce this item from $29,753,000 to $29,456,000

I am reducing this item by $297,000 for an unallocated General Fund reduction to conform with my action in Item 5100-001-870

Item 5100-001-870—For support of Employment Development Department I reduce this item from $342,690,000 to $342,196,000 by reducing

(a) 10-Employment and Employment Related Services from $149,558,000 to $149,064,000

(g) Amount payable from the General Fund (Item 5100-001-001) from −$29,753,000 to −$29,456,000,

and by increasing:

(ex) Unallocated Reduction from −$300,000 to −$597,000

I am deleting the legislative augmentation of $50,000 that would have provided funding for the California Council for Veterans' Affairs' job training project as the 1988–89 Budget contains $1 6 million in Job Training Partnership Act Title IV-C funds

for veterans' job training projects to be awarded on a competitive basis to applicants. I have been informed that the Council has submitted a grant proposal for these Federal funds. The Council's training project should compete on merit for the available Title IV-C funds.

I am deleting the legislative augmentation of $444,000 and 2 positions that would have provided additional funding for the IMPACT project. This project provides job training, continuing education or military enlistment opportunities for minority inner-city youth. The IMPACT project is currently being funded by a disproportionately large percentage of the Wagner-Peyser discretionary funds available for such innovative training projects. There is no basis for committing more of the available funds for further program expansion.

I am reducing this item by $297,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent I believe this remaining amount will continue to provide essential services to Californians.

Item 5100-011-890—For support of Employment Development Department, for transfer to the Unemployment Administration Fund. I reduce this item from ($342,690,000) to ($342,196,000).

I am reducing this item by $494,000 to conform with my actions in Item 5100-001-870 as follows:

I am deleting a $444,000 legislative augmentation that would have provided additional funding for Project IMPACT

I am also deleting a $50,000 legislative augmentation that would have provided funding for a California Council for Veterans' Affairs' job training project.

Item 5160-001-001—For support of Department of Rehabilitation. I reduce this item from $22,562,000 to $20,770,000 by reducing:

(a) 10-Vocational Rehabilitation Services from $148,849,000 to $147,268,000,

(c) 30-Support of Community Facilities from $5,332,000 to $5,331,000,

and by increasing:

(ex) Unallocated Reduction from −$228,000 to −$438,000,

and by deleting Provision 4.

I am reducing $1,000 and deleting Provision 4 which would require the Department of Rehabilitation to report to the Legislature on a variety of issues regarding Independent Living Centers and provide written assurances from the federal government on the approval status of California's plan This language is unnecessarily restrictive since the Department has no control over the federal government's provision of written assurances. This report would cost at least $1,000 to prepare. Although reporting costs have not been budgeted in 1988–89, I am reducing $1,000 to reflect savings that will be achieved based on vetoing the language contained in Provision 4 of this item.

I am reducing this item by $1,581,000 for the basic Vocational Rehabilitation Program. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians. I am not reducing the amount of matching Federal Funds or the 199 positions budgeted at this time. I am directing the Department of Rehabilitation to pursue, to the extent possible, other third-party matching funds. The Department of Rehabilitation shall not expend any of these federal funds or establish any of the 199 positions until it has notified and received approval by the Department of Finance of the Department's plans for expenditure of these funds and identified the other matching funds. This will allow the Department the flexibility of maintaining these funds should other matching funds become available.

I am reducing this item by $210,000 for a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 5160-101-001—For local assistance, Department of Rehabilitation I reduce this item from $77,936,000 to $77,570,000 by reducing:

(a) 10-Vocational Rehabilitation Services from $532,000 to $507,000,

(c) 30-Support of Community Facilities from $5,465,000 to $5,124,000,

and by deleting Provision 3.

I am deleting the legislative augmentations of $25,000 for the Center for the Partially Sighted in Santa Monica and $341,000 for the Independent Living Center Program These augmentations were made by the Legislature despite the lower revenue available to the General Fund, and simply are inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am deleting Provision 3 to conform with this action.

Item 5180-001-001—For support of Department of Social Services. I reduce this item from $80,230,000 to $79,426,000 by reducing:

(b) 20-Social Services Programs from $27,413,000 to $27,412,000,

(f) 60 01-Administration from $73,967,000 to $73,966,000,

and increasing.

(gx) Unallocated Reduction from −$800,000 to −$1,602,000,

and deleting Provisions 7 and 8

I am reducing this item by $802,000 for a one percent unallocated reduction This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent. I believe this remaining amount will continue to provide essential services to Californians Furthermore, an AIDS Leadership Committee was recently formed consisting of State and local agencies, health professionals, AIDS experts, insurance and public safety representatives, and others. This committee will be providing me with advice and direction concerning AIDS issues and policies

I am also reducing this item by $1,000 and deleting Provision 7. Provision 7 would require the Department to develop a book on Mexican sign language by January 1, 1989. Although book development costs have not been budgeted in 1988–89, I am reducing $1,000 to reflect savings that will be achieved based on vetoing language contained in provision 7 of this item.

I am further reducing this item by $1,000 and deleting Provision 8 to eliminate unnecessary administrative costs Provision 8 requires establishment of a Hispanic Advisory Committee to assess bilingual service needs and Affirmative Action practices to eliminate unnecessary administrative costs I concur that improving under-representation of Hispanics and other minorities is an important goal However, I believe there is a more productive way to accomplish the increased hiring of minorities and to address minority service needs in Health and Welfare programs. Therefore, I am directing the Health and Welfare Agency to designate a position to examine these issues on an Agency-wide basis, including the establishment of an advisory committee to assist the Agency with its efforts Minority issues are better served by an Agency-wide process.

Item 5180-141-001—For local assistance, Department of Social Services I revise Provision 8.

I am revising Provision 8. It is my understanding that the Department of Social Services is required to allocate federal funds appropriated for administration of the Refugee Program on a priority basis for Cash Assistance. I am, therefore, revising this

provision to be consistent with this requirement.

"8. Notwithstanding any other provision of law, if federal administrative funds budgeted in Item 5180-141-890 are inadequate to fund costs incurred in the administration of the Refugee ~~Cash Assistance~~ Program provided to time eligible refugees, the department shall share those costs ~~equally~~ with each affected county."

Item 5180-151-001—For local assistance, Department of Social Services I reduce this item from $775,398,000 to $765,798,000 by reducing:

(a) 20 30-Other County Social Services from $390,240,000 to $389,240,000,

(2) 20.30.030-County Services Block Grant from $68,825,000 to $67,825,000,

(b) 20.35-Specialized Adult Services from $566,939,000 to $558,339,000,

(1) 20.35.220-In-Home Supportive Services from $561,243,000 to $552,743,000, and

(2) 20.35.240-Maternity Care from $2,254,000 to $2,154,000,

and deleting Provisions 17 and 18.

I am deleting the $1,000,000 legislative augmentation to expand the Adult Protective Services Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties Even with this reduction the final budget will provide $1.2 million for the extension of five county pilot projects which represents an increase of $800,000 over the 1987–88 funding level

I am also reducing the In-Home Supportive Services (IHSS) Program in the amount of $8,500,000 to reflect a reduced level of average service hours over the level estimated in the May Revision The Department of Social Services indicates that the IHSS program continues to experience a reduced level of service hours since the May Revision. Consequently, I believe it is reasonable to assume that while hours of service will continue to increase they will not increase at the 3 percent rate estimated but at a more moderate rate of 1 5 percent.

I am reducing the Maternity Care program in the amount of $100,000 and deleting Provision 18 Provision 18 specifies how the funds for this program shall be allocated in 1988–89. The effect of this language is to provide a discretionary cost-of-living adjustment (COLA) for this program. This action would create inequities among other equally critical programs that are not being provided COLAs due to the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians

I am deleting Provision 17 because it prohibits counties from contracting out discretionary functions of the Greater Avenues for Independence (GAIN) program and would restrict a county's authority to consider operational alternatives which may prove to be beneficial and less costly to the State. Therefore, I believe this Provision interferes with the Administration's ability to manage its programs and would invariably result in increased costs to the state.

Item 5180-181-001—For local assistance, Department of Social Services. I reduce this item from $228,534,000 to $221,954,000 by reducing·

(a) 10.04.005-Aid to Families with Dependent Children (for transfer to Item 5180-101-001) from $213,237,000 to $203,242,000,

(f) Amount payable from the Federal Trust Fund (Item 5180-181-890) from −$133,713,000 to −$130,298,000,

and deleting Provision 1.

I am deleting $6,580,000 from this item and $3,415,000 in the Federal Trust Fund Item (5180-181-890) which the Legislature augmented to provide for a 4.7 percent cost-of-living adjustment for foster family homes. This augmentation was made by the

Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am also deleting Provision 1 to conform to this action

Item 5180-181-890—For local assistance, Department of Social Services. I reduce this item from $133,713,000 to $130,298,000

I am reducing this item by $3,415,000 which the Legislature augmented to provide for a 4 7 percent cost-of-living adjustment for foster family homes This action reduces the amount payable from this item to 5180-181-001. This action corresponds to the action taken in Item 5180-181-001.

Item 5240-001-001—For support of Department of Corrections. I reduce this item from $1,414,178,000 to $1,413,960,000 by reducing·

(a) 21-Institution Program from $1,423,106,160 to $1,422,888,160,

and deleting Provision 9

I am deleting the legislative augmentation of $18,000 to purchase handheld radios at Mule Creek State Prison. The Mule Creek facility was allocated the standard complement of equipment for new prisons which included the necessary telecommunications equipment.

I am deleting the legislative augmentation of one position to support additional AIDS education and training, as well as the $200,000 which the Legislature redirected from increased salary savings to fund this augmentation. The budget already provides an increase of one position and $300,000 for AIDS education and training for staff and inmates, which is adequate for this purpose

I am deleting Provision 9 to allow the Department of Corrections to use cost savings that may accrue from the contract for the psychiatric beds. In the event that the Department is unable to obtain these services from the Department of Mental Health, this language would preclude using these' funds to provide alternative inmate treatment and housing services, thereby, potentially causing a funding deficiency during 1988–89. Also, this language unnecessarily restricts the Department's administrative flexibility to achieve the budgeted unallocated reduction while providing critical inmate services and assuring the safety of staff.

Item 5440-001-001—For support of Board of Prison Terms, Program 10. I reduce this item from $10,038,000 to $9,938,000 by increasing.

(b) Unallocated Reduction from −$205,000 to −$305,000.

I am reducing this item in the amount of $100,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent I believe this remaining amount will continue to provide essential services to Californians.

Item 5460-001-001—For support of Department of the Youth Authority. I reduce this item from $257,198,000 to $257,054,000 by reducing:

(b) 20-Institutions and Camps from $266,754,700 to $266,610,700

I am deleting the $49,000 and 0.9 personnel year legislative augmentation for special counseling services for female wards, and the $95,000 legislative augmentation for the diet and crime research project. These augmentations were made by the Legislature despite the lower revenue available to the General Fund, and are simply inconsistent with the need to protect current, vital programs and to provide for a prudent reserve for economic uncertainties

Item 5460-001-814—For support of Department of the Youth Authority, Program 20. I reduce this item from $674,000 to $534,000

I am deleting the legislative augmentation of $140,000 for an Arts-in-Youth Authority program. The Department of the Youth Authority budget already includes approximately $1.3 million and 23 instructor positions to provide 31 different arts and crafts courses. These resources are adequate to meet the needs during 1988–89. Also, the Budget Act provides the authorization to use additional lottery funds, if available.

Item 5460-101-001—For local assistance, Department of the Youth Authority. I reduce this item from $74,855,000 to $74,705,000 by reducing:

(a) 10-Prevention and Community Corrections from $70,255,000 to $70,105,000

I am deleting the $150,000 legislative augmentation for the environmentally-based nonresidential treatment program in Monterey County. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and to provide for a prudent reserve for economic uncertainties

Item 6110-001-001—For support of Department of Education I reduce this item from $42,163,000 to $41,355,000 by reducing:

(a) 10-Instruction from $32,118,000 to $31,848,000

(b) 20-Instructional Support from $32,572,000 to $32,326,000

(h) Amount payable from Federal Trust Fund (Item 6100-001-890) from −$38,518,000 to −$38,383,000

and by increasing.

(fx) Unallocated reduction from −$1,160,000 to −$1,587,000

I am deleting the $135,000 legislative augmentation and 3 0 positions to expand the Vocational Education programs and $120,000 legislative transfer of funding and 2 0 positions for intersegmental relations programs This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital progams and provide for a prudent reserve for economic uncertainties. Consistent with this action and my action on Item 6110-001-890, I am reducing the amount of federal funds for transfer to this Item by $135,000

I am deleting the $126,000 legislative augmentation to continue the work experience quality review staff development activities completed pursuant to Chapter 964, Statutes of 1985 The Department of Education has completed the intended project and continued funding is not needed

I am reducing this item in the amount of $427,000 which represents a one percent unallocated reduction This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent I believe this remaining amount will continue to provide essential services to Californians.

Item 6110-001-344—For support of Department of Education. I reduce this item from $1,204,000 to $1,109,000

I am deleting the legislative augmentation of $95,000 and one position for a Year-Round School coordinator. Since the workload associated with this new position will not exist until July 1, 1989, I believe that the appropriate time to review the need for this position is during the annual budget preparation process for 1989–90

Item 6110-001-890—For support of Department of Education I reduce this item from $38,518,000 to $38,383,000

Consistent with my action in 6110-001-001 I am deleting the $135,000 legislative augmentation to expand the Vocational Education program

Item 6110-161-890—For local assistance, Department of Education. I reduce this item from $164,548,000 to $163,473,000 by reducing.

(b) 10.60.050.020-PL94-142, direct and indirect instructional services from $14,271,000 to $13,196,000,

and by revising Provisions 1 and 4,

and deleting Provision 14.

I am deleting the $1,075,000 legislative augmentation from the Special Education Federal Programs. The augmentation was made by the Legislature despite the fact that the federal grant will not be sufficient to support this augmentation.

I am revising Provisions 1 and 4 to conform with this action

"1. If the funds for Part B of the Education for All Handicapped Act that are actually received by the state exceed ~~$140,869,000~~ *$139,185,000,* at least 95

percent of the funds received in excess of ~~$140,260,000~~ *$139,185,000* shall be allocated for local entitlements. Five percent (5%) of the amount received in excess of ~~$140,260,000~~ *$139,185,000* may be used for state administrative expenses

If the funds for Part B of the Education for All Handicapped Act that are actually received by the state are below ~~$140,260,000~~ *$139,185,000,* the reduction shall be taken in direct and indirect instructional services in the following order:

~~(a) Assembly Bill 520 of the 1987/88 Regular Session ..... 75,000~~

(b) Project WorkAbility..... ~~1,500,000~~ *500,000*

(c) LCI Impaction Growth Units 500,000

(d) Statewide teacher training needs assessment..... 50,000

(e) Program effectiveness/special studies 200,000

(ex) Comprehensive Personnel Development 1,072,000

(f) Extended Year, State Special Schools..... 1,050,000

(g) Awareness Program..... 400,000

(h) Assessment Centers..... 350,000

(i) Timpany Center 300,000

(j) Comprehensive Personnel Development 3,000,000

(k) Low incidence specialized services..... 1,700,000

(l) Project WorkAbility..... 1,750,000

(m) LCI Impacted Growth Units 1,000,000

(n) Infant Programs..... 2,324,000"

"4. Subject to the availability of funds in Schedule (b) of this item, up to ~~$3,250,000~~ *$2,250,000* shall be allocated to local education agencies for the purposes of Project WorkAbility I."

I am also deleting provision 14 to conform with this action

Item 6110-166-001—For local assistance, Department of Education. I reduce this item from $8,153,000 to $8,108,000 by reducing:

(a) 10.70 Vocational Education from $24,177,000 to $24,132,000,

and by revising Provision 2

and deleting Provision 8.

I am deleting the $45,000 legislative augmentation to expand the Partnership Academies program This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am revising Provision 2 to conform to this action.

"2. ~~$953,000~~ *$908,000* of the funds appropriated in this item are for the purpose of Article 5 of Chapter 9 of Part 29 of the Education Code, Partnership Academies Program"

I am also deleting Provision 8 to conform to the action I have taken in Item 6110-490.

Item 6110-196-001—For local assistance, Department of Education I reduce this item from $319,840,000 to $317,340,000 by reducing:

(b) 30.10 020-Child Care Services from $284,023,000 to $281,523,000,

by deleting:

(b) (10.5) 30.10 020.014 Job Training Partnership Act ($2,500,000),

and deleting Provision 15.5.

I am deleting the $2,500,000 legislative augmentation to fund the Job Training Partnership Act child care program This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

Even with this reduction, funding for child care has increased 45 percent since the 1982–83 fiscal year.

I am deleting Provision 15.5 to conform to this action

Item 6110-226-001—For local assistance, Department of Education I reduce this item from $14,683,000 to $14,088,000 by reducing:

(j) 30.20-Child Nutrition,

(1) 30.20.010-Child Nutrition from $1,670,000 to $1,079,000,

(2) 30.20.020-Child Nutrition, Pregnant/Lactating Minors from $13,000 to $9,000.

I am deleting the legislative augmentation to increase the cost-of-living adjustment for the Child Nutrition program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Even after these reductions, the budget provides cost-of-living adjustments of 2.65 percent for Child Nutrition, which is the same funding level required by statute

Item 610-490—Reappropriation, Department of Education.

I delete the reappropriation made in Schedule 2 of this item for the purpose of matching Job Training Partnership Act funds. This action is necessary to achieve savings in the current year and other funding sources are available to provide sufficient matching funds for the budget year.

"(2) Item 6100-166-001, Provision 5, Budget Act of 1987, for the purpose of matching Job Training Partnership Act funds."

Item 6120-011-001—For support of Department of Education, California State Library. I reduce this item from $11,637,000 to $11,291,000 by reducing:

(a) 50-Library Services from $13,360,000 to $13,014,000.

I am deleting the $232,000 legislative augmentation and further reducing the amount of $114,000 which represents a one percent unallocated reduction for support of the California State Library. The augmentation was made by the Legislature despite the lower revenue available to the General Fund, and thus is simply inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The further reduction is necessitated by the same consideration of General Fund revenue. This action is necessary to insure that high priority programs will continue to function and that a prudent reserve for economic uncertainties will be maintained.

Item 6120-211-001—For local assistance, Department of Education, California State Library. I reduce this item from $13,606,000 to $13,304,000,

and revise Provision 2.

I am deleting the $302,000 legislative augmentation for the Transaction Based Reimbursement Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. Even with this reduction, the budget provides sufficient funding for increased workload

I am also revising Provision 2 relating to the amount to be expended for the Transaction Based Reimbursement Program.

"2. Of the funds appropriated in this item, ~~$4.387~~ *$4.085* million shall be expended for the Transaction Based Reimbursement (TBR) Program of the California Library Services Act."

Item 6120-221-001—For local assistance, Department of Education, California State Library I reduce this item from $21,100,000 to $20,600,000.

I am deleting the $500,000 legislative augmentation from the Public Library Foundation Program The augmentation was made by the Legislature despite the lower revenue available to the General Fund, and thus is simply inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Item 6255-001-001—For state operations, California State Summer School for the

Arts. I reduce this item from $642,000 to $412,000.

I am deleting the $230,000 legislative augmentation to expand the California State Summer School for the Arts (CSSSA) This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget already includes an increase of $12,000 over the amount specified by the Legislature in legislation creating the program. The trustees of CSSSA, who have been successful in obtaining private support for the program, should continue these efforts with the objective of reducing or eliminating the need for General Fund support.

Item 6300-111-001—For transfer to the Retirees' Purchasing Power Protection Account, State Teachers' Retirement System. I reduce this item from $142,626,000 to $132,626,000.

I am reducing this item by $10,000,000 as a reestimate of resources required for this program due to the historically high savings reported in this item Even with this reduction, I believe this appropriation will provide an average purchasing power level of 68.2 percent, and it is my intent to provide that level with additional resources if necessary.

Item 6440-001-001—For support of University of California I reduce this item from $1,940,021,000 to $1,935,485,000 by reducing·

(a) Support from $1,916,696,000 to $1,916,674,000,

(b) Charles Drew Medical Program from $6,713,000 to $6,213,000,

(c) Podiatry Program from $1,263,000 to $849,000, and

(f) Acquired Immune Deficiency Syndrome (AIDS) Research from $10,850,000 to $9,200,000,

and by deleting

(h) Animal Use Alternatives ($50,000),

(i) Forestry and Range Watershed ($400,000),

(j) Alzheimer and Geriatrics ($500,000),

(k) Janitor Staffing ($1,000,000).

I am deleting the following legislative augmentations $22,000 for the California Science Project, $500,000 for the Charles Drew Medical Program, $414,000 for the School of Podiatry Program, $1,650,000 for the Acquired Immune Deficiency Syndrome (AIDS) Research Program, $50,000 for the Alternative Use of Animals Project; $400,000 for the Forestry and Range Watershed Research Project, $500,000 for the Alzheimer and Geriatrics Research Programs; and $1,000,000 for janitor staffing These augmentations were made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

Item 6440-011-001—For support of University of California I reduce this item from $44,249,000 to $24,221,000 by revising Provisions 3 and 4

I am reducing the amount available for employee compensation in the amount of $20,028,000 This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians

Even with this reduction, I have provided sufficient funds to provide faculty with an average 3.0 percent salary increase effective June 1, 1989. This funding will enable UC to recruit and retain qualified faculty, as well as provide salaries that are at parity with the comparison institutions reviewed to arrive at appropriate salary increases for UC faculty. I have also provided $3,357,000 for nonfaculty salary increases. It is my intent to provide, subject to collective bargaining, up to a 6 percent salary increase commencing June 1, 1989. Furthermore, I have provided funding for estimated health, dental, and vision care benefits.

I am revising Provisions 3 and 4 to conform with my actions.

"3. Of the funds appropriated in this item, ~~$13,200,000~~ *$6,600,000* shall be for faculty salaries.

"4. Of the funds appropriated in this item, ~~$16,785,000~~ *$3,357,000* shall be for salary increases and special salary adjustments."

It is my intent that any balances remaining in Provision 3 shall be used for the purposes of Provision 6(b) of this item

Even with these reductions, the University of California's (UC) budget exceeds their 1987–88 General Fund appropriation of $1,896,685,000 by a total of $57,783,000 which is a 3.0 percent increase in the UC's level of funding.

Item 6440-301-785—For capital outlay, University of California. I reduce this item from $122,200,000 to $121,350,000 by deleting·

(13.1) 99 03.085 880—Davis AIDS Research Center—Preliminary plans, working drawings, and construction ($850,000)

I am deleting this legislative augmentation because adequate information on this project is not available to assess its merit or the appropriateness of the requested level of funding. This request should be submitted through the normal budget process for review against competing needs for this fund source.

Item 6600-011-001—For support of Hastings College of the Law. I reduce this item from $286,000 to $136,000 by revising Provisions 3 and 4.

I am reducing the amount available for employee compensation in the amount of $150,000 This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians

Even with this reduction, I have provided sufficient funds to provide faculty with an average 3.0 percent salary increase effective June 1, 1989. This funding will enable Hastings College of the Law to recruit and retain qualified faculty I have also provided $27,000 for nonfaculty salary increases. It is my intent to provide, subject to collective bargaining, up to a 6 percent salary increase commencing June 1, 1989. Furthermore, I have provided funding for estimated health, dental, and vision care benefits.

I am revising Provisions 3 and 4 to conform with my actions

"3. Of the funds appropriated in this item, ~~$77,000~~ *$38,000* shall be for faculty salary increase.

"4. Of the funds appropriated in this item, ~~$138,000~~ *$27,000* shall be for salary increases and special salary adjustments."

It is my intent that, any balances remaining in Provision 3 shall be used for the purposes of Provision 6(b) of this item.

Item 6610-001-001—For support of Trustees of the California State University and the California State University. I reduce this item from $1,482,068,000 to $1,479,590,000 by reducing:

(a) 01-Instruction from $1,070,182,000 to $1,069,960,000,

(c) 04-Academic Support from $190,700,444 to $189,416,000,

(d) 05-Student Service from $149,448,000 to $148,397,000,

(e) 06-Institutional Support from $369,074,000 to $369,059,000,

(g) 11-Provisions for Allocation from −$9,992,444 to −$9,982,000, and

(i) Amounts payable from the General Fund (Item 6610-010-001) from −$326,632,000 to −$326,548,000

I am reducing by $412,000 and 12.1 personnel years the $1,100,000 legislative augmentation to expand the CSU San Diego off-campus center. In recognition of the cost increases this center has experienced due to increased enrollment pressures, I am retaining $688,000 to enable CSU to rent additional space and meet the other expenses until such time as the new permanent off-campus center is completed

I am deleting the legislative augmentation of $587,000 and 5.0 personnel years to

establish a new off-campus center as an extension of the CSU Fullerton campus. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties

I am deleting the legislative augmentation of $184,000 and 8 0 personnel years to provide for the enrollment of 100 FTE students at the Fullerton off-campus center. Since funding has not been provided to establish the Fullerton off-campus center, enrollment related expenses associated with the 100 FTE students estimated to attend the center will not materialize This conforms to action taken in Item 6610-010-001

I am also deleting the $45,000 legislative augmentation for the Chicano and Latino Youth Leadership conference, which should be funded by the sponsoring organizations.

I am deleting the $1,000,000 legislative augmentation to expand the Educational Opportunity Program (EOP). This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. The 1988–89 Budget includes an augmentation over the 1987–88 Budget of $620,000 to fund an additional 824 EOP grants. In addition, $684,000 was provided to increase support services for disadvantaged students.

I am deleting the $250,000 legislative augmentation to implement a joint research project between CSU Fresno and the Ben Gurion University of the Negev in Israel. This project is designed to conduct applied research into water quality and agricultural management. At present, a significant amount of research is conducted in this area at the State and Federal levels Further, there already exists a $110 million binational endowment fund which supports joint research projects between the United States and Israel and to which CSU Fresno and Ben Gurion University could apply for funding In addition, the 1988–89 Budget provides, for the first time, new State funds of $2,502,000 for faculty research. CSU can use some of these funds for this purpose, if such research is a priority.

In addition, I have proposed legislation which would allow an augmentation of $19,710,000 to reduce the 3.3 percent unallocated reduction passed by the Legislature to 2 percent

As a result of my actions and my proposal to reduce the unallocated reduction, the total General Fund budget for the California State University will be $49.4 million higher than the 1987–88 fiscal year, which is a 2 8 percent increase.

Item 6610-002-001—For support of Trustees of the California State University and the California State University. I reduce this item from $1,461,000 to $836,000 by reducing:

(a) Assembly Fellows from $484,000 to $279,000,

(b) Senate Fellows from $484,000 to $279,000,

(c) Executive Fellows from $358,000 to $278,000,

and by deleting:

(d) CSU administrative costs ($135,000).

I am deleting the $625,000 legislative augmentation to expand the CSU Fellows Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. Moreover, since 1985–86 when this program was first established, I have provided CSU with an additional $426,000 to expand the Fellows program and fund a total of 36 fellowships for the Assembly, Senate and Executive Fellows programs

Item 6610-010-001—For support of Trustees of the California State University and the California State University I reduce this item from $326,632,000 to $326,548,000.

I am reducing this item by $84,000 to conform to the action I have taken in Item 6610-001-001 regarding the Fullerton Off-Campus Center.

Item 6610-031-001—For support of Trustees of the California State University and

the California State University. I reduce this item from $43,778,000 to $22,406,000 by reducing.

(a) 97.20-Faculty Salary Increase from $19,868,000 to $9,934,000,

(b) 97.20-Nonfaculty Salary Increase from $11,438,000 to $2,859,000

and by deleting

(c) 97.20-Nonfaculty Special Salary and Other Adjustments ($2,859,000),

and by deleting Provisions 3, 4 and 5.

I am reducing the amount available for employee compensation in the amount of $21,372,000. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent I believe this remaining amount will continue to provide essential services to Californians.

Even with this reduction, I have provided sufficient funds to provide faculty with an average 4.7 percent salary increase effective June 1, 1989. 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. It is my intent that any balances remaining in Schedule (a) shall be used for the purposes of Provision 8(b) of this item.

I have also provided $2,859,000 for nonfaculty salary increase. It is my intent to provide, subject to collective bargaining, up to a six percent general compensation increase commencing June 1, 1989. Furthermore, I have provided funding for health, dental and vision care benefits

I am deleting Provisions 3, 4 and 5 to conform to this action.

Item 6870-001-001—For support of Board of Governors of the California Community Colleges. I reduce this item from $10,622,000 to $10,529,000 by reducing

(b) 20-Special Services and Operations from $11,448,000 to $11,355,000

I am deleting the $93,000 legislative augmentation for program development for students with psychological disabilities. There is insufficient documentation regarding the unmet need for services for students with psychological disabilities and such disabilities have not been defined. Furthermore, Chapter 829/87 (AB 746) established a review procedure to be followed by higher education segments seeking funds for services to disabled students and this augmentation proposal has not received the required review.

Item 6870-101-001—For local assistance, Board of Governors of the California Community Colleges I reduce this item from $1,375,662,000 to $1,364,233,000 by reducing:

(a) 10-Apportionments from $1,251,843,000 to $1,244,843,000,

(b) 20 10 010-Extended Opportunity Programs and Services and Special Services from $47,322,000 to $45,022,000,

(c) 20.10 020-Disabled Students from $31,039,000 to $28,964,000,

(e) 20.10.060-Foster Parent Training from $947,000 to $900,000,

(g) 20.20.020-Partial Financing of the Academic Senate for the Community Colleges from $117,000 to $110,000,

by revising Provision 8,

and by deleting Provisions 20, 21, 23, 25, and 26

I am deleting the $2,000,000 legislative augmentation to partially implement a statewide Management Information System. This augmentation was made by the Legislature despite the lower revenue available to the General Fund and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting Provision 25 to conform to this action.

I am deleting the $5,000,000 legislative augmentation for "stability" funding for districts with declines in average daily attendance (ADA) during 1987–88. It is only natural that there will be annual fluctuations in ADA and current law already allows for the impact of ADA declines to be postponed until the following year. Districts

should be aware of ADA declines early enough in the school year to be able to prepare their budgets and plan accordingly for the following year when the fiscal impact of such declines will occur.

I am deleting Provision 21 to conform to this action.

I am deleting the $2,300,000 legislative augmentation for additional staff in community college financial aid offices It is unclear whether there is sufficient workload to justify the augmentation due to the fact that: 1) the completion rate of financial aid forms has been stable, 2) according to the latest data, there was no increase in the number of applicants for financial aid between 1982–83 and 1985–86; and 3) many districts are experiencing ADA declines Furthermore, districts have the discretion to increase resources for financial aid offices based upon their local priorities.

I am deleting Provision 26 to conform to this action

I am deleting the $1,900,000 legislative augmentation for additional services to brain injured students. There was an apparent decrease in the total number of disabled students from 1985–86 to 1986–87 and no estimate of total caseload for 1987–88 or 1988–89 has been provided by the Chancellor's Office. Thus, it is not clear why 1988–89 needs cannot be met within existing resources. Furthermore, Chapter 829, Statutes of 1987 (AB 746) established a specified review procedure to be followed by higher education segments seeking funds for services to disabled persons and this augmentation proposal has not received the required review

I am deleting Provision 23 to conform to this action.

I am deleting the $175,000 legislative augmentation to provide a grant for the private, non-profit agency "Recording for the Blind." While recognizing the worthwhile efforts of this agency throughout the United States, no assurance has been given that the augmentation would increase agency services to students in California public schools, colleges and universities

I am deleting Provision 20 to conform to this action.

I am deleting the $47,000 legislative augmentation to provide a cost-of-living adjustment (COLA) for the Foster Parent Training Program and the $7,000 legislative augmentation to provide a COLA for the Academic Senate. I did provide COLAs to four categorical programs without statutory COLAs which provide direct student services However, the Foster Parent Training Program and the Academic Senate Program do not provide direct student services

I am revising Provision 8 to conform to this action

"8 (a) The amount in Schedule (e) is provided for local assistance in support of the Foster Parent Training program in accordance with the provisions of Chapter 1597, Statutes of 1984.

(b) Notwithstanding the provisions of subdivision (c) of Section 903.7 of the Welfare and Institutions Code, if sufficient moneys are available in the Foster Children and Parent Training fund, up to ~~$1,047,000~~ *$1,000,000* shall be transferred from the Foster Children and Parent Training Fund to the General Fund in reimbursement for expenditures made for the Foster Parent Training Program from appropriations of $900,000 of Schedule (e) of Item 6870-101-001 and $100,000 contained in Item 6870-001-001 of this act."

Even with these reductions, local assistance funds appropriated in this item exceed the 1987–88 appropriation by a total of $84,196,000 which is a 6.6 percent increase in the level of General Funds provided to the California Community Colleges.

Item 6870-301-785—For capital outlay, Board of Governors of the California Community Colleges. I reduce this item from $74,320,000 to $70,430,000 by reducing

(67) 40 44.202-Riverside Community College District, Moreno Valley Center, Working Drawings, construct On-site Development from $3,606,000 to $359,000, and by deleting:

(84) 40.26.602-Los Angeles Community College District, Southwest College—Gymnasium, Working drawings ($414,000),

(86) 40.65.203-Ventura Community College District, Oxnard College—Gymnasium, Working drawings, ($229,000).

I am reducing this item to defer the construction phase of on-site development at the Moreno Valley Center in the Riverside Community College District. Subsequent to this reduction, the Riverside Community College District will still receive $9,029,000, the largest single district allocation in this item. Working drawing funds of $359,000 are still available to continue the on-site development at the Moreno Valley Center

I am also deleting the legislative augmentation for working drawings for the Southwest College Gymnasium and Oxnard College Gymnasium because these two projects are too low on the community colleges priority list to warrant inclusion in this year's budget.

Item 7980-121-001—For local assistance, Student Aid Commission. I reduce this item from $6,347,000 to $1,588,000 and I delete Provision 4.

I am deleting the $4,759,000 legislative augmentation to expand by 3,000 new awards the Cal Grant (b) Student Financial Aid Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Even with this reduction, the remaining funds will provide for a 4.5 percent cost-of-living adjustment for subsistence allowance.

I am deleting Provision 4 to conform with this action.

Item 8100-011-425—For transfer to the General Fund, payable from the Victim/Witness Assistance Fund. I delete this item.

I am deleting this item because it is inappropriate to transfer Victim/Witness Assistance Funds to the General Fund. Consistent with the intent of existing law, the Victim/Witness Assistance Fund, which derives its revenues from money collected from fines and penalties, is available specifically to support local assistance centers for victims and witnesses of criminal acts.

Item 8100-101-001—For local assistance, Office of Criminal Justice Planning. I reduce this item from $27,446,000 to $26,106,000 by reducing:

(b) 50 21 050-Victims Legal Resources Center from $380,000 to $180,000,

(i) 50 51.030-Child Sexual Assault Prosecution Program from $1,498,000 to $1,358,000,

(n) 50.71.055-Campaign Against Marijuana Planting from $3,500,000 to $2,750,000, and by deleting·

(fy) 50.41.060-North East Youth Athletic League ($100,000),

(ox) 50.71.110-Targeted Urban Crime Narcotics Task Force ($150,000),

and by revising Provision 4.5.

I am deleting $1,340,000 in legislative augmentations from this item. These augmentations, as specified below, were made by the Legislature despite the lower revenue available to the General Fund, and are simply inconsistent with the need to protect current, vital programs, such as implementation of my antidrug initiatives, and provide for a prudent reserve for economic uncertainties. In making these reductions, it should be noted that the 1988–89 Budget already provides over $2.2 million in increased State funding over the 1987–88 level to expand my fight against drug abuse and drug trafficking in California. This funding will provide for the expansion of the Office of Criminal Justice Planning's major narcotic vendors prosecution and gang violence suppression programs, as well as for a statewide computer information system on gang members

Specifically, I am deleting the $150,000 legislative augmentation to continue the Targeted Urban Crime Narcotics Task Force, a one-time pilot project established by Chapter 423/85, and which has since been completed. The final report for the pilot project indicates the large backlog of drug-related cases in the Alameda County courts has been eliminated, thus the backlog reduction purposes of the original legislation have been largely achieved.

I am deleting the $200,000 legislative augmentation to expand the services of the Victims' Legal Resource Center. Forty-four statewide Victims Assistance Centers already provide assistance to crime victims in completing applications for compensation through the Board of Control Victims of Crime Program Assistance from the Victims' Legal Resource Center, other than the legal referral service it currently provides to Victim/Witness Centers, is not required to aid victims in these claims.

I am deleting the $140,000 legislative augmentation to continue State support of the Monterey County Child Abuse Vertical Prosecution Program In 1987–88, Monterey County received State funding on a one-time basis to implement this program with the intent that the program be continued with local funds.

I am deleting the $100,000 legislative augmentation for the North East Youth Athletic League in Los Angeles because there is inadequate information to support funding for this project.

I am deleting the $750,000 legislative augmentation to expand the Campaign Against Marijuana Planting (CAMP) Program to six various Sierra Nevada Counties. Available information indicates that the four counties which currently receive CAMP funding continue to experience the most extensive marijuana cultivation problem in the State despite successful year around eradication and prosecution efforts funded through CAMP. Further, the Office of Criminal Justice Planning will be reviewing the distribution of local assistance funds for 1989–90 in order to maximize the impact of the State's contribution to this activity.

Conforming with the above reduction to the CAMP program, I am revising Provision 4.5 relating to the allocation of funds for CAMP.

"4.5. ~~$3,500,000~~ *$2,750,000* of the amount appropriated in Schedule (n) is for local assistance to ~~Amador, Calaveras, Tuolumne, Tulare,~~ Humboldt, Mendocino, Trinity, ~~Kern, Mariposa,~~ and Butte Counties for costs associated with marijuana production and eradication The counties shall file claims for payment of these allocations directly with the State Controller. The State Controller shall allocate these funds to the counties as follows:

(a) ~~Amador/$56,250; Calaveras/$56,250; Tuolumne/$56,250; Tulare/$56,250; Kern/$56,250; Mariposa/$56,250;~~ Humboldt-$425,000; Mendocino-$425,000; Trinity-$150,000; Butte-$250,000.

(b) For the sheriff's department in each of those counties as follows: ~~Amador/$69,000; Calaveras/$69,000; Tuolumne/$69,000; Tulare/$69,000; Kern/$68,250; Mariposa/$68,250;~~ Humboldt-$500,000; Mendocino-$500,000; Trinity-$250,000; Butte-$250,000."

Item 8100-101-890—For local assistance, Office of Criminal Justice Planning. I delete Provision 2.

I am deleting Provision 2 of this item, which was added by the Legislature, because it would require the expenditure of $200,000 for a lower priority than that proposed in my original budget. These funds were initially proposed in the 1988–89 Budget to meet funding commitments to maintain current levels of service provided by over 180 existing victim/witness assistance programs statewide. This provision mandates expenditures at the expense of existing, higher priority programs and will result in reduction in essential services provided by those local assistance programs.

Item 8140-001-001—For support of State Public Defender. I reduce this item from $7,060,000 to $6,989,000 by increasing:

(ax) Unallocated Reduction from −$144,000 to −$215,000.

I am reducing this item in the amount of $71,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 8260-001-001—For support of California Arts Council. I reduce this item from $2,674,000 to $2,604,000 by deleting:

(e) 45-California Challenge Program ($70,000).

I am eliminating support for the California Challenge Program in the amount of $70,000 and .9 personnel years. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians This conforms to the action I have taken on the grants portion of the program in Item 8260-111-001.

Item 8260-101-001—For local assistance, California Arts Council for grants and subventions I reduce this item from $15,081,000 to $11,000,000 by reducing:

(a) 10-Artists in Residence from $2,068,000 to $1,827,000,

(b) 20-Organizational Grants from $9,277,500 to $6,880,000,

(c) 25-Performing Arts Touring/Presenting Program from $690,500 to $597,000, and

(d) 40-Statewide Projects from $3,045,000 to $1,696,000

I am deleting the $3,924,000 legislative augmentation to expand various local arts programs This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

I am deleting the $157,000 legislative augmentation to expand the Multi-Cultural Arts Development Program. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Item 8260-111-001—For local assistance, California Arts Council for California Challenge Program Grants. I delete this item and Provision 1.

I am deleting the California Challenge Program of matching grants in the amount of $930,000. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians. This conforms to the action I have taken in Item 8260-001-001.

I am deleting Provision 1 to conform to this action.

Item 8320-001-001—For support of Public Employment Relations Board I reduce this item from $6,025,000 to $5,965,000 by increasing.

(e) Unallocated Reduction from −$123,000 to −$183,000.

I am reducing this item in the amount of $60,000, which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 8350-001-001—For support of Department of Industrial Relations. I reduce this item from $94,669,000 to $88,279,000 by reducing·

(ax) Program operations from $160,176,000 to $120,478,000,

(kx) Unallocated Reduction from −$23,667,000 to −$1,892,000, and

(u) Amount payable from the Federal Trust Fund (Item 8350-001-890) from −$16,026,000 to −$4,493,000,

and by deleting Provisions 3, 4 and 6.

I am taking the following actions to address the action of the Legislature to provide augmentations totalling $28,165,000 and to provide an unallocated reduction of $23,667,000:

I am directing $11,533,000 of the legislative unallocated reduction to eliminate the legislative augmentation of $11,533,000 and 353 4 personnel years to restore funding for the Occupational Safety and Health private sector field enforcement program. This augmentation would constitute a program duplication as the Department of Labor enforces federal job safety and health standards at private sector worksites I am reducing the amount payable to this item from the Federal Trust Fund item by $11,533,000 to correspond to my action taken in Item 8350-001-890.

I am directing $10,493,000 of the legislative unallocated reduction to eliminate the legislative augmentation of $10,493,000 and 197 6 personnel years to add 52 judge teams to the Workers' Compensation Appeals Board This augmentation was made to address a backlog in case processing. I believe the most effective way to improve case processing is through standardization, automation, and training. The Governor's budget as proposed includes funding for these actions A major computerized case processing system is currently in development.

I am directing $540,000 of the legislative unallocated reduction to eliminate the legislative augmentation of $540,000 and 8 5 personnel years for conducting wage claims hearings. The backlog in wage claims hearings can best be addressed through the standardization and automation processes currently being implemented in the Division of Labor Standards Enforcement

I am directing $611,000 of the legislative unallocated reduction to eliminate the legislative augmentation of $611,000 and 15 2 personnel years to expand the Uninsured Employers' Fund Claims Bureau. This program is currently being reviewed to determine areas where better, standard processing techniques can reduce claims processing time. Any need for added staff cannot be determined until these standards are in place

I am retaining the remaining $490,000 of the legislative unallocated reduction and am reducing this item an additional $510,000 to achieve an unallocated reduction in Personal Services of $1,000,000 and 29.3 personnel years I proposed in May because of the revenue shortfall

I am deleting the legislative augmentation of $4,988,000 and 175.7 personnel years to add additional clerical support to each judge team of the Workers' Compensation Appeals Board The current clerical backlog for the judge teams will be resolved when the computerized case processing system is implemented

I am reducing this item in the amount of $892,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6 9 percent I believe this remaining amount will continue to provide essential services to Californians

I am deleting Provision 3 which would prohibit expenditure of funds for the director's salary The language violates the separation of powers provision concerning the Executive Branch authority.

I am deleting Provision 4 which would withhold the salary of a Workers' Compensation Judge with any case still pending or undetermined 90 days after submittal. Withholding of earned compensation is contrary to longstanding state policy and conflicts with existing memorandums of understandings.

I am deleting Provision 6 which would require the department to have specific statutory authority to utilize volunteers I believe this language in unnecessarily restrictive and inconsistent with existing law and State policy Government Code Section 3119 provides general statutory authority for departments to utilize the services of volunteers.

In taking the above actions, it is my intention to return the General Fund budgetary authority and spending to the plan presented in my budget as proposed in January, adjusted by unallocated reductions due to the revenue shortfall.

Item 8350-001-890—For support of Department of Industrial Relations I reduce this item from $16,026,000 to $4,493,000.

I am deleting the $11,533,000 legislative augmentation to restore funding for the Occupational Safety and Health private sector field enforcement program. This conforms to the action I have taken in Item 8350-001-001.

Item 8380-001-001—For support of the Department of Personnel Administration. I reduce this item from $7,287,000 to $7,211,000 by increasing:

(cx) Unallocated Reduction from −$149,000 to −$225,000,

and deleting Provision 1

I am reducing this item by $1,000. Provision 1 would suspend both pre- and post-employment drug testing by certain law enforcement and other State agencies and would require notice to the Legislature prior to implementing regulations authorizing such testing Although notice preparation costs have not been budgeted in 1988–89, 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 also reducing this item by $75,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 8570-001-001—For support of the Department of Food and Agriculture I reduce this item from $70,563,000 to $69,857,000 by increasing·

(kx) Unallocated Reduction from −$3,746,000 to −$4,452,000

I am reducing this item in the amount of $706,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians.

Item 8570-101-001—For local assistance, Department of Food and Agriculture. I reduce this item from $11,042,000 to $10,942,000 by reducing.

(b) 20-Plant Pest and Disease Prevention from $7,686,000 to $7,586,000

I am deleting the $100,000 legislative augmentation for carcinogenic and teratogenic research in Kern County. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties.

Item 8570-101-191—For local assistance, Department of Food and Agriculture. I reduce this item from $4,890,000 to $4,690,000 by revising Provision 1

1. The funds appropriated in this item are for the following:

(a) Unemployment insurance at local fairs	~~1,159,939.~~ *950,000*
(b) Health and safety improvements	3,000,000
(c) Other local fair projects	740,000

I am deleting the $200,000 legislative augmentation to increase the funds available for unemployment costs at fairs There is no evidence such an increase is necessary, and any increases in this area result in a decrease of General Fund revenues

Item 8660-001-412—For support of Public Utilities Commission. I delete Provision 1.

I am deleting the language in Provision 1 because it requires legislative approval prior to any significant permanent or temporary redirection of Public Utilities Commission Transportation Division staff to other program activities. This language violates the separation of powers provision of the Constitution and conflicts with existing law allowing the Commission the authority to set rates.

Item 8780-001-001—For support of Commission on California State Government Organization and Economy. I reduce this item from $553,000 to $511,000 by reducing:

(a) 10-Commission on California State Government Organization and Economy from $555,000 to $513,000

I am reducing the $42,000 legislative augmentation to refer public complaints and inquiries to the appropriate state agency. This augmentation was made by the Legislature despite the lower revenue available to the General Fund, and simply is inconsistent with the need to protect current, vital programs and provide for a prudent reserve for economic uncertainties. I would point out that, even with this action, the Commission's budget for 1988–89 will still be $513,000 which is an increase of $224,000 or seventy-eight percent over its 1982–83 funding level

Item 8860-001-001—For support of Department of Finance. I reduce this item from $25,582,000 to $25,326,000 by increasing:

(ex) Unallocated Reduction from −$522,000 to −$778,000

I am reducing this item by $256,000 which represents a one percent reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs. Although I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent I believe this remaining amount will continue to provide essential services to Californians.

Item 8885-101-001—For local assistance, Commission on State Mandates. I reduce this item from $118,799,000 to $113,908,000 by reducing:

(1) 02.50.135.576-Justice court judges from $27,000 to $14,500

(3) 02 50.074.378-Judicial arbitration from $5,401,000 to $2,738,000

(6) 02.50.158.084-Judges' per diem from $196,000 to $98,500

(10) 02 50 101.879-San Francisco Superior Court Judgeship from $71,000 to $36,000

(11.3) 02.50.108.882-Juvenile felony arrests from $4,802,000 to $2,719,000

I am reducing this item by $4,891,000, half of the $9,782,000 amount augmented by the Legislature When the Legislature eliminated funding for the Trial Court Funding Program, it was necessary for them to make this augmentation. Since I am urging the Legislature to send me the necessary clean-up legislation for the Trial Court Program and use funding available from my reductions to the 1988–89 Budget Bill to finance the Trial Court Funding Program on a half-year basis commencing January 1, 1989, one-half of the Legislature's augmentation is unnecessary

Item 8915-101-890—For local assistance, Department of Economic Opportunity I reduce this item from $105,251,000 to $105,152,000 by reducing

(b) 40-Community Services from $31,356,000 to $31,257,000.

I am reducing a $1,850,000 legislative augmentation by $99,000 to conform with the Department of Economic Opportunity's proposed grant application to the federal Department of Health and Human Services for the 1988 allocation of Emergency Community Services Homeless Grant Program funds This action would make budgeted State expenditure authority consistent with federal grant funds available to California pursuant to the Stewart B. McKinney Homeless Assistance Act.

Item 8940-001-001—For support of Military Department I reduce this item from $20,417,000 to $20,213,000 by reducing:

(j) 71-California Innovative Military Projects and Career Training from $1,937,000 to $1,567,000,

(k) Reimbursements from −$2,094,000 to −$1,724,000,

and increasing.

(jx) Unallocated Reduction from −$417,000 to −$621,000.

I am deleting the legislative reimbursement augmentation of $370,000 and 6 personnel years for the expansion of the California Innovative Military Projects and Career Training program. While I am supportive of efforts in this area, the need to expand the current program has not been justified. This conforms to the action I have taken in Item 5100-001-870.

I am reducing this item in the amount of $204,000 which represents a one percent unallocated reduction. This reduction is necessitated by the unexpected revenue shortfall in the General Fund and the needs in other high priority programs Although

I am making this reduction in budget items involving state administration, the overall General Fund budget is still increasing by 6.9 percent. I believe this remaining amount will continue to provide essential services to Californians

Item 9800-001-001—For augmentation for Employee Compensation. I reduce this item from $105,579,000 to $52,599,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $81,497,000 to $41,348,000

(b) 10.02-Civil Service Employees-Nonrepresented from $17,778,000 to $9,020,000

(c) 10.03-Exempt/Excluded and Other Employees from $2,407,000 to $1,221,000

(d) 10 05-Judiciary from $1,342,000 to $499,000 and

(e) 10.06-Legislative Employees from $2,555,000 to $511,000

I am reducing the amount available for employee compensation increases in the amount of $52,980,000. Even with this reduction, it is my intent to provide, subject to collective bargaining, up to a six percent general compensation increase commencing June 1, 1989. In addition, I have provided funding for health, dental, and vision care benefits.

Item 9800-001-494—For augmentation for Employee Compensation I reduce this item from $51,164,000 to $25,960,000 by reducing:

(a) 10.01-Civil Service Employees-Represented from $41,007,000 to $20,806,000

(b) 10.02-Civil Service Employees-Nonrepresented from $8,946,000 to $4,539,000; and

(c) 10.03-Exempt/Excluded and Other Employees from $1,211,000 to $615,000

I am reducing this item by $25,204,000 to conform with the action I have taken in Item 9800-001-001.

Item 9800-001-988—For augmentation for Employee Compensation I reduce this item from $37,371,000 to $18,607,000 by reducing

(a) 10.01-Civil Service Employees-Represented from $29,951,000 to $14,913,000

(b) 10.02-Civil Service Employees-Nonrepresented from $6,534,000 to $3,253,000 and

(c) 10.03-Exempt/Excluded and Other Employees from $886,000 to $441,000

I am reducing this item by $18,764,000 to conform with the action I have taken in Item 9800-001-001.

SEC. 11 50—Distribution of Tidelands Oil Revenues. I revise this control section

I am reducing the allocation to the California Housing Trust Fund by revising paragraph (f) as follows

"(f) Notwithstanding any other provision of law, the allocation to the California Housing Trust Fund made pursuant to subdivision (h) of Section 6217 of the Public Resources Code shall be in the amount of six million dollars ~~($6,000,000)~~ *($4,000,000)* for the 1988–89 fiscal year."

This reduction conforms to the action taken in Item 2240-101-843.

Control Section 23 50-Immigration Reform and Control Act. I delete Provisions wx and wy

Provision wx of Control Section 23.50 requires the Health and Welfare Agency to allocate $75,000 from the Immigration Reform Control Act Subvention for a local coordination pilot project designed to develop multiprogram data collection systems, coordinate outreach and coordinate service delivery among affected service agencies and educational services

The expenditures contained in the implementation plan for the IRCA already assume local administrative costs It would be entirely appropriate for any local agency to use its State Legalization Impact Assistance Grant (SLIAG) administrative funds for the most efficient delivery of services There is no compelling reason why funds should be reallocated from local agencies to one specific pilot project Each local entity should determine its method of administration and coordination of services and use the resources already allocated for that purpose. This provision constitutes an item of appropriation which is unnecessary as described above.

Provision wy of Control Section 23.50 places a condition on the State and counties for receipt of SLIAG funds. The language specifically requires the State and counties

to maintain their 1987–88 level of funding for the county health services and Short-Doyle programs in order to receive any SLIAG funds. I believe it is inappropriate to mandate that any entity of government maintain a specified level of funding for a discretionary activity. This restricts the flexibility that a local entity needs to be able to respond to needs and priorities with its discretionary funds and violates the Executive Branch's authority to effectively manage its resources programs I am concerned that this language restricts the receipt of any SLIAG funds unless these levels of funding are maintained This is particularly punitive given that these funds are essential if the State and counties are to provide critical health and human services to those Eligible Legalized Aliens desirous of becoming California citizens.

With the above deletions and reductions, I hereby approve Assembly Bill No. 224

GEORGE DEUKMEJIAN, Governor

5 I am deleting the $120,000 appropriation contained in Section 2 of Senate Bill No. 2081.

The counties designated to conduct the projects specified in this bill have received significant increases in their Child Welfare Services allocations in this year's Budget. Orange County received an additional $1.7 million and San Diego County received an additional $9.9 million. If these counties consider this program a priority, they should redirect sufficient funds from within their existing resources to implement these respite care projects.

With this deletion, I approve Senate Bill No. 2081.

GEORGE DEUKMEJIAN, Governor

6 I am deleting the $75,000 appropriation contained in Section 6 of Assembly Bill No. 4445.

I believe that funding for this proposed program should be considered during the budget process together with all other programs relating to abused children. While $75,000 is not a large sum of money, it is likely that this program will cost over $1 million annually, if fully funded.

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 econimic uncertainties

I would, however, consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. 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. 4445.

GEORGE DEUKMEJIAN, Governor

7 I am deleting the $37,500 appropriation contained in Section 2 of Assembly Bill No. 4336.

This bill would establish a three-year, Parent-Child Information Pilot Program Under this program, the State Department of Education would award grants to Resource and Referral agencies to hire extra counselors and volunteers to respond to parental inquiries on a variety of issues relating to normal child behavior and development and reinforcement of realistic adult expectations The bill appropriates $37,500 to begin implementation during the 1988–89 fiscal year.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90 Only at that time can we 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. 4336.

GEORGE DEUKMEJIAN, Governor

8 I am deleting the $3 million transfer to the General Fund contained in Section 17 of Assembly Bill No. 1903 This action is necessary due to the lack of funds in the Special Account for Capital Outlay

With this deletion, I approve Assembly Bill No 1903.

GEORGE DEUKMEJIAN, Governor

9 I am reducing the appropriation contained in Section 3 of Senate Bill No 2563 from $8,000,000 to $5,000,000

The provisions of this bill reflect the agreement reached between the Legislature and the Administration to complete the 1988–89 Budget process $5,000,000 was determined by all parties to be the appropriate level of funding for this program and a reduction of $3,000,000 is necessary to conform the provisions of this bill with the agreement.

With this reduction, I approve Senate Bill No. 2563

GEORGE DEUKMEJIAN, Governor

10 I am reducing the appropriation contained in Section 2 of Assembly Bill No. 4437 from $2,800,000 to $2,500,000

The provisions of this bill reflect the agreement reached between the Legislature and the Administration to complete the 1988–89 Budget process. $2,500,000 was determined by all parties to be the appropriate level of funding for this program and a reduction of $300,000 is necessary to conform the provisions of this bill with the agreement

With this reduction, I approve Assembly Bill No 4437

GEORGE DEUKMEJIAN, Governor

11 I am deleting the $1.2 million appropriation contained in Section 3 of Assembly Bill No. 4475.

AB 1903 contains funds to implement this program. The provisions of this bill and the appropriation in AB 1903 reflect the agreement reached between the Legislature and the Administration to complete the 1988–89 Budget process. $1.5 million was determined by all parties to be the appropriate level of funding for this program and is contained in AB 1903 Thus, the appropriation contained in this bill is duplicative and unnecessary

With this deletion, I approve Assembly Bill No 4475.

GEORGE DEUKMEJIAN, Governor

12 I am reducing the $7,465,000 General Fund appropriation to $250,000, and I am deleting the $5,000,000 Federal Trust Fund appropriation contained in Section 7 of Senate Bill No 2172 to reflect the elimination of duplicate or inappropriate funding requests as follows:

I am deleting the $5,000,000 General Fund and $5,000,000 Federal Trust Fund appropriations to the Department of Health Services for the purpose of providing increased funding for disproportionate share hospitals that operate trauma centers or basic emergency rooms I am signing SB 2563 (Maddy) which will provide the same level of funding to the Department of Health Services to facilitate the funding of specified disproportionate share hospitals SB 2563 reflects the agreement reached between the Legislature and the Administration to complete the 1988–89 Budget process, and contains an appropriation for this purpose. Therefore, the General and Federal Fund appropriations contained in this bill are unnecessary.

I am also deleting the augmentation of $225,000 General Fund to Item 4260-111-

001, Department of Health Services. AB 1903 contains funds to implement this program Thus, the appropriation contained in this bill is duplicative and unnecessary.

I am reducing the $1,150,000 General Fund appropriation to the Department of Veterans Affairs to $250,000 for the purpose of funding County Veterans Service Officers program. The County Veterans Service Officers program has always been a county program and as such has been dependent primarily upon county support. State support is, therefore, supplemental and not related to the level of program activity As such, I believe that the issue of funding for the County Veterans Service Officers program should primarily be addressed at the county level. I am signing legislation to provide the counties an additional $216.5 million for the fiscal year. Sufficient funds will be available to the counties to maintain County Veterans Service Officers programs. I am, however, retaining $250,000 of the augmentation which will allow the state to assist the counties in maintaining services to veterans through County Veteran Services Offices. This augmentation recognizes the increased costs associated with the reestablishment of the San Diego Veteran service office which has reduced the level of state subventions to the other 53 offices These funds will allow counties to maintain the current level of service to veterans. Moreover, the 1988–89 Budget provides $28.2 million in state funds and $10.1 million in federal funds to provide services to California veterans.

I am deleting the augmentation of $1,100,000 to Item 8260-111-001, California Arts Council, intended to fund the California Challenge Program. I have retained the $1,000,000 augmentation included in AB 1903 for this purpose Thus, the appropriation contained in this bill is duplicative and unnecessary.

With these reductions, I approve Senate Bill No 2172.

GEORGE DEUKMEJIAN, Governor

13 I am deleting the $100,000 appropriation contained in Section 2 of Senate Bill No 2357.

This bill establishes a 13-member advisory commission to study the feasibility of increased consolidation of school districts. The commission shall report their results and recommendations to the Legislature by January 1, 1990

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. Only at that time can we 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 2357

GEORGE DEUKMEJIAN, Governor

14 I am deleting the $45,000 appropriation contained in Section 2 of Senate Bill No. 2465.

This bill would establish a pilot project to employ adults and minors who are on probation in a graffiti removal project in Los Angeles County and would appropriate $45,000 from the General Fund to the Department of the Youth Authority to support this effort

The demands placed on budget resources require all of us to set priorities The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. Only at that time can we 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. 2465.

GEORGE DEUKMEJIAN, Governor

15 I am reducing the appropriation contained in Section 1 of Senate Bill No. 294 from $542,116.78 to $520,819.78 by removing funding for the County of Contra Costa's claim related to the parole of Lawrence Singleton.

The claim for recovery of costs associated with the placement of a parolee is a tort issue and should be settled by the courts.

With this reduction, I approve Senate Bill No. 294.

GEORGE DEUKMEJIAN, Governor

16 I am deleting the $149,000 appropriation contained in Section 4 (a) of Assembly Bill No. 3771.

This bill would require the California Department of Aging (CDA) to establish a dental care service pilot project in a rural area of the state to serve seniors who are homebound or residing in a residential care facility. It also appropriates $149,000 from the General Fund to the Department for its implementation and specifies that fees received from the project shall be used to offset the cost of the program. In addition, this bill requires a report to the Legislature on the program effectiveness by December 1990.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. Only at that time can we 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. 3771

GEORGE DEUKMEJIAN, Governor

17 I am deleting the $250,000 appropriation contained in Section 4 of Senate Bill No. 2895.

This bill would appropriate $250,000 to the Little Hoover Commission and to the Senate Office of Research for the development of studies on the effects of growth control on housing and on urban development.

This legislation is not necessary since both the Little Hoover Commission and the Senate Office of Research currently have the staff and the authority to perform such studies In fact, the State Senate Urban Growth Policy Project has already been established by Senate Resolution to perform a study of housing and growth management. If the Senate Office of Research needs additional funds to meet the mandate of the Resolution, it is more appropriate to allocate them from the Senate Contingency Fund.

Finally, the affects of growth control on the availability and affordability of housing is an area that has been reviewed by the Department of Housing and Community Development (HCD), the Legislature, and housing advocate groups such as the California Association of Realtors. Furthermore, many of the areas mandated to be assessed by this bill have already been examined and findings published in HCD's report entitled *Growth Control A Part of California's Landscape*, in the Assembly Office of Research's report entitled *California's Intrastructure Rusty Hinges on the Golden Gate*, and in the Senate Committee on Local Government's report entitled *Closing the Gap. Intrastructure Needs and Our Ability to Pay for Them*.

With this deletion, I approve Senate Bill No 2895

GEORGE DEUKMEJIAN, Governor

18 I am deleting the $250,000 appropriation contained in Section 3 of Assembly Bill No. 2412.

This bill authorizes specified short-term respite child care consistent with current practice The bill also appropriates $250,000 from the General Fund to fund expanded short-term child care.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90 Only at that time can we 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 2412

GEORGE DEUKMEJIAN, Governor

19 I am reducing the appropriation contained in Section 1 of Assembly Bill No 2763 by $134,855,448 from $160,906,448 to $26,051,000, to provide funding for the 1988–89 fiscal year costs only. I am reducing

(a) For health fee elimination from $42,418,000 to $1,400,000,

(b) For missing persons reports from $31,103,000 to $10,089,000,

(d) For the mandate reimbursement process from $19,180,000 to $4,000,000,

(e) For certification of teachers' evaluator's demonstrated competence from $6,582,000 to $582,000,

(f) For domestic violence diversion from $6,470,000 to $962,000;

(g) For motorists assistance from $10,559,000 to $3,125,000,

(h) For domestic violence from $20,777,000 to $5,493,000; and

(i) For pretreatment facilities from $3,092,000 to $400,000.

I am deleting:

(c) For victim's statements-minors, $4,534,000.

(j) For deficiencies in prior year reimbursement of mandated costs, $12,498,054;

(k) For deficiencies in prior year reimbursement of mandated costs payable from the Restitution Fund, $307,544;

(*l*) For augmentation of Schedule 55 of Item 8885-101-001 of the Budget Act of 1987, $2,504,730; and

(m) For augmentation of Schedule 56 of Item 8885-101-001 of the Budget Act of 1987, $881,120

Due to an unexpected General Fund revenue shortfall, it has been agreed to with local government organizations and education organizations to fund the mandate costs incurred prior to fiscal year 1988–89, in equal installments in each of the

Governor's Budgets for the 1989–90, 1990–91, and 1991–92 fiscal years.

The mandates listed in Schedules (a) through (i) incur reimbursable costs in fiscal year 1988–89, and are funded to that extent in this bill to ensure that the current year budgets of the affected local entities remain fiscally sound.

With these reductions and deletions, I approve Assembly Bill No. 2763.

GEORGE DEUKMEJIAN, Governor

20 I am deleting the $100,000 appropriation contained in Section 4 of Assembly Bill No. 4219.

This bill would require the California State World Trade Commission to examine the role of international competition on California's agriculture industry. The bill would appropriate $100,000 from the General Fund to the Commission for the study.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90 Only at that time can we 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. 4219./

GEORGE DEUKMEJIAN, Governor

21 I am deleting the $25,000 appropriation contained in Section 3 of Senate Bill No. 2457.

This bill would appropriate $25,000 from the General Fund to the Department of Justice to study the appropriateness of purging unsubstantiated reports of child abuse from the Child Abuse Registry

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. Only at that time can we 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. 2457.

GEORGE DEUKMEJIAN, Governor

22 I am deleting the $107,000 General Fund appropriation contained in Section 7 of Assembly Bill 4486.

This bill would appropriate $107,000 from the General Fund to assist the counties of Santa Clara and San Diego in developing a plan to coordinate existing homeless programs and to offer specialized counseling and follow-up services to homeless persons.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989–90. Only at that time can we 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.

GEORGE DEUKMEJIAN, Governor

23 I am deleting the $75,000 appropriation contained in Section 2 of Assembly Bill No. 953.

This bill would require the Department of Aging to establish six Grandparent Phonefriend Pilot Projects in selected counties. The bill appropriates $75,000 to fund loans to the projects and to cover state administrative costs.

The demands placed on budget resources require all of us to set priorities. The budget enacted in July 1988 appropriated nearly $44 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.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1989-90. Only at that time can we 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. 953.

GEORGE DEUKMEJIAN, Governor

24 I am reducing the $2 million dollar General Fund appropriation contained in Section 7 of Senate Bill No. 1007 to $500,000.

This bill would make it a felony for a person to commit specified sex-related crimes if the person has tested positive for acquired immune deficiency (AIDS), as specified; require persons convicted of certain sex offenses to submit to an AIDS blood test; require the results of such blood tests to be reported by the courts to the Department of Justice; and require counties to provide or contract out for education programs for victims and offenders of sex offenses The bill appropriates $2,000,000 from the General Fund to implement this act, with the contingency that the bill will not be operative without this funding, until January 1, 1990, and then only if specific funding is provided in the 1989 Budget Act.

I am reducing this appropriation to a level which I believe is sufficient to fund the AIDS education program specified in this bill. I expect the counties to develop programs that are consistent with the level of appropriation.

With this reduction, I approve Senate Bill No. 1007.

GEORGE DEUKMEJIAN, Governor

25 I am deleting the $5 million dollar General Fund appropriation contained in Section 14 of Assembly Bill No. 3753.

This bill would appropriate $5 million to provide a loan to the San Francisco Unified School District for asbestos abatement projects I am deleting this appropriation because I believe that the district should apply for assistance through the normal process under the State's Asbestos Abatement Program. This legislation would provide inappropriate preferential treatment of one district.

With this deletion, I approve Assembly Bill No. 3753

GEORGE DEUKMEJIAN, Governor

26 I am reducing the appropriation Contained in Section 2 of Assembly Bill No. 2597 by $807,000.

This bill would amend and supplement the Budget Act of 1988 to appropriate an additional $807,000 from the Fair and Exposition Fund to the California Horse Racing Board for support of intertrack stewards.

I recently signed SB 2172 (Chapter 984 of 1988), which contained the identical funding found in AB 2597. Therefore, this augmented appropriation is unnecessary

With this reduction, I approve Assembly Bill No. 2597.

GEORGE DEUKMEJIAN, Governor

27 I am reducing the appropriation contained in Section 5 of Assembly Bill No. 4005 from $165,000 to $119,000

This bill expands a pilot project permitting local authorities to issue citations for unlicensed activity by those requiring licensure by the Contractors State License Board, extends the sunset date to July 1, 1989, and appropriates $165,000 from the Contractors State License Fund to the Contractors State License Board for this purpose.

$119,000 is sufficient to provide the necessary resources for the completion of this experimental project.

With this reduction, I approve Assembly Bill No 4005

GEORGE DEUKMEJIAN, Governor

28 I am deleting the 225,000 appropriation contained in Section 3 of Senate Bill No. 4.

The funding request for this project should be submitted through the annual budget process so that the proper level of funding and a well-defined scope may be determined.

With this deletion, I approve Senate Bill No. 4.

GEORGE DEUKMEJIAN, Governor

29 I am reducing the $3 million General Fund appropriation contained in Section 1 (a) of Senate Bill No. 712 to $500,000.

This bill would appropriate $3 million from the Special Account for Capital Outlay in the General Fund to continue cleanup of the ASARCO hazardous waste site in Contra Costa County.

Since this project had a carry-over appropriation of $2.5 million, I am reducing the appropriation in this bill to provide $3 million, which is the estimated need in Fiscal Year 1988–89.

With this reduction, I approve Senate Bill No 712.

GEORGE DEUKMEJIAN, Governor