CALIFORNIA LEGISLATURE

1989–90 REGULAR SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1989

and

1989 Statutory Record

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each concurrent or joint resolution adopted by the Legislature in 1989.

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 year 1989 which do not specifically amend, add to, or repeal any existing code or general law.

Index

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

Statutory Record

This edition of the Summary Digest includes a statutory record for 1989. Superior numbers following the *Effect* refer to a special condition affecting that section.

Cumulative statutory records for 10-year periods, 1979–1988, 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 1989–90 Regular Session convened on December 5, 1988, and the interim study recess commenced on September 15, 1989. Statutes enacted in 1989, other than those taking immediate effect, will become effective January 1, 1990. 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 1989

1989–90 REGULAR SESSION

BILL CHAPTERS

Ch 1 (AB 15) Killea Hospice acute inpatient facilities

Existing law requires the State Department of Health Services to license health facilities, as defined.

This bill would create the Special Hospital. Hospice Pilot Project, of 4 years in duration, consisting of up to 3 pilot projects, including one in San Diego The purpose of the project would be to determine the need of hospice patients for acute inpatient care, and hospice providers under the project would provide palliative services to terminally ill patients, as specified The pilot project would be established and administered by the State Department of Health Services, and participating facilities would be required to obtain a license from the department, meet other requirements, and submit reports to the Legislature, as specified. The provisions of the bill would be repealed on the 365th day after receipt of the last of these reports by the Legislature

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

Ch 2 (AB 12) Jones Drinking water regulation appropriation

Under existing law, the State Department of Health Services is vested with various regulatory powers and duties to ensure that water delivered by public water systems is at all times pure, wholesome, and potable

This bill would appropriate $2,987,500 to the department for expenditure for implementation of these programs during the period from January 1, 1989, to June 30, 1989

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

Ch 3 (SB 4) Presley Courts

(1) Existing law authorizes penalty assessments for funding courtroom construction but contains an ambiguity with respect to the existing program for courthouse construction in Los Angeles County

This bill would clarify that ambiguity by specifying the assessment for that program

(2) Existing law authorizes the establishment of criminal justice facility transition planning funds in Solano and Orange Counties

This bill would clarify that penalty assessments may be imposed for that purpose

(3) Existing law authorizes state funding for trial courts based upon judgeships created upon the adoption of a resolution by the board of supervisors, beginning with the fiscal year next following the adoption of the resolution.

This bill would instead authorize this funding beginning with the fiscal quarter next following the adoption of the resolution

(4) Existing law provides trial court funding based, in part, upon the number of full-time equivalent court commissioner and referee positions created on or before September 27, 1987

This bill would revise that date to October 1, 1987 The bill would also make technical, nonsubstantive changes with regard to trial court funding

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

Ch 4 (SB 30) Dills State employees benefits

(1) Existing law authorizes 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 to elect irrevocably, in lieu of sick leave and vacation benefits currently granted these employees, to receive annual leave benefits, in accordance with a specified schedule and entitles those electing employees, under specified conditions, to receive specified nonindustrial disability payments

This bill would extend the application of those provisions commencing January 1, 1989, to employees in any state bargaining unit for which a memorandum of understanding has been agreed to by the state employer and a recognized employee organization to be subject to those provisions and has been approved by the Legislature

(2) Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization

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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

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

Ch 5 (AB 23) Wright Simi Valley Unified School District

Under existing law, 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 exempt the Simi Valley Unified School District from that requirement, contingent upon the passage in that district of a local general obligation bond measure on March 7, 1989, as specified

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

Ch 6 (SB 50) Seymour. Developmental services· regional centers

The Budget Act of 1988 appropriated specified sums for the operation of regional centers for persons with developmental disabilities

This bill would require the Department of Developmental Services to provide funding to cover any delay in federal reimbursements specified in the item of the Budget Act of 1988 appropriating money for the support of regional centers until the 1989 May revision is submitted to the Legislature by the Director of Finance

If the Director of Finance determines that there are sufficient additional uncommitted General Fund resources to meet the estimated expenditures for the support of regional centers, this bill would appropriate up to $24,579,000 from the General Fund to the Department of Developmental Services in augmentation of the item of the Budget Act of 1988 appropriating money for the support of regional centers

If the Director of Finance determines that there are not sufficient additional uncommitted General Fund resources, the Controller would be required to transfer up to $24,579,000, which would be appropriated from the Motor Vehicle Account in the State Transportation Fund, as a loan, to the General Fund, to be repaid by July 1, 1989

This bill would require the Department of Developmental Services to continue to pursue the receipt of federal reimbursements for targeted case management services and would require any federal funds received for this purpose to be deposited in the General Fund

This bill would require the Controller to transfer the funds appropriated in Item 4300-002-001, Budget Act of 1988, to, and in augmentation of, Item 4300-001-001, Budget Act of 1988, on the effective date of this bill

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

Ch. 7 (AB 34) Tanner Hazardous waste management plans

Existing law authorizes the State Department of Health Services to extend the date by which a council of governments or a county submits a final regional hazardous waste management plan to the department from October 1, 1988, to February 1, 1989, if the department makes a specified determination

This bill would authorize the department to extend the date for submittal of a final hazardous waste management plan by a council of governments to September 1, 1989, and to extend the date for submittal by a county to June 1, 1989, if the department makes this determination. The bill would authorize the department to additionally extend the date for submittal of a final hazardous waste management plan by a county to September 1, 1989, if the department sends comments on the draft plan to that county after June

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30, 1989.

If a county is given a time extension to June 1, 1989, the county would be required to adopt a revised county hazardous waste management plan by May 31, 1989, and if the county is given a time extension to September 1, 1989, the revised county hazardous waste management plan would be required to be adopted by August 31, 1989 The department would be required to approve or disapprove the plan on or before November 30, 1989, if the county is given the June 1, 1989, time extension, and on or before February 28, 1990, if the county is given the September 1, 1989, time extension.

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

Ch 8 (AB 52) Killea. Health services

(1) Under existing law, the State Department of Health Services is authorized to administer a birth defects monitoring program by agreement with specified counties. In addition, the department is authorized to establish a system for the collection of information from general acute care hospitals concerning birth defects, stillbirths, and miscarriages and to require those hospitals to maintain a list of specified classes of patients and make this information available to department staff, among others

This bill would expand that authority to allow the program to operate in all counties except the County of Los Angeles during the 1989–90 fiscal year, and would authorize the department to contract with a qualified entity to operate the program It would provide for the department to establish a system for the collection of information from general acute care hospitals and to mandate that the records of specified individuals and other records be made available to authorized program staff, among others

(2) Existing law provides for the coverage under Medi-Cal of comprehensive perinatal services by certified comprehensive perinatal providers Existing law requires the California Medical Assistance Commission to negotiate contracts for the provision of inpatient hospital services under the Medi-Cal program, and to consider various factors when so negotiating

This bill would, in addition, require the commission to take into consideration, when negotiating these contracts, that a hospital provides additional obstetrical beds, contracts with one or more comprehensive perinatal providers, permits certified nurse midwives to admit patients, or expands overall obstetrical services in the hospital

The bill would also specify that the Legislature recognizes that the State Department of Health Services is conducting a study to determine whether certain factors are being adequately considered by the department when setting per capita rates for perinatal services in prepaid health plans and whether the per capita rates are sufficient for prepaid health plans to provide those perinatal services. The bill would require the department to notify the Legislature upon the completion of the study, and to provide copies of the results of the study upon request of the Members of the Legislature and their staff

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

Ch 9 (AB 128) Klehs Income taxes

The Revenue Act of 1987 (Public Law 100-203) and the Technical and Miscellaneous Revenue Act of 1988 (Public Law 100-647) made numerous changes in the federal income tax laws, including, among other things, substantive, clarifying, or nonsubstantive technical changes relating to the 2% floor on miscellaneous itemized deductions, educational assistance programs, qualified group legal services plans, cafeteria plans, capitalization and inclusion in inventory of certain expenses, jury duty pay, fringe benefits for air cargo employees, sales of personal residence, Christa McAuliffe Fellows, institutions of higher education, meals furnished by employers, and deductions of rural mail carriers

This bill would conform the Personal Income Tax Law to those federal changes. It would provide that the changes would apply to taxable years beginning on or after January 1, 1988, except that specified technical changes would apply to taxable years beginning on or after January 1, 1987, and other specified changes would apply as provided

This bill would take effect immediately as a tax levy, but would be applicable to taxable

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years beginning on or after January 1, 1988, unless specified otherwise

Ch. 10 (AB 252) Isenberg PERS additional contracting agency formula

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, a member contribution rate of 8% of compensation in excess of $238 per month, and a specified limitation upon certain industrial disability allowances and authorizes 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 bill would authorize the Board of Administration to refuse to contract with, or to agree to an amendment proposed by, any public agency for any benefits provisions which the board determines might adversely affect PERS

This bill would also authorize the City of Sacramento to elect, prior to June 30, 1991, by contract amendment, to transfer all or part of the members of its local retirement system to PERS, to provide specified cost-of-living adjustments, and to elect the state peace officer/firefighter formula, as specified, and would authorize certain transferred members to cancel prospectively a specified election to receive service credit

These new authorizations would impose state-reimbursable, state-mandated local negotiating costs since their exercise would be subject to negotiation under existing law relating to public employer-employee relations

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

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

Ch. 11 (SB 391) Vuich Savings associations conservatorship

Existing law authorizes the Savings and Loan Commissioner, if he or she believes that the public interest may be served by the appointment of a conservator, ex parte and without notice, to appoint a conservator for a savings association if the commissioner finds that the association is in an impaired condition, is engaging in practices that threaten to result in an impaired condition, is in violation of an order or injunction, or where the association refuses to submit its books, papers, and affairs for inspection by the commissioner

This bill would instead authorize that action whenever the commissioner deems it necessary in order to conserve the assets of any association for the benefit of depositors and other creditors and would additionally specify conditions where the assets of the association are substantially dissipated due to violations of law or regulation, or unsafe or unsound practices, or where the association is in an unsafe or unsound condition to transact business

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

Ch. 12 (AB 130) M. Waters Real property unlawful detainer

(1) Existing law provides that a writ of possession or sale of any property issued pursuant to the law governing enforcement of nonmoney judgments shall direct the levying officer to enforce the judgment for possession or sale and shall include, among other things, the daily rental value of the property

This bill would delete the general requirement that a statement of the daily rental value is required to be included on the writ of possession or sale of any property and instead provide that it shall be contained in a writ of possession of real property

(2) 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, provides, among other things, that any occupant not named in the judgment for possession, who resided at the premises on the date of the filing of the action, may object to enforcement of the judgment by presenting a claim of right to possession on a prescribed form by taking one of the following actions (a) present to the levying officer the prescribed form and deliver to the court within 48 hours after

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presentation of the form an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis, (b) 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; (c) 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 (d) 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 change the time of delivery to the court under (a) and (b) above from 48 hours to 2 court days It would also require that the claimant receive a receipt or copy of the form at the time the claim is presented

The bill would also eliminate the procedures specified in (c) and (d) above and instead would provide that a claim of right to possession of real property is only effected upon its presentation to the levying officer, as specified It would also require the levying officer to deliver the original completed claim to the court issuing the writ of possession of real property

The bill would also revise the prescribed form to conform to these changes

This bill would declare that it is to take effect immediately as an urgency statute but would provide that it will become operative on May 1, 1989

Ch 13 (AB 95) Burton Parking authorities. members charter cities.

The Parking Law of 1949 provides for, in every city, a parking authority which functions only after the adoption of a resolution of need by the city's legislative body Upon adoption of that resolution, the mayor, with the approval of the legislative body, is directed to appoint the members of the parking authority

This bill would, notwithstanding these provisions, permit the mayor of a charter city having a parking and traffic commission created by the city's charter, with the approval of the legislative body, to require the members of that commission to serve ex officio as members of the parking authority

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

Ch 14 (AB 3) Chandler Disaster relief

Existing law creates the California Individual and Family Supplemental Grant Fund to provide disaster relief supplemental grants to eligible individuals and families The moneys in the fund are continuously appropriated for the purpose of making these grants

This bill would provide that any moneys in the grant fund shall be available to pay claims from individuals and families for losses or damages occurring during the incident period of a federal disaster declaration for individual assistance

Existing law provides for 4 specified accounts within the Natural Disaster Assistance Fund into which accounts disaster relief funds appropriated by the Legislature are to be paid for allocation or accumulation, as specified

This bill would permit the Director of Finance to transfer funds from the Natural Disaster Assistance Fund, notwithstanding the above limitation, to the California Individual and Family Supplemental Grant Fund to provide for the payment of claims resulting from the California Wildfires of 1988 Since the moneys in the grant fund are continuously appropriated for the purpose of making grants, this bill would make an appropriation

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

Ch 15 (AB 9) Harris Civil actions

(1) Existing law provides that a small claims court is required to charge the party filing a claim a fee of $3 for each party to whom a copy of the claim is mailed by the clerk

This bill would change the fee charged to an amount equivalent to the actual cost of mail service adjusted upward to the nearest dollar

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

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

Ch 16 (AB 1232) Johnston Cleveland Elementary School

Existing law makes no provision for the temporary closure of the Cleveland Elementary School in the Stockton Unified School District for the purpose of addressing the aftereffects of the shooting tragedy of January 17, 1989

This bill would authorize the governing board of the Stockton Unified School District to close the Cleveland Elementary School to pupil attendance for not more than 5 days to address the aftereffects of that tragedy, including grief debriefing sessions and pupil assistance training for teachers and other employees of the school, the planning of pupil instructional activities to address death and trauma, and related improvement of the physical classroom environment

The bill would require that average daily attendance and total instructional time for that district be calculated as if, during that period of school closure, classes were held at the Cleveland Elementary School in the customary manner.

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

Ch 17 (SB 111) Bergeson Validations

This bill would enact the First Validating Act of 1989, 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 18 (SB 292) Roberti Weapons. semiautomatic firearms

(1) Under existing law, every person who commits an assault upon the person of another with a firearm is guilty of either a felony, punishable by imprisonment in the state prison for 2, 3, or 4 years, or a misdemeanor, punishable by imprisonment in a county jail for a term of not less than 6 months or more than one year.

This bill would make it a felony, punishable by imprisonment in the state prison for 4, 8, or 12 years, for a person to commit an assault upon the person of another with a machinegun or an assault weapon To the extent that the bill would create a new crime, the bill would impose a state-mandated local program

(2) Existing law provides that every person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties shall be punished by imprisonment in the state prison for 4, 6, or 8 years

This bill would provide that every person who commits an assault with a machinegun or assault weapon upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years Thus, the bill would create a new crime, thereby imposing a state-mandated local program

(3) Existing law makes it a misdemeanor to advertise certain weapons or devices, as specified

This bill would add "assault weapon," as defined, to that list, thus creating a state-mandated local program by expanding the scope of an existing crime.

(4) Existing law imposes an additional prison term of one year for any person who 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 arming oneself with a firearm is an element of the offense of which he or she is convicted.

This bill would provide an additional term of 3 years for any person who is armed with an assault weapon in the commission or attempted commission of a felony whether or

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not the arming is an element of the offense This additional term would apply to any person who is a principal in the commission or attemped commission of the felony if one or more of the principals is armed with an assault weapon whether or not the person is personally armed with an assault weapon

(5) Existing law provides that any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to another shall, upon conviction of that felony or attempted felony, receive a full, consecutive sentence enhancement of 5 years in addition to the sentence prescribed for the felony or attempted felony Existing law also provides that the firearm shall be deemed a nuisance and shall be disposed of by law enforcement officials, as specified

This bill, in addition, would provide that any person who personally uses an assault weapon in the commission or attempted commission of a felony shall receive the same sentence enhancement In addition, the bill would require law enforcement officials to dispose of assault weapons, thus increasing their responsibilities, and imposing a state-mandated local program

(6) The bill also would include legislative findings and declarations concerning assault weapons and would make it a felony punishable by imprisonment in the state prison for 4, 6, or 8 years for any person, as defined, within this state to manufacture or cause to be manufactured import into the state, keep for sale, offer or expose for sale, give or lend any assault weapon, except as provided by this bill. The bill would make it a misdemeanor or felony for any person to unlawfully possess any assault weapon. Furthermore, any person who commits another crime while violating this provision would be subject to an additional, consecutive punishment of one year for violating the provision in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime Because the bill would create a new crime, it would impose a state-mandated local program.

(7) The bill also would establish a procedure for the registration of assault weapons by the Department of Justice and issuance of permits for their possession and sale, as specified

(8) The bill would declare that if any provision is held invalid, that invalidity shall not affect other provisions or applications of the bill

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

This bill would provide that for certain costs no reimbursement is required by this act for 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 $1,000,000, shall be payable from the State Mandates Claims Fund

Ch 19 (AB 357) Roos Firearms

(1) Under existing law, every person who commits an assault upon the person of another with a firearm is guilty of either a felony, punishable by imprisonment in the state prison for 2, 3, or 4 years, or a misdemeanor, punishable by imprisonment in a county jail for a term of not less than 6 months or more than one year

This bill would make it a felony, punishable by imprisonment in the state prison for 4, 8, or 12 years, for a person to commit an assault upon the person of another with a machinegun or an assault weapon. To the extent that the bill would create a new crime, the bill would impose a state-mandated local program

This bill would provide that these changes shall not become operative if SB 292 is also chaptered and amends Section 245 of the Penal Code

(2) Under existing law, for the purposes of the Dangerous Weapons' Control Law, an offense which involves the violent use of a firearm includes specifically listed offenses including, but not limited to, 2 or more violations of a misdemeanor provision which prohibits the unlawful drawing or exhibiting of a firearm in a rude, angry, or threatening manner or unlawfully using the same in a fight or quarrel

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This bill would provide that one violation, rather than 2 or more violations, of the misdemeanor provision involving the unlawful drawing, exhibition, or use of a firearm constitutes a violent use of a firearm for purposes of the Dangerous Weapons' Control Law To the extent that including one described misdemeanor offense in the listing of offenses involving violent use of a firearm would have the effect of expanding the scope of related crimes, the bill would impose a state-mandated local program The bill would also include in the listing of offenses involving violent use of a firearm the unlawful assault with a firearm, machinegun, or assault weapon upon a peace officer or firefighter, as specified

(3) Existing law provides that every person who commits an assault with a firearm upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties shall be punished by imprisonment in the state prison for 4, 6, or 8 years

This bill would provide that every person who commits an assault with a machinegun or assault weapon upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, when the peace officer or firefighter is engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for 6, 9, or 12 years Thus, the bill would create a new crime, thereby imposing a state-mandated local program

(4) Existing law makes it a misdemeanor for any person, firm, corporation, or association to advertise certain listed weapons or devices, as specified

This bill would make it a misdemeanor for any person, defined to mean any individual, partnership, corporation, association, or any other group or entity, regardless of how formed, to so advertise, and it would add "assault weapon," as defined, to the list of prohibited weapons or devices, thus creating a state-mandated local program by expanding the scope of an existing crime

(5) Existing law imposes an additional prison term of one year for any person who 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 arming oneself with a firearm is an element of the offense of which he or she is convicted

This bill would provide an additional term of 3 years for any person who is armed with an assault weapon or a machinegun in the commission or attempted commission of a felony whether or not the arming is an element of the offense This additional term would apply to any person who is a principal in the commission or attemped commission of the felony if one or more of the principals is armed with an assault weapon or a machinegun whether or not the person is personally armed with an assault weapon or machinegun

(6) Existing law provides that any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to another, shall, upon conviction of that felony or attempted felony, receive a full, consecutive sentence enhancement of 5 years in addition to the sentence prescribed for the felony or attempted felony Existing law also provides that the firearm shall be deemed a nuisance and shall be disposed of by law enforcement officials, as specified

This bill, in addition, would provide that any person who personally uses an assault weapon or machinegun in the commission or attempted commission of a felony shall receive the same sentence enhancement In addition, the bill would require law enforcement officials to dispose of assault weapons and machineguns, thus increasing their responsibilities, and imposing a state-mandated local program

(7) The bill also would include legislative findings and declarations concerning assault weapons and would make it a felony punishable by imprisonment in the state prison for 4, 6, or 8 years for any person, as defined, within this state to manufacture or cause to be manufactured, distribute, transport, or import into the state, keep for sale, or offer or expose for sale, or give or lend any assault weapon, as described in paragraph (8), except as provided by this bill The bill would make it a public offense for any person

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to unlawfully possess any assault weapon Furthermore, any person who commits another crime while violating this provision would be subject to an additional, consecutive punishment of one year for violating the provision in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime Because the bill would create a new crime, it would impose a state-mandated local program

(8) The bill would define assault weapon to include specifically named rifles, pistols, and shotguns The bill would furthermore establish a procedure whereby, upon request of the Attorney General, a superior court in a county containing a population of 1,000,000 or more is granted the power to issue temporary suspension and a permanent declaration that a particular firearm is an assault weapon The bill would provide for notice and intervention in these proceedings

(9) The bill also would establish a procedure for the registration, including joint registration, of assault weapons by the Department of Justice and the issuance of permits for their possession and sale, as specified.

(10) The bill would authorize any individual to arrange in advance to relinquish an assault weapon to a police or sheriffs' department

(11) The bill would declare that if any provision is held invalid, that invalidity shall not affect other provisions or applications 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

This bill would provide that for these costs no reimbursement is required by this act for specified reasons

Ch 20 (SB 117) Lockyer Rewards

Existing law authorizes the Governor to offer rewards of not more than $10,000 each for information leading to the arrest and conviction of persons who have committed certain specified offenses Funds for the reward are continuously appropriated from the General Fund

This bill would change the amount of the awards to not more than $50,000 each In addition, the bill would authorize the Governor to offer the above-mentioned rewards for information leading to the arrest and conviction of certain kidnappers Thus, the bill would make an appropriation

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

Ch 21 (AB 156) Assembly Committee on Judiciary Probate law and procedure

Existing law sets forth various provisions of probate law and procedure which will become operative on July 1, 1989, and other related provisions dealing with the administration of estates

This bill would revise and amplify probate law and procedure with regard to the delivery of decedent's tangible personal property to his or her surviving spouse, relative, or conservator or guardian of his or her estate, the notice provisions applicable to guardianships and conservatorships, the liability of a guardian or conservator for a breach of fiduciary duty committed by another guardian or conservator, the rental of real property of a decedent, the compensation of public administrators and their attorneys, the express powers of a personal representative, the minimum bond required of a personal representative, letters granting limited authority, and the filing and settling of accounts of a personal representative The bill would also make various technical, conforming, and clarifying changes

The bill would declare that it is to take effect immediately as an urgency statute, to become operative on July 1, 1989

Ch 22 (AB 405) Sher Arbitration real estate

As of July 1, 1989, 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 Whenever a contract or agreement between principals and agents in real property sales transactions contains an arbitration provision, the contract must have the provision

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titled "ARBITRATION OF DISPUTES" and contain a specified notice The notice must be printed in the contract in at least 10-point bold type except as otherwise specified

This bill would specify that these requirements are only applicable to provisions for binding arbitration It would also specify that these requirements do not diminish court authority in areas involving unlawful detainer

The bill would declare that it is to take effect immediately as an urgency statute. However, the bill would provide that it does not become operative until July 1, 1989.

Ch 23 (SB 59) 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

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

Ch 24 (SB 63) Beverly Local sales and use taxes

Existing provisions of the Bradley-Burns Uniform Local Sales and Use Tax Law authorize counties, cities, and redevelopment agencies, as defined, to impose local sales and use taxes in their respective jurisdictions in connection with the sale, storage, use, or other consumption of tangible personal property

This bill would expand the definition of a redevelopment agency for purposes of this authorization to impose sales and use taxes to include all redevelopment agencies, as defined, created within a city under the Community Redevelopment Law However, this bill would preclude the adoption of a sales and use tax ordinance by a redevelopment agency whose governing body is other than the city council unless the city council adopts a resolution consenting to the adoption of the ordinance by the redevelopment agency

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

Ch 25 (SB 272) Robbins School field trips medical service

Existing law requires school district governing boards to provide or make available medical or hospital service, or both, for pupils of the district injured while participating in school excursions or field trips, as specified Existing law further requires that the medical or hospital service be provided by the school district through nonprofit membership corporations defraying the cost of that service, or through group, blanket, or individual policies of accident insurance from an authorized insurer

This bill would authorize school district governing boards to provide or make available that medical or hospital service, or both, through a self-insurance program of the district, as specified

Ch 26 (SB 575) Dills State employees memorandum of understanding.

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of a memorandum of understanding entered into between the state employer and a specified employee organization for state bargaining unit No 1 and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would also prohibit any provision in the memorandum of understanding approved by this bill which requires the expenditure of funds from taking effect unless funds therefor are specifically appropriated and would authorize, if funds therefor are not specifically appropriated, any affected employee organization to declare all or any part of the memorandum of understanding null and void

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

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

Ch 27 (SB 717) Dills State employees memorandum of understanding

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of a specified memorandum of understanding entered into between the state employer and a specified employee organization, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act

This bill would provide that any provision in a memorandum of understanding approved by any section of this bill, and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization

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

Ch 28 (AB 316) Lancaster State employees uniform state payroll system memorandum of understanding

(1) Existing law provides that pay dates for permanent monthly salaried state employees shall be uniform for all employees of each state agency employed in the same geographic area, and shall not be more than 10 calendar days following the close of the payroll period

This bill would delete the requirement that the pay dates be uniform for all employees of each state agency employed in the same geographic area, would make the requirement that the pay date be no more than 10 calendar days following the close of the payroll period applicable to monthly salaried employees, and require that the pay date for semimonthly and biweekly payroll systems be not more than 15 days following the close of the payroll period This bill would also express related legislative intent

(2) Existing law provides that if any provision of a memorandum of understanding entered into between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of a memorandum of understanding entered into between the state employer and a specified state employee organization for State Bargaining Unit No 9 and would provide that the provisions of the 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 in the memorandum of understanding approved by this bill which requires the expenditure of funds from taking effect unless funds therefor are specifically appropriated and would authorize, if funds therefor are not specifically appropriated, any affected employee organization to declare all or any part of the memorandum of understanding null and void

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

Ch 29 (SB 279) Montoya Public utilities

Existing law prohibits gas, heat, or electrical corporations and their subsidiaries that are regulated as public utilities by the Public Utilities Commission from conducting work for which a contractor's license is required, except under specified conditions Existing law also provides that this provision shall remain in effect until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January

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1, 1991, deletes or extends that date

This bill would delete the provisions which would repeal the existing law as of January 1, 1991.

Ch 30 (SB 1711) Ayala Local planning

Existing law requires each city and county to adopt a general land use plan containing specified elements for the territory in its jurisdiction. Existing law provides that upon application by a city or a county, the Director of Planning and Research shall grant a reasonable extension of time not to exceed one year for the preparation and adoption of all or part of the general plan, if the legislative body of the city or county makes specified findings

This bill would make legislative findings and declarations, and would provide that notwithstanding specified provisions of law, the director shall grant the County of San Bernardino an extension of time to July 5, 1989, to prepare and adopt a general plan The bill would declare that a general law cannot be made applicable in these circumstances

The bill would declare that it is an urgency statute to take effect immediately and that certain of its provisions would become operative May 3, 1989

Ch 31 (AB 607) Kelley Water conservation districts promissory notes

Under existing law, the total amount of negotiable promissory notes issued by a water conservation district outstanding at any one time may not exceed the lesser of 2% of the assessed valuation of the taxable property in the district or $350,000

This bill would increase the latter amount to $5,000,000

Ch 32 (AB 622) Frazee County water authorities.

(1) Under existing law, county water authorities are authorized 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

This bill would authorize the governing body of each member public agency of a county water authority to elect to pay out of its funds available for that purpose, other than funds derived from ad valorem taxes, all or any portion of the amount of standby charges which would otherwise be levied by the authority upon parcels of land within that public agency for the following fiscal year The bill would prescribe procedures for making that election and payment

(2) Under existing law, each member public agency of a county water authority has a preferential right to purchase water from the authority in the same ratio as the total amounts paid by the public agency from tax assessments and otherwise toward the capital costs of the authority's works bears to the total payments received by the authority for those costs

This bill would, instead of the foregoing, direct the board of directors of an authority if available water supplies become inadequate to fully meet the needs of its member agencies, to adopt reasonable rules, regulations, and restrictions so that the available supplies are allocated among its member agencies for the greatest public interest and benefit.

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

Ch 33 (AB 924) Harvey Lost Hills Water District.

Under existing law, the Lost Hills Water District is authorized to adopt a plan of water allocation which may include a provision that landowners within a designated area of the district, not at the time receiving delivery of water purchased by the district under long-term contract with the Kern County Water Agency by means of district-provided facilities, shall have no right in the future to have allocated to them, as landowners within that area, any part of the water which will thereafter be made available under contracts between the district and the agency in effect at the time of approval of the plan, and shall not thereafter be subject to assessment to provide funds to pay any part of the district's contractual obligation to the agency

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This bill would permit the plan to provide for relief from the payment of principal of bonds and interest on bonds sold prior to the approval of the plan if the district makes other adequate provision for the payment thereof

The bill would, in addition, authorize the Lost Hills Water District to enter into long-term water service contracts with the holders of title to land for the apportionment of all or any part of its water supply and for the collection and enforcement of charges therefor in the same manner as assessments

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

Ch 34 (SB 75) L. Greene Housing assistance

Existing law creates the Rental Housing Construction Fund, the Housing Rehabilitation Fund, and the Emergency Housing Assistance Fund, the moneys in which may be expended for specified purposes Moneys in this fund are authorized to be transferred to those funds identified above

Existing law also creates the Home Building and Rehabilitation Fund

Existing law contains authority to sell bonds, the proceeds of which may be deposited in this fund

Under existing law, bond proceeds are authorized to be transferred to the Housing Rehabilitation Loan Fund for a deferred-payment rehabilitation loan program for rental housing developments Moneys in this fund are authorized to be transferred to those funds identified above

The bill would define the term "rental housing development" for purposes of this program It would include within this definition single and multifamily dwellings, motels, residential hotels, group or congregate homes, and limited equity housing cooperatives

The bill would specify that rental housing developments and owner-occupied units assisted by this program may be located anywhere in the state

Under this deferred rehabilitation loan program, rehabilitation costs which can be financed through program loans include those costs related to real property acquisition

This bill would specify that real property acquisition costs include refinancing of existing debt to the extent necessary to reduce debt service to a level consistent with the provision of affordable rents, as determined by the Department of Housing and Community Development, and the fiscal integrity of the project.

The bill would also set forth those costs which could be financed under the program under loans made for owner-occupied housing

The bill would permit the department to set aside or use any amounts available in the Housing Rehabilitation Loan Fund to establish a default reserve for the purpose of curing or avoiding a sponsor's defaults on the terms of any loan or other obligation which jeopardizes the financial integrity of a rental housing development or the security in the rental housing development Payment or advance of funds by the department pursuant to this authority would be solely at the discretion of the department, with the amount being added to the amount of the loan, and being payable to the department upon demand

Existing law specifies that, under this program, if a tenant's income exceeds specified limits, the tenant is required to vacate the unit within a specified time period

This bill would, in the case of limited equity housing cooperatives, instead require that a tenant whose income exceeds these limits, upon 6 months' notice, to pay rent in an amount equal to the market rate rent for comparable units, as determined by the department

The bill would require that when operating income as defined by the department is greater than operating expenses, debt service, deposits required for reserve accounts, loan payments under a prepayment plan, if elected by the sponsor, approved annual distributions, and any other disbursements approved by the department, these excess funds be paid into an account established in the fund Funds in this account would be appropriated to the department for use to assist rental housing developments funded pursuant to the program as required

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

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Ch 35 (SB 109) Torres. State Legalization Impact-Assistance Grant program education funding

(1) Existing law, known as the federal Immigration Reform and Control Act of 1986, provides an opportunity for unauthorized aliens who satisfy specified criteria to obtain legal status in the United States and appropriates funds to the states for state legalization impact-assistance grants for programs of public assistance, public health assistance, and educational services, as specified Subject to certain restrictions, the states may select the distribution of the use of the grant funds among those purposes

This bill would state various findings and declarations of the Legislature with respect to these grant funds

(2) The bill would state the intent of the Legislature to ensure adequate education funding through the 1991-92 fiscal year under that grant program to ensure availability of classroom slots for legalization applicants for permanent resident status

(3) The bill would appropriate $50,000,000 to the State Department of Education from funds available under the State Legalization Impact-Assistance Grant program that are not appropriated as of the effective date of this bill The bill would require that these funds be expended for designated purposes The bill would require the State Department of Education, in consultation with the Department of Finance and the office of the Legislative Analyst, to develop a fair and equitable allocation of these funds for reimbursement of claims in the 1988-89 fiscal year

(4) The bill would state the intent of the Legislature that federal funds appropriated in the Governor's Budget for 1989 for specified purposes be reduced in the Budget Act of 1989 by $50,000,000

(5) This bill would define priority students for educational services in English and United States history and government in the State Legalization Impact-Assistance Grant (SLIAG) program This bill would also require educational service providers, until November 30, 1990, as a condition of receiving funds under the SLIAG program, to maintain waiting lists of prospective students eligible under the SLIAG program, as specified The bill would require that SLIAG funded individuals be reenrolled at the end of each quarter or semester, as specified, according to prescribed priorities The bill would direct the State Department of Education to issue guidelines defining the maximum number of weeks allowable in a given quarter or semester The bill also would require the State Department of Education to direct all SLIAG providers to explain specified federal educational proficiency requirements and to issue evidence of a student's satisfactory pursuit of these requirements, as specified

To the extent that the requirements for explanation of federal educational proficiency standards and issuance of evidence of satisfactory pursuit of these standards would apply to school districts and community college districts, this bill would impose a state-mandated local program

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

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

Ch 36 (SB 1550) Leonard State employees, memorandum of understanding

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act

This bill would approve provisions which require the expenditure of funds of a specified memorandum of understanding entered into between the state employer and a

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specified employee organization, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that any provision in a memorandum of understanding approved by any section of this bill, and which requires the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, all or any part of the memorandum of understanding may be declared null and void by any affected employee organization

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

Ch 37 (AB 952) Killea Rigid plastic containers coding

Existing law requires all rigid plastic bottles, as defined, and all rigid plastic containers, as defined, sold in California on and after January 1, 1992, to be labeled with a specified code which indicates the resin used, including the code "PETt" for polyethylene terephthalate

This bill would change that code to "PETE"

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

Ch. 38 (AB 45) Vasconcellos Judgments and settlement claims against the state appropriation

This bill would appropriate $7,625,000 from the General Fund to the Secretary of the State Board of Control to pay judgments and settlement claims accepted by the State Board of Control, as specified

This bill would also require any amounts in excess of the amount approved to revert to the General Fund on June 30, 1990

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

Ch 39 (AB 277) Areias Refugees employment training programs

(1) Existing law requires the State Department of Social Services to implement, through each county welfare department, a Refugee Cash Assistance Demonstration Project to provide assistance, including employment training services, for certain refugees who would otherwise qualify for assistance under the Aid to Families with Dependent Children (AFDC) program, with administrative costs to be shared by the department and each county if federal administrative funds are inadequate. The program would be in operation for a period of 4 years and 3 months from July 1, 1985, with the provisions to remain operative until October 1, 1989, and to be repealed as of January 1, 1990

This bill would extend the period of implementation of the demonstration project to 5 years and 3 months, extend the inoperative date to October 1, 1990, and the repeal date to January 1, 1991 However, the bill would maintain the current inoperative date of October 1, 1989, for the cost-sharing provisions of the project

(2) Existing law provides that a refugee covered under the demonstration project who has completed ½ of an approved employment training program, as specified, shall be allowed to complete that training program unless the refugee has received an offer of employment

This bill would delete that provision

(3) Existing law requires that refugees taking part in the demonstration project shall be encouraged to enroll in English as a second language classes as needed

Further, under existing law, the department requires English as a second language programs seeking funding derived from the federal Office of Refugee Resettlement to meet specified criteria as a condition of receiving federal funds allocated by the department Existing law further requires the department to ensure that an English as a second language program which is designed with specific job placements for the clients as an end product receive priority consideration for funding in the competitive bid process

This bill would delete these provisions

(4) Under existing law, commencing October 1, 1989, counties are required to use

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funds derived from the federal Refugee Act of 1980 (P. L. 96-212) and allocated to the counties on the basis of refugees in the county receiving aid, including assistance through the demonstration project, for implementation of the Greater Avenues for Independence (GAIN) program

This bill would delay the date on which counties would be required to use those federal funds for implementation of the GAIN program to October 1, 1990

This bill would authorize counties to discontinue the demonstration project prior to September 30, 1990, if they are fully implementing statutory authorization to use federal Refugee Act of 1980 funding for refugee employment-related and English language training under the GAIN program, and if no new applications for the project are accepted at the time the GAIN program is implemented, or after April 1, 1990, whichever comes first

(5) Existing law requires the department to submit annual reports to the Legislature evaluating the effectiveness of the demonstration project, beginning one year after the commencement of the project

This bill would require the department to submit a total of four annual reports to the Legislature.

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

Ch 40 (SB 76) Ayala Correctional institutions

Existing law provides for the construction of facilities and renovations for certain correctional facilities

This bill, in addition, would create within the Department of Corrections 12.9 positions to provide custody and security staff for the new 180-bed, acquired immune deficiency syndrome (AIDS) program in the Del Norte Unit at the California Institution for Men at Chino through June 30, 1989.

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

Ch 41 (AB 2042) Woodruff Income taxes bank and corporation taxes: claim or credit for refund

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide that no credit or refund shall be allowed after a specified period, unless prior to the expiration of that period a claim for refund is filed by the taxpayer, or the Franchise Tax Board allows a credit, makes a refund, issues a notice of proposed overpayment, or certifies the overpayment to the Board of Control for approval of the refunding

This bill would provide under both laws that no credit or refund shall be allowed after the specified period, unless prior to the expiration of that period a claim for refund is filed by the taxpayer, or the Franchise Tax Board allows a credit, makes a refund, mails a notice of proposed overpayment on a preprinted form prescribed by the Franchise Tax Board, or certifies the overpayment to the Board of Control for approval of the refunding This bill would also make nonsubstantive technical changes to those laws

Ch 42 (AB 212) O'Connell. Mobilehome parks. pet policy.

Under existing law, a homeowner shall not be charged a fee for keeping a pet in the mobilehome park unless the management actually provides special facilities or services for pets, as specified

This bill would provide that if the management of a mobilehome park implements a rule or regulation prohibiting residents from keeping pets in the park, the new rule or regulation shall not apply to prohibit the residents from continuing to keep the pets currently in the park if the pet otherwise conforms with the previous park rules or regulations relating to pets However, if the pet dies or no longer lives with the resident, the bill would provide that the resident does not have the right to replace the pet The bill would also specify that any rule or regulation prohibiting residents from keeping pets in the mobilehome park shall not apply to guide dogs, signal dogs, or service dogs

Ch. 43 (AB 289) D Brown. County contracts

Existing law relating to the subletting and subcontracting of public works contracts permits, in counties with a population of 6,000,000 or more, the county board of supervi-

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sors, when it is the awarding authority, to delegate its functions, including the authority to consent to the substitution of subcontractors and to exercise the option of canceling certain contracts or penalizing a contractor, to a hearing officer designated by the board.

This bill would revise those provisions by granting that authority to any officer designated by any county

Ch 44 (SB 234) Alquist State employees. vacation credits

Existing law provides that full-time state officers and employees who are excluded from collective bargaining, who are supervisory employees, or who are nonelected officers or employees of the executive branch of government and not a member of the civil service, shall receive vacation credit in accordance with a specified schedule Existing law further provides that the computation of vacation credit for the month of July 1983, and each month thereafter, shall be based upon the schedule

This bill would delete the requirement that the computation of vacation credit for the month of July 1983, and each month thereafter, be based upon the schedule.

Ch 45 (SB 256) Bergeson Fire protection. districts

Under existing law, if a county board of supervisors or a city council has appointed itself as the district board of a fire protection district it may delegate any or all of its powers to a fire commission

This bill would expressly permit a board of supervisors which has appointed itself as the fire protection district to appoint councilmembers of cities located in the district as commissioners

Existing law authorizes the establishment of resort improvement districts and permits those districts to acquire, construct, maintain, and operate property, works, and facilities for, among other purposes, the protection against fire

This bill would, instead, permit those districts to exercise any of the powers, functions, and duties which are vested in, or imposed upon, a fire protection district pursuant to the Fire Protection District Law of 1987 This bill would prohibit resort improvement districts from exercising those powers within any territory in the district if a local agency already provides fire protection service to that territory, as specified

This bill would take effect immediately as an urgency statute

Ch 46 (SB 70) L Greene Taxation low-income housing credit

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 credit conforms largely to the low-income housing credit provided under the Internal Revenue Code, in effect on January 1, 1987 However, the aggregate amount of tax credits granted under both laws cannot exceed $35,000,000

This bill would provide additional conformity under both laws to the Internal Revenue Code of 1986, as amended, including the amendments contained in the Technical Corrections and Miscellaneous Revenue Act of 1988 This bill would provide that the aggregate amount of tax credits which can be granted under both laws shall not exceed $35,000,000 per year in the 1987 and 1988 calendar years, but the aggregate amount of credits granted in 1989 may exceed $35,000,000 by an amount equal to the unallocated credit from 1987 and 1988, and the credit period, as specified, for amounts attributable to unallocated credit from 1987 or 1988 shall not begin until after December 31, 1989. It would provide a credit with respect to the increase in qualified basis, if any, for a 4-year period beginning with the taxable year in which the increase occurs.

This bill would also make technical, clarifying and supplemental changes to the credit provisions under both laws.

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

Ch. 47 (SB 164) Craven School facilities leases

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

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imum tax rate of the district

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

This bill would authorize a school district governing board to conduct an election to seek voter consent to fund certain other school construction to the extent of a previously approved tax rate without regard to the date of the original election in which that tax rate was approved

Ch 48 (SB 266) Deddeh Work furlough

Existing law authorizes county prisoners and juveniles in county facilities to participate in work furlough programs, as specified

This bill would include job training, as specified, in those programs The bill also would make technical, conforming changes

Ch 49 (SB 358) Petris Courts fees

Existing law authorizes the Board of Supervisors of San Diego and Alameda Counties to establish municipal court administrative assessments, not to exceed $10, to cover the costs of recording and maintaining a record of convictions for Vehicle Code violations and the cost of notifying the Department of Motor Vehicles, as specified, and to establish a fee in both the municipal and superior courts for the processing of accounts receivable for fines owed in criminal cases, not to exceed $30

This bill would extend this authorization to any county, upon the adoption of a resolution by the board of supervisors, as specified, and would make conforming changes

Ch 50 (SB 18) Robbins Ballot Measures

Existing law provides that the Secretary of State shall not accept a ballot argument for or against a measure appearing on the statewide ballot unless accompanied by the names and addresses of the persons submitting it or, if submitted on behalf of an organization, the name and address of the organization and of at least 2 of its principal officers

This bill would require, in addition, the submission of the telephone number and business or home address of each person submitting the ballot argument as well as the name, business or home address, and telephone number of a contact person of each individual

Existing law provides that no more than 3 signatures shall appear with any argument printed in the ballot pamphlet and if an argument is signed by more than 3 persons only the first 3 shall be printed

This bill would require the Secretary of State to provide, upon request, the name of, and telephone number for, each signer of a ballot argument printed in the ballot pamphlet

Ch 51 (AB 313) Frizzelle County property

Existing law permits a county to exclude from prescribed bidding procedures property to be leased for a duration not exceeding 5 years at an estimated or actual monthly rental not exceeding $1,000

This bill would, instead, permit a county to exclude from those prescribed bidding procedures property to be leased for a duration not exceeding 5 years at an estimated or actual monthly rental not exceeding $2,000 provided that notice of the lease is given in a prescribed manner

Ch 52 (AB 409) Farr. Sanitary districts

Existing law permits the governing board of a sanitary district to change the name of the district if the resulting name includes the words sanitary district.

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This bill would further permit the changed name to be a name that is descriptive of the functions of the district and would make other technical nonsubstantive changes.

Ch 53 (AB 1590) Hauser California Salmon Council

Existing law provides for referendum voting by fishermen, as defined, to determine whether the California Salmon Council should be implemented, and, periodically, to review whether the operation of the council should be continued

This bill would provide that commercial salmon vessel operators, as defined, would vote to implement the council However, the bill would require all fishermen, as defined, who sell salmon to pay required assessment fees, would authorize the Director of Food and Agriculture to consult with the Director of Fish and Game to assist in the administration of the program, and would make other related changes.

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

Ch 54 (AB 556) Chandler Flood control special districts

Existing law provides a procedure for the Knight's Landing Ridge Drainage District and the Sacramento River West Side Levee District to collect assessments for maintenance and repair of the works of the district, utilizing the tax rolls of Colusa and Yolo Counties for that purpose However, these provisions are not currently effective.

This bill would revise the method of collecting those assessments, and specifically authorize the use of the county tax bills, rather than the tax rolls, and the imposition of a penalty and interest for delinquent assessments

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

Ch. 55 (SB 45) Robbins Public utilities services to the hearing-impaired

Existing law, which is operative until July 1, 1989, requires the Public Utilities Commission to design and implement a program to require telephone corporations to provide a telecommunications device capable of servicing the needs of the deaf or severely hearing-impaired, together with a single party line, at no charge additional to the basic exchange rate, to any subscriber which is an agency of state government and which the commission determines serves a significant portion of the deaf or severely hearing-impaired population, and to an office located in the State Capitol and selected by the Joint Rules Committee, for purposes of access by the deaf or severely hearing-impaired to Members of the Legislature

Existing law, operative until July 1, 1989, also requires the Joint Rules Committee to provide that in the State Capitol there be available for toll-free public access a telecommunications device for the deaf or severely hearing-impared

This bill would repeal those provisions of the law which makes the foregoing inoperative on and after July 1, 1989

The bill would take effect immediately as an urgency statute

Ch 56 (SB 479) Russell Public improvements bonds

The Landscaping and Lighting Act of 1972 permits a city, county, or special district to levy assessments for the construction or installation of public improvements, as specified, for not more than 30 years Existing law also permits those entities to issue bonds, under the Improvement Bond Act of 1915, for those purposes

This bill would, in addition, permit those entities to issue bonds for those purposes under the bond provisions of the Improvement Act of 1911

Ch 57 (SB 889) Bergeson Local government records

Existing law requires books, records, and accounts of the board of supervisors to be kept at the office of the county clerk and open at all times for public inspection

This bill would instead require those books, records, and accounts to be kept in the custody of the county clerk and available for public inspection during normal business hours

Existing law permits the board of supervisors to authorize the use of various reproducing techniques to maintain copies of various board records and permits the board to authorize the destruction of various records, papers, and documents if certain conditions

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are complied with including copying by any of the specified techniques

This bill would additionally permit the recording of these records, papers, and documents on optical disks or any other medium which does not permit additions, deletions, or changes to the original document and would require that the device used to reproduce is one which accurately reproduces the original in all details and which does not permit additions, deletions, or changes to the original document image The bill would require all duplicate copies to be reproduced in compliance with specific standards in order to be deemed originals The bill would prohibit the destruction of originals when the method of reproduction is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate videotape of the images is separately maintained.

Existing law permits the city officer having custody of public records, documents, instruments, books, and papers to destroy them and permits the legislative body of a special district to authorize the destruction of specified records, papers, or documents, additionally if certain conditions, including reproduction as specified, are met

This bill would permit the reproduction to be made by electronically recorded video images on magnetic surfaces recorded in the electronic data-processing system, recorded on optical disk or reproduced by any other medium which does not permit additions, deletions, or changes to the original document images and would require that the device used to reproduce is one which accurately reproduces the original in all details and which does not permit additions, deletions, or changes to the original document image This bill would require that every reproduction shall be deemed to be an original record, and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy of the original

Ch 58 (AB 382) Floyd Horseracing thoroughbred breeder awards

Under existing law, 0 4 of 1% of wagers at satellite wagering facilities on thoroughbred races at thoroughbred meetings are distributed to thoroughbred breeders as breeder awards

This bill would require 0 4 of 1% of wagers at satellite wagering facilities on thoroughbred races at fair meetings, mixed breed meetings, Appaloosa meetings, or quarter horse meetings to be deposited with the official registering agency of California-bred thoroughbred racehorses for distribution to thoroughbred breeders as breeder awards under designated provisions

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

Ch 59 (AB 399) Lancaster San Bernardino County

Existing law permits the board of supervisors or its purchasing agent, when the board finds that the estimated expense of any work to be done upon any county highway is $25,000 or less, to let a contract covering both work and material, or purchase the materials and let a contract for doing the work, or purchase the materials for doing the work, or purchase the materials and do the work by day labor, without calling for bids

This bill would alternatively permit the Board of Supervisors of San Bernardino County or its purchasing agent, to make those contracts without calling for bids, when the board finds that the estimated expense of any work to be done upon any road which is not within the county-maintained system but is maintained by a county service area with road maintenance powers, is $25,000 or less

This bill would state that these provisions constitute necessary special legislation

Ch 60 (AB 579) Jones Fire safety standards state responsibility area lands

Existing law requires the Department of Forestry and Fire Protection to adopt minimum fire safety standards for construction approved within state responsibility areas after July 1, 1989

This bill would instead require the department's fire safety standards to apply to construction approved within state responsibility areas after January 1, 1991

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

Ch 61 (AB 660) Killea District elections

(1) Under existing law water districts organized under the California Water District

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Law are landowner voting districts, but the voting procedure may be changed to that of a resident voting district under specified circumstances

This bill would clarify that district elections shall be conducted in conformity with the Uniform District Election Law and would make related technical changes

(2) Under existing law, elections for directors of municipal water districts are generally conducted in the same manner as elections for county officers

This bill would provide for the conduct of elections in the same manner as provided in the Uniform District Election Law and would delete specified special provisions applicable to municipal water district elections

Ch 62 (AB 966) Harris Civil procedure court costs

Existing law provides that in municipal or justice court, when a prevailing plaintiff recovers less than the amount prescribed by law as the maximum limitation upon the jurisdiction of the small claims court, the following shall apply (1) when the party could have brought the action in the small claims court, the court may, in its discretion, allow or deny costs to the prevailing party, or may allow costs in part in any amount as it deems proper, and (2) when the party could not have brought the action in the small claims court, costs and necessary disbursements shall be limited to the actual cost of the filing fee and the actual cost of service of process, subject to specified requirements

This bill would also allow the award of reasonable attorney fees when the party could not have brought the action in small claims court, and attorney fees are otherwise specifically allowed by law as costs

Ch 63 (AB 977) La Follette Crimes

Under existing law, there is in state government a State Suppression of Drug Abuse in Schools 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

This bill would grant the designated representative of an appointive committee member the right to vote and to be counted toward a quorum of the committee

Existing law also discourages the use of funds received by local law enforcement agencies and school districts under the Suppression of Drug Abuse in Schools Program for personnel costs, except that local law enforcement agencies may use the funds for personnel costs incurred during overtime hours

The bill would also delete the above-specified exception for personnel costs incurred during overtime hours

Ch 64 (AB 1066) Mojonnier Boating Colorado River Crime Enforcement Compact

Under existing law, the Colorado River Crime Enforcement Compact provides for the concurrent criminal jurisdiction of California and Arizona, with respect to crimes established in common between the 2 states, on the Colorado River and any lakes formed by it or a part of it which form a common boundary between the states

This bill would specify that the compact does not apply to specified provisions of law relating to registration of vessels

Ch 65 (AB 1175) W Brown Local government finance trial court funding

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. Existing law further provides that in each county with qualifying cities, as defined, the auditor 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 Existing law provides for a formula based generally upon a 7-year phase-in of the allocations, and further provides for special adjustments for Ventura, Mono, Riverside, and San Mateo

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Counties

This bill would provide that, notwithstanding any other provision of law, commencing with the 1989–90 fiscal year and each fiscal year thereafter, in any given year the amount of property tax revenues allocated to a qualifying city in the County of Santa Clara shall not exceed 55% of the amount that the formula would otherwise require for allocation.

This bill would make legislative findings on the necessity for a special statute.

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

Ch 66 (AB 1241) Lempert Minors' hours of employment.

Existing law prohibits the employment of a minor before 5 a m or after 10 p.m in the evening, with certain exceptions.

This bill would specify that these prohibitions apply on any day preceding a schoolday, as defined, and would also declare that it is declaratory of existing law

Ch 67 (AB 1247) Mountjoy Municipal elections nomination papers incumbents.

Under existing law, if nomination papers for an incumbent officer of a city are not filed by 5 p m on the 68th day before the election, the voters have until 5 p.m on the 63rd day before the election to nominate candidates other than the person who was the incumbent on the 68th day for the elective office.

This bill would provide in these circumstances that if nomination papers for an incumbent officer of a city are not filed, the voters have until 5 p m on the 63rd day before the election to nominate candidates other than the person who was the incumbent on the 68th day for that incumbent's elective office.

Ch 68 (AB 1250) Bader Property taxation tax-defaulted property

Existing property tax law requires the county tax collector to publish, as specified, annually on or before September 8, an affidavit of tax default and a list of all real property that is in default because taxes, assessments, penalties, and costs have not been fully paid

This bill would require that the affidavit of tax default and the list of real property in default be published on or before September 8 of the year following the date of default in any county that mails delinquent notices to the assessees of record before June 30

Existing property tax law provides that if property on the published delinquent list is redeemed, the information relating to the property may be omitted from any subsequent publications

This bill would provide that if tax-defaulted property is redeemed, the information relating to the property may be omitted from any publication

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

Ch 69 (AB 2294) Chandler. County governments budgets

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 extend the date for commencement of the hearing, for the 1989–90 fiscal year only, to September 18, 1989, and would require the hearings to be completed and the final budget to be adopted on or before October 2, 1989

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

Ch 70 (SB 19) Watson Family day care homes

(1) Existing law provides for the licensure and regulation of family day care homes which provide care for children Existing law also provides for the repeal of this law, effective July 1, 1989

This bill would extend the date of the repeal of the above law until July 1, 1993

(2) Existing law defines a large family day care home as a home which provides family day care to 7 to 12 children, including children who reside at the home, as defined, and a small family day care home as a home which provides family day care to 6 or fewer children, including children who reside at the home, as defined

This bill would limit the inclusion of children who reside at the home to children

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under the age of 10 years.

This bill also would require the State Director of Social Services to authorize the Counties of Ventura and Placer to operate a pilot project for a period not to exceed beyond June 30, 1992, to test the feasibility of permitting 2 additional schoolage children to be cared for in family day care homes. In those counties, upon authorization from the director, a large family day care home would be authorized to provide care to up to 14 children if 2 of the children are 6 years of age or older, as specified. The bill would require the department to submit an evaluation of the pilot project to the Senate Health and Human Services Committee and the Assembly Human Services Committee of the Legislature by March 1, 1992, as specified. This bill would provide that provisions providing for the pilot project shall be repealed on July 1, 1992.

(3) Existing law requires small family day care homes to contain a fire extinguisher, a smoke detector device, or both, as specified.

This bill would require them to contain both a fire extinguisher and a smoke detector device, as specified.

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

Ch 71 (SB 466) Davis Bail

Under existing law, no order discharging the forfeiture of the undertaking or deposit of bail shall be made without notice by the bail to the district attorney or prosecuting attorney, unless the latter official has waived the notice requirement.

This bill would specify that the notice may be given by the surety insurer, its bail agent, the surety, or the depositor of money, any of whom may give the notice and appear either in person or by an attorney.

Ch 72 (AB 1010) Eastin Solid waste definitions

Under existing law, for purposes of the Solid Waste Disposal Site Hazard Reduction Act of 1987, solid waste landfill is defined to exclude a facility which receives only wastes generated by the landfill owner or operator in the extraction, beneficiation, or processing of ores or minerals.

This bill would also exclude a facility which receives only nonhazardous wood waste derived from timber production or wood product manufacturing.

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

Ch 73 (AB 335) Roybal-Allard Adult education

Existing law provides for the sunset and inoperation of various categorical programs on June 30, 1989, including adult education.

This bill would delete adult education from the list of programs that will become inoperative on June 30, 1989. This bill would create a new inoperative date of June 30, 1994, for adult education programs, thereby imposing a state-mandated local program.

The bill would require the State Department of Education and the Legislative Analyst to review and report upon the adult education program authorized pursuant to specified provisions of existing law. The bill would require the State Department of Education to submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1994. The bill would also require the Legislative Analyst to submit his or her report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report.

The California Constitution requires the state to reimburse local 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, but would recognize that a local agency may pursue any available remedies under existing law.

This bill would incorporate additional changes proposed by AB 370, AB 1901, and SB 230, to be operative only as specified.

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

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Ch 74 (AB 347) Floyd Horseracing· license fees satellite wagering facilities

(1) Under existing law, the revenues from license fees payable to the state from satellite wagering facilities located at fairs are required to be deposited in a separate account in the Fair and Exposition Fund, which account is continuously appropriated to the Department of Food and Agriculture for special fair purposes, including repayment of bonds and debt service Under existing law, the revenues from license fees distributed to the state from wagers at satellite wagering facilities will be increased by ½ of 1% for meetings commencing after July 1, 1989, if the California Horse Racing Board determines that the total revenues from horseracing for deposit in the General Fund for the 1988–89 fiscal year do not equal or exceed $115,000,000 Existing law also requires that license fees distributed to the state from wagers at satellite wagering facilities be increased by ½ of 1% in each fiscal year after the 1989–90 fiscal year that the total revenues from horseracing for deposit in the General Fund do not equal or exceed $115,000,000

This bill would repeal that provision regarding the increase of revenues from license fees distributed to the state, and require that ½ of any revenue accumulated in the separate account in that fund in excess of $11,000,000 in any fiscal year be transferred to the General Fund

(2) Under existing law, which remains in effect only until January 1, 1990, the board, with approval of the department, may authorize any fair in Kern or Santa Barbara County to operate, as prescribed, a satellite wagering facility even though the fair is not licensed to conduct a racing meeting

This bill would extend the termination date of that provision until January 1, 1993, and make a declaration of legislative intent regarding periods of time between post times at satellite wagering facilities

(3) Existing law requires that specified amounts from horseracing revenues received by the board pursuant to designated provisions be paid into the Fair and Exposition Fund

This bill would require that ½ of any revenue paid into the Fair and Exposition Fund in excess of $13,000,000 in any fiscal year be transferred to the General Fund

(4) The bill would revise provisions governing repayment of bonds issued for specified improvements at a fair's racetrack inclosure or satellite wagering facilities at fairs

(5) The bill would incorporate additional changes in Sections 19596 5 and 19596 6 of the Business and Professions Code, proposed by AB 382, to be operative only if AB 382 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

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

Ch 75 (AB 581) Wright Mentally disordered persons

Existing law requires that the State Department of Mental Health 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

Existing law requires 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

Existing law provides that the contracts for a county interagency system shall be exempt from the requirements of the Public Contract Code and the State Administrative Manual and shall be exempt from approval of the Department of General Services

This bill would extend this exemption to contracts for an integrated service system, and for client and cost outcome evaluation.

Existing law requires that no later than July 1 1988, or April 1 of each year thereafter, each county that wishes to participate in this program shall have a program proposal.

This bill would change this date to July 1 of each year

Existing law requires that the proposal to operate a pilot agency shall include, among other things, a plan for services to members following a first psychotic break including assignment of a case manager

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This bill would, instead, require the plan for services to include, among other things, the assignment to a staff team, as defined.

Existing law authorizes advance payments to these programs not in excess of 25%, and requires that advance payments be paid when performance pursuant to stipulation of the contract has been affirmed by the department

This bill would specify that the requirement for affirmance by the department shall not apply to the first advance payment

This bill would make other technical changes in the wording of these, and related provisions

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

Ch 76 (AB 712) Moore Public utilities women and minority business enterprise development programs. report

Under existing law, the Public Utilities Commission is required to provide an annual report to the Legislature in January of each year on the progress of activities undertaken by each electric, gas, and telephone corporation with gross annual revenues exceeding $25,000,000 in the implementation of women and minority business enterprise development programs

This bill would change the date the report is made to the Legislature to September 1 of each year

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

Ch 77 (AB 2171) Eastin Public social services GAIN

(1) Existing law provides through the Greater Avenues for Independence (GAIN) program for an employment and training services program for Aid to Families with Dependent Children (AFDC) recipients, which is administered by each county welfare department in conformance with regulations adopted by the State Department of Social Services Applicants for, or recipients of, aid are required to register for the program, with the exception of, among others, parents caring for children under the age of 6 years and children attending school full time These persons may, however, volunteer for the program

This bill would, instead, provide until January 1, 1991, that a parent with a child under the age of 3 years would not be required to register for the program, except that any parent who is 18 or 19 years old and who has not earned a high school diploma or its equivalent and whose child is under 3 years of age, would be required to participate solely for the purpose of earning a high school diploma or its equivalent The bill would also provide that a person primarily responsible for the care of a child aged 3 to 5 years, inclusive, would be required to participate for no more than 20 hours per week, and only if child care is guaranteed

This bill would, until January 1, 1991, make various changes in the eligibility, deferral, and exemption provisions concerning pregnant women and mothers of infants, including mothers aged 18 and 19 years, as well as other parents and caretaker relatives The bill would, in addition, require counties to provide specified information to AFDC applicants regarding the program, would specify mandated activities for those required to register, and would provide for voluntary participation for certain individuals currently excluded from the program The bill would also provide, as specified, for the development of preliminary employability plans for registrants

(2) Under the GAIN program, the job services component includes supervised and unsupervised job search activities by participants, as specified

This bill would, until January 1, 1991, require that participation in job search activities be limited to 8 weeks in any 12 consecutive month period, with certain exceptions

(3) Under the GAIN program, a participant may be provided with advanced preemployment preparation, as defined, with the number of hours a person participates in an assignment determined by adding the person's grant, less child support paid to the county, and his or her food stamp allotment and dividing by the average hourly wage for all job orders placed with the Employment Development Department

This bill would, until January 1, 1991, remove a person's food stamp allotment from the formula for determining the required hours of participation In addition, the bill

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would require that the hours be recomputed if a person participates in an assignment for 9 months, according to a specified formula

(4) Under the GAIN program, a participant is subject to specified sanctions, including money management services and financial sanctions, for failure or refusal to participate in a program component, if specified conciliation efforts have failed Voluntary program participants are not subject to money management services or financial sanctions, but are precluded from participating in the program for a period of 6 months, in the event of noncompliance

This bill would, until January 1, 1991, specify that money management services shall constitute an extension of formal conciliation, subject to federal approval, and would also revise the criteria used in imposing financial sanctions on participants failing or refusing to participate in a program component This bill would provide for notice, as specified, to the spouse of the noncomplying participant of his or her own opportunity to participate It would provide, in addition, that voluntary program participants who fall into specified preferential categories shall, in the event of noncompliance, not be given priority so long as other individuals are actively seeking to participate

(5) Under the GAIN program, a person is not subject to sanctions for failure to participate for good cause Good cause includes cases in which the person's grant is greater than the postemployment income would be if the job offer were accepted. "Postemployment income" is defined as any unearned income plus the gross earnings from the job offered, less specified salary deductions, the cost to participant of health insurance premiums, child care, transportation, and other mandatory work-related expenses, and the cash equivalent value of the difference between the assistance food stamps and the nonassistance food stamps for which the participant is eligible

This bill would, until January 1, 1991, define "postemployment income" as any unearned income plus the gross earnings from the job offered, less specified salary deductions, transportation, and, under certain conditions, child care

(6) Because this bill increases the pool of potential GAIN participants, requires various new evaluations regarding a participant's eligibility, and requires information to be provided to applicants, this bill would impose a state-mandated local program on the counties implementing 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, 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 78 (SB 191) Ayala County service areas: fire protection services

Existing law authorizes a county service area to provide fire protection services among other services

This bill would permit the county board of supervisors to recover the costs of fire protection services provided by the county service area in the same manner as a fire protection district board

Ch 79 (SB 1493) Montoya Civil actions summons

Existing law requires that the summons in a civil action directed to a defendant contain an introductory legend, in boldface type, at the top of the summons above all other matter, which states in both English and Spanish that the defendant has been sued and that the court may decide against the defendant unless he or she responds within 30 days The legend also notifies the defendant to read the information below Existing law also provides that each county, by ordinance, may require that this legend be set forth in every summons issued out of the courts of that county in any additional foreign language, as specified These provisions become inoperative on July 1, 1989

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This bill would delete this inoperative date

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

Ch 80 (AB 1009) Condit Drivers. implied consent blood testing

Under existing law, a person is deemed to have consented to chemical testing of his or her blood, breath, or urine to determine the alcoholic content of the blood if the person is lawfully arrested for driving while under the influence of an alcoholic beverage, any drug, or a combination of an alcoholic beverage and any drug, driving with an excessive blood-alcohol concentration, or driving while addicted to any drug Existing law also specifies the persons who may withdraw blood for the purposes of that chemical testing

This bill would add unlicensed laboratory personnel, as specified, to those persons who may withdraw blood for purposes of that testing

Ch 81 (SB 230) Roberti Educational programs

Existing law requires the governing board of a public or private agency, as defined, providing a child care and development program to only employ persons holding child care and development permits issued by the Commission on Teacher Credentialing, unless that requirement is waived pursuant to specified provisions of existing law Existing law requires that persons holding a credential authorizing teaching service in elementary schools who have prescribed course credits and experience, and persons holding single subject credentials in home economics with prescribed course credits and experience, shall be deemed to hold a regular child care and development permit that will authorize supervision and instruction or supervision of a child development program

This bill would require all child development programs to include a career ladder for classroom staff This bill would authorize persons 18 years of age and older to be employed as aides and to be eligible for salary increases upon the completion of additional semester units in childhood education or child development The bill would authorize individuals with 6 semester units in early childhood education or child development with prior field experience who pass a field-based assessment, to be employed on a provisional basis

This bill would authorize persons meeting prescribed course credit and experience and persons holding a children's center instructional permit with prescribed course credits to be employed as teachers under an emergency permit

This bill would encourage the governing board of each contracting agency offering child development programs to provide teachers and aides with salary increases for the successful completion of 6 semester unit increments of early childhood education or child development

Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs, including, among others, child development and preschool programs These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise If the Legislature does not enact that legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative The provisions governing child care and preschool programs will cease to be operative on June 30, 1989

This bill would extend the program termination date for child development and preschool progams to June 30, 1994 This bill would impose a state-mandated local program by thereby extending the period of time over which provisions of the program that impose duties on school districts and other local agencies will apply

This bill would require the State Department of Education to contract with an independent contractor for a study, as prescribed, on the impact on the quality on programs for adult-to-child ratios of 1 8, 1 9, and 1 10 in child development classrooms for children 3 to 5 years of age The bill would require the study to be submitted in a report to the Legislature on or before January 15, 1992 The bill would require the Superintendent of Public Instruction to grant waivers from the prescribed adult-to-child ratios for the 3-year period of the study to contractors requesting permission to participate voluntarily

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in the study

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

This bill would incorporate additional changes proposed by AB 335, AB 370, and AB 1901, to be operative only as specified.

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

Ch 82 (SB 98) Hart Education finance

The California Constitution, as amended by Proposition 98 on November 8, 1988, among other things, establishes a constitutionally guaranteed minimum level of state funding for school districts and community college districts

Under existing law, as added by Proposition 98, state revenues in excess of the state's appropriations limit, up to a specified amount, are required to be transferred and allocated to Sections A and B of the State School Fund in proportion to the enrollment in school districts and community college districts, respectively Existing law requires that each district's appropriations limit be annually increased by the amount of this allocation The amount of this allocation does not become part of the district's appropriations subject to limitation Funds allocated under this provision are required to be expended solely for instructional improvement and accountability, as specified

This bill would define terms and phrases for purposes of the constitutional provisions described above, including defining, as "state general fund revenues appropriated for school districts and community college districts," and as "money to be applied by the state for the support of school districts and community college districts," funds appropriated for the Child Care and Development Services Act

The bill would require that any calculation of moneys to be applied for support of school districts and community college districts, under the constitutional provisions summarized above, be made as a single, aggregate calculation, except as specified. The bill would make various statements of legislative intent concerning the particular methods of recalculation to be used to implement these new constitutional and statutory provisions enacted by the adoption of Proposition 98

The bill would specify that its provisions shall not be construed to require the allocation of funds to school districts or community college districts in excess of the amount required pursuant to Proposition 98

Existing law requires that any proposal for reorganization of school districts include a computation of the revenue limit per unit of average daily attendance for the proposed new district

This bill would revise the computation of the revenue limit for purposes of reorganization of school districts These provisions would become operative on July 2, 1989, and would be required to be used for any reorganization or realignment of a school district on or after that date

The bill would require the Director of Finance and the Superintendent of Public Instruction and the Chancellor of the California Community Colleges, respectively, within 9 months following the end of any fiscal year, to recalculate, as necessary, and certify all actual data pertaining to school districts and community college districts, respectively, for the prior fiscal year If the amount of funding required to be appropriated to school districts and community college districts to meet the minimum level of state funding requirements is not appropriated within 90 days, that amount would be required to be allocated by the Controller, as specified

The bill also would require the budget that is required to be submitted by the Governor to include a section that specifies the percentages and amounts of General Fund revenues that must be set aside and applied for the support of school districts, communi-

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ty college districts, and direct elementary and secondary level instructional services provided by the State of California as required by the constitutional provisions described above relating to the minimum required level of state funding

Existing law sets forth a method under which the Superintendent of Public Instruction makes apportionment adjustments from Section A of the State School Fund to compensate for any excess or deficiency received by a school district from that source, not later than the third succeeding fiscal year from the fiscal year in which the computational error was made.

This bill would require that the adjustments be made not later than the first succeeding fiscal year from the fiscal year in which the error was made, and would require the Chancellor of the California Community Colleges to make those adjustments with regard to apportionments from Section B of the State School Fund

Existing law requires the Superintendent of Public Instruction to apportion to certain school districts and county superintendents of schools a transportation allowance from Section A of the State School Fund

This bill would require the Superintendent of Public Instruction to apportion funding to each school district or county superintendent of schools for transportation services for the 1989–90 fiscal year as prescribed

Existing law requires that each county superintendent of schools make specified calculations to determine a revenue limit for each school district in the county Existing law requires that this calculation include an equalization adjustment for the 1985–86 and 1986–87 fiscal years

This bill would require that the calculation include an equalization adjustment for the 1989–90 fiscal year

This bill would also establish a program to allocate supplemental grants to fund designated program purposes for school districts that are receiving less than average funding from existing state programs

The bill would authorize the Superintendent of Public Instruction to award grants of no more than $15,000 per school district for the implementation of individual school safety plans, as specified

In addition, the bill would authorize the Office of Criminal Justice Planning to allocate funding for alcohol and drug abuse prevention, intervention, and suppression programs implemented jointly by school districts and local law enforcement agencies.

Existing law directs the Superintendent of Public Instruction to annually compute an inflation adjustment pursuant to a specified formula

This bill would specify that certain school district funding entitlements be annually increased by the amount of that adjustment with regard to designated programs, including prisoner education, meals for needy pupils, adult education, and instructional materials funding The bill would also substitute a revised annual inflation adjustment for state funding for designated educational programs

Existing law requires the Superintendent of Public Instruction to make the prescribed calculations for the purpose of determining state gross need, for purposes of impact need allocation Existing law provides that the average excess cost of education for impact aid is $440 for the 1979–80 fiscal year and is to be adjusted for 6% inflation each year thereafter

This bill would change the average cost of education for impact aid to $565 36 for the 1989–90 fiscal year

Existing law requires school districts that allocated funds to secondary schools in the 1982–83 fiscal year, under the economic impact aid program, to continue to allocate these amounts in subsequent fiscal years

This bill would delete this requirement

This bill would also revise the economic impact aid entitlement of school districts based on concentrations in each district of economically disadvantaged pupils, as defined

Existing law establishes provisions for the implementation of Article XIII B of the California Constitution with respect to expenditure limitations by state and local jurisdictions Formulas are established to determine the appropriations limit by the state and

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existing local jurisdictions for the fiscal years and for new cities incorporated after the enactment of Article XIII B

Existing law requires school district budgets and community college district annual financial and budget reports to show proposed expenditures, estimated revenues, and comparisons with the last fiscal year, and requires those budgets and reports to include the appropriations limit and total annual appropriations subject to limitation in accordance with Article XIII B

This bill would revise the methodology of determining the appropriations limit for school districts and would revise the definitions of terms in those and related provisions

Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, to school districts an amount equal to $1 for each $1 of local funds up to a maximum of ½% of the total general funds and adult education funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service, to the extent of funds available pursuant to specified provisions

This bill would revise that calculation

Existing law, contained in the Budget Act of 1988, appropriates a certain sum for transfer to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction for the purposes of educational programs funded in the 1987–88 fiscal year, for school districts and county offices of education to carry out these purposes, in lieu of amounts otherwise provided by statute

The bill would appropriate, for the 1988–89 fiscal year, $379,870,000 to Section A of the State School Fund for apportionment as specified, and $51,500,000 to Section B of the State School Fund, for apportionment, as specified

The bill would appropriate $20,000,000 to the Controller for transfer to the Instructional Materials Fund to fund instructional materials in kindergarten and grades 1 to 8, inclusive, subject to specified conditions relating to the magnitude of the state funding obligation under Proposition 98 for the 1988–89 fiscal year The bill would also place specified conditions upon the use of certain funds placed in reserve pursuant to to the Budget Act of 1989

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

Ch 83 (AB 198) O'Connell Education finance

The California Constitution, as amended by Proposition 98 on November 8, 1988, among other things, establishes a constitutionally guaranteed minimum level of state funding for school districts and community college districts

Under existing law, as added by Proposition 98, state revenues in excess of the state's appropriations limit, up to a specified amount, are required to be transferred and allocated to Sections A and B of the State School Fund in proportion to the enrollment in school districts and community college districts, respectively Existing law requires that each district's appropriations limit be annually increased by the amount of this allocation The amount of this allocation does not become part of the district's appropriations subject to limitation. Funds allocated under this provision are required to be expended solely for instructional improvement and accountability, as specified

This bill would define terms and phrases for purposes of the constitutional provisions described above, including defining as "state general fund revenues appropriated for school districts and community college districts" and as "money to be applied by the state for the support of school districts and community college districts" funds appropriated for the Child Care and Development Services Act.

The bill would require that any calculation of moneys to be applied for support of school districts and community college districts, under the constitutional provisions summarized above, be made as a single, aggregate calculation, except as specified The bill would make various statements of legislative intent concerning the particular methods of recalculation to be used to implement these new constitutional and statutory provisions enacted by the adoption of Proposition 98

The bill would specify that its provisions shall not be construed to require the allocation of funds to school districts or community college districts in excess of the amount required pursuant to Proposition 98

Existing law requires that any proposal for reorganization of school districts include

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a computation of the revenue limit per unit of average daily attendance for the proposed new district

This bill would revise the computation of the revenue limit for purposes of reorganization of school districts These provisions would become operative on July 2, 1989, and would be required to be used for any reorganization or realignment of a school district on or after that date

The bill would require the Director of Finance and the Superintendent of Public Instruction and the Chancellor of the California Community Colleges, respectively, within 9 months following the end of any fiscal year, to recalculate, as necessary, and certify all actual data pertaining to school districts and community college districts, respectively, for the prior fiscal year If the amount of funding required to be appropriated to school districts and community college districts to meet the minimum level of state funding requirements is not appropriated within 90 days, that amount would be required to be allocated by the Controller, as specified

The bill also would require the budget that is required to be submitted by the Governor to include a section that specifies the percentages and amounts of General Fund revenues that must be set aside and applied for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the State of California as required by the constitutional provisions described above relating to the minimum required level of state funding

Existing law sets forth a method under which the Superintendent of Public Instruction makes apportionment adjustments from Section A of the State School Fund to compensate for any excess or deficiency received by a school district from that source, not later than the third succeeding fiscal year from the fiscal year in which the computational error was made

This bill would require that the adjustments be made not later than the first succeeding fiscal year from the fiscal year in which the error was made, and would require the Chancellor of the California Community Colleges to make those adjustments with regard to apportionments from Section B of the State School Fund

Existing law requires the Superintendent of Public Instruction to apportion to certain school districts and county superintendents of schools a transportation allowance from Section A of the State School Fund

This bill would require the Superintendent of Public Instruction to apportion funding to each school district or county superintendent of schools for transportation services for the 1989–90 fiscal year as prescribed

Existing law requires that each county superintendent of schools make specified calculations to determine a revenue limit for each school district in the county Existing law requires that this calculation include an equalization adjustment for the 1985–86 and 1986–87 fiscal years

This bill would require that the calculation include an equalization adjustment for the 1989–90 fiscal year

This bill would also establish a program to allocate supplemental grants to fund designated program purposes for school districts that are receiving less than average funding from existing state programs

The bill would authorize the Superintendent of Public Instruction to award grants of no more than $15,000 per school district for the implementation of individual school safety plans, as specified

In addition, the bill would appropriate $16,700,000 to the Office of Criminal Justice Planning to allocate for alcohol and drug abuse prevention, intervention, and suppression programs implemented jointly by school districts and local law enforcement agencies.

Existing law directs the Superintendent of Public Instruction to annually compute an inflation adjustment pursuant to a specified formula

This bill would specify that certain school districts funding entitlements be annually increased by the amount of that adjustment with regard to designated programs, including prisoner education, meals for needy pupils, adult education, and instructional materials funding The bill would also substitute a revised annual inflation adjustment

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for state funding for designated educational programs.

Existing law requires the Superintendent of Public Instruction to make the prescribed calculations for the purpose of determining state gross need, for purposes of impact need allocation Existing law provides that the average excess cost of education for impact aid is $440 for the 1979–80 fiscal year and is to be adjusted for 6% inflation each year thereafter

This bill would change the average cost of education for impact aid to $565 36 for the 1989–90 fiscal year

Existing law requires school districts that allocated funds to secondary schools in the 1982–83 fiscal year, under the economic impact aid program, to continue to allocate these amounts in subsequent fiscal years

This bill would delete this requirement

This bill would also revise the economic impact aid entitlement of school districts based on concentrations in each district of economically disadvantaged pupils, as defined

Existing law establishes provisions for the implementation of Article XIII B of the California Constitution with respect to expenditure limitations by state and local jurisdictions Formulas are established to determine the appropriations limit by the state and existing local jurisdictions for the fiscal years and for new cities incorporated after the enactment of Article XIII B

Existing law requires school district budgets and community college district annual financial and budget reports to show proposed expenditures, estimated revenues, and comparisons with the last fiscal year, and requires those budgets and reports to include the appropriations limit and total annual appropriations subject to limitation in accordance with Article XIII B

This bill would revise the methodology of determining the appropriations limit for school districts and would revise the definitions of terms in those and related provisions

Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, to school districts an amount equal to $1 for each $1 of local funds up to a maximum of ½% of the total general funds and adult education funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service, to the extent of funds available pursuant to specified provisions

This bill would, revise that calculation

Existing law, contained in the Budget Act of 1988, appropriates a certain sum for transfer to Section A of the State School Fund, for allocation by the Superintendent of Public Instruction for the purposes of educational programs funded in the 1987–88 fiscal year, for school districts and county offices of education to carry out these purposes, in lieu of amounts otherwise provided by statute

The bill would appropriate for the 1989–90 fiscal year, $379,511,000 to Section A of the State School Fund for apportionment as specified, and $84,000,000 to Section B of the State School Fund, for apportionment, as specified

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

Ch 84 (SB 278) Boatwright Contra Costa Water District· revenue bonds

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

This bill would permit the Contra Costa Water District to sell at one or more private or public sales specified revenue bonds authorized to be issued by that district in accordance with the Revenue Bond Law of 1941 pursuant to special provisions in effect until January 1, 1997

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

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

Ch. 85 (SB 64) Campbell Adoption

(1) Under existing law, the county adoption agency or State Department of Social Services, at the time of filing a favorable report with the superior court on an adoption petition, may require the petitioners to pay a $500 fee, subject to authorizations for waiver, deferral, or reduction in certain cases, including where necessary to place a

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defined "hard-to-place child." The fee does not apply to adoptions resulting from independent placements by other than a licensed county adoption agency or the department

This bill would substitute the term "special needs child" for "hard-to-place child" in the above provisions The bill would make a similar $500 fee applicable to adoptions, other than stepparent adoptions, of children not placed for adoption by a licensed adoption agency or the department The bill would provide for waiver of this fee in certain cases The bill would specify that these fees collected by the department or county adoption agency shall be used to fund programs for adoption of children placed for adoption by other than a licensed adoption agency or the department, but shall not be used to supplant current funding for the adoption program By requiring counties to administer these funds, the bill would impose a state-mandated local program Fees collected by the department would require appropriation to enable their expenditure. The bill would require the department to determine specified impacts of the fees and to report thereon to the Legislature by January 1, 1992

The bill's authorization for these fees and related provisions would be repealed without further action of the Legislature on January 1, 1993

(2) Existing law requires the State Department of Social Services or a licensed county adoption agency to interview persons petitioning to adopt and all parties from whom the law requires consent to the adoption, within a specified time period Written consent of a natural parent to an adoption must be signed in the presence of an agent of the department or licensed county adoption agency, except that if the parent is outside the state, the consent may be notarized, as specified

This bill would authorize the petitioners for an adoption subject to the fee proposed by the bill, whether the fee is charged or waived, to request a specified court to permit the signing of the parental consent form in the presence of the court, in the event the department or licensed adoption agency fails, without good cause to make the required interviews within the statutory time limit and 10 days' notice has been given to the department or licensed adoption agency

(3) The bill's provisions would become operative on September 1, 1989

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

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 86 (SB 219) Petris Abuse records

Existing law generally provides for the confidentiality of juvenile court records and records relating to the administration of public social services

Existing law also authorizes members of multidisciplinary personnel teams, which are defined, in part, as any team of 3 or more persons as specified in certain statutory provisions, engaged in the prevention, identification, and treatment of child abuse or the abuse of elder or dependent persons, to share information and writings with one another that may also be a part of specified records if the member of the team having knowledge of that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse or the abuse of elder or dependent persons

This bill would authorize team members to exchange certain information designated as confidential under state law if believed to be generally relevant to the prevention, identification, or treatment of child abuse or abuse of elder or dependent persons, as specified It would provide that discussions relative to the disclosure or exchange of the information or writings during team meetings are confidential and testimony concerning a discussion is not admissible in any criminal, civil, or juvenile court proceeding

Because the California Constitution provides that a statute excluding relevant evidence in a criminal proceeding requires a ⅔ vote for passage by the Legislature, this bill requires a ⅔ vote

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Ch 87 (SB 639) Alquist Alcoholic beverages container size

Existing law provides that it is unlawful for any person to sell to any on- or off-sale licensee or to deliver to the licensed premises, or for the licensee to sell or have upon the premises, wine packaged or bottled in any pocket flask container of less than ⅕ gallon, as specified

This bill would change the reference of ⅕ gallon to 750 milliliters

Ch 88 (SB 685) C Greer State employees moving expenses.

Existing law provides that whenever a state officer or employee is required by the appointing power to change the place of residence, the officer, agent, or employee shall receive his or her actual and necessary moving, traveling, lodging, and meal expenses, up to a specified maximum allowance

Existing law also provides that the maximum moving allowances may be exceeded in those particular instances where the director determines in advance that the change of residence will result in unusual and unavoidable hardship for the officer or employee

This bill would instead provide that the maximum moving allowances may be exceeded where the director determines that the change of residence will result in unusual and unavoidable hardship for the officer or employee

Ch 89 (SB 891) Vuich Irrigation districts canal easements

Under existing law, an irrigation district may acquire by any means any property or interest in property to carry out its purposes

This bill would declare that whenever any irrigation district is the owner of an easement for an open canal for the transportation of water across lands not owned by it, other than as specified, the district shall have a secondary easement on each side of the open canal for the maintenance, repair, cleaning, operation, and control of the open canal, as prescribed, and would specify related matters

Ch 90 (SB 1025) Craven. State military forces

Under existing law, the state military forces which constitute the active militia consist of the California National Guard, the State Military Reserve, and the Naval Militia Federal laws and regulations governing the United States Army, Navy, Air Force, and National Guard and not in conflict with state law are adopted with respect to the state military forces

This bill would correct certain obsolete references in these provisions to former federal laws and regulations which have been superseded and revise and restate other related provisions

Ch 91 (SB 688) C Green County retirement employee-member of retirement board board-service connected injuries

The County Employees Retirement Law of 1937 provides for a 9-member retirement board in any county meeting specified conditions and includes as board members and alternates representatives of different categories of county employees

This bill would, in a provision which would be optional to counties, provide that any such retirement board member who is injured or killed while performing his or her duties as a board member shall be deemed to have been acting in the course and scope of his or her duties as an employee of the county or district employing the member, for the limited purposes of determining eligibility for workers' compensation benefits or disability or death benefits from the retirement system

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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 92 (AB 1087) Hughes School funding.

Existing law provides that the average daily attendance generated by elementary and secondary school pupils in voluntary Saturday school programs shall be eligible for summer school apportionments calculated pursuant to specified provisions of existing law if those programs meet prescribed conditions One of those conditions requires that the instruction be in core academic areas, as specified

This bill in the alternative, would require that the instruction be as specified for summer school in designated provisions of existing law or in a course that provides credit toward high school graduation

Existing law, as it would be amended by AB 198 of the 1989-90 Regular Session, would authorize the Superintendent of Public Instruction to award grants of $15,000 or less per school of an applicant school district for the implementation of individual school safety plans, as specified

This bill would reduce the maximum amount of those grants to $5,000

Existing law, as it would be amended by AB 198 of the 1989-90 Regular Session, would make various statements of legislative intent concerning the methods of calculation to be used to implement the constitutional and statutory provisions of Proposition 98 regarding state funding of school districts, as defined, and community college districts

This bill would revise those statements of legislative intent

Existing law, as it would be amended by AB 198 of the 1989–90 Regular Session, would specify that certain school district funding entitlements be annually increased, commencing with the 1988–89 fiscal year, by the amount of a specified inflation adjustment with regard to designated programs, including prisoner education, meals for needy pupils, child nutrition subsidies, adult education, and instructional materials funding

This bill would specify that those annual increases would commence, instead, with the 1990–91 fiscal year

Existing law, as it would be amended by AB 198 of the 1989–90 Regular Session, would substitute a revised annual inflation adjustment for state funding for designated educational programs

This bill would include gifted and talented education programs within the list of programs enumerated for that purpose

The bill would also make certain technical changes to provisions of law to be enacted by AB 198 of the 1989–90 Regular Session

The bill would appropriate $3,000,000 from the General Fund, and would reappropriate $5,000,000 from appropriations made by AB 198 of the 1989–90 Regular Session, to the Superintendent of Public Instruction to augment an appropriation in the Budget Act of 1989 for special education program growth allocations, as specified, for the 1989–90 fiscal year

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

Ch 93 (SB 165) as amended, Alquist 1989–90 Budget [1]

This bill would make appropriations for support of state government for the 1989–90 fiscal year

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

Vote. ⅔. Appropriation yes Fiscal committee yes State-mandated local program no

Ch 94 (AB 91) Wyman Fictitious business name statements

Existing law, operative January 1, 1989, provides that a fictitious business name statement expires 5 years from the date it was filed in the office of the county clerk

This bill would revise the provision specifying the form for the fictitious business statement to conform to the above specified provision

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

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Ch 95 (AB 183) Floyd. Alcoholic beverages.

Existing law prohibits the issuance of an alcoholic beverage license for any premises where the exercise of privileges conferred by the license is contrary to a valid zoning ordinance of any county or city The law authorizes the continued operation of any premises where the exercise of those rights and privileges were in use prior to the zoning ordinance if the premises retain the same type of license within a classification and the premises are operated continuously, as specified

This bill would provide that interruptions in operations (1) for not more than 30 days for repair of the premises or (2) for restoration of premises rendered inaccessible by an act of God or a toxic accident, shall not be deemed a break in continuous operation under specified conditions

Ch. 96 (AB 337) Clute Mortgages deeds of trust transfer of servicing of indebtedness.

Existing law requires that notice be given 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

This bill would specify that this notice must also be given to subsequent obligors and is only required when the indebtedness is secured by a mortgage or deed of trust on real property located in this state containing 1 to 4 residential units

The bill would also provide that if a notice of default is recorded or a judicial foreclosure proceeding is commenced, notice of the transfer of the servicing shall also be given to the trustee or attorney named in the notice of default or judicial foreclosure proceedings The bill would specify that the changing of the servicing agent would not invalidate a notice of default, notice of sale, or judicial foreclosure

Under existing law, a lender is required to notify the borrower at the time a note, bond, or other instrument secured by a mortgage or deed of trust on single-family residential real property is executed that upon a subsequent transfer of the servicing of the indebtedness, the existing servicing agent and the new servicing agent shall notify the borrower of this transfer, as specified

This bill would eliminate this required notice to the borrower

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

Ch. 97 (AB 402) Roybal-Allard Healing arts licensure exemptions during disaster

Existing law regulating and licensing health care practitioners exempts the providing of medical services in the case of an emergency, however, it does not specifically exempt from its licensing provisions health care practitioners licensed in another state who provide health care during a state of emergency or disaster Existing law does provide for immunity from liability for any physician and surgeon, among others, whether licensed in this state or any other state, who provide services during a state of emergency, as specified

This bill would provide that nothing in the provisions regulating and licensing health care practitioners applies to a health care practitioner licensed in another state or territory of the United States who offers or provides health care for which he or she is licensed, if the health care is provided only during a state of emergency, as defined, and only upon the request of the Director of the Emergency Medical Services Authority

The bill would state that a health care practitioner providing services pursuant to the above provisions shall have immunity from liability, as specified

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

Ch. 98 (AB 509) Floyd Loans

Existing law, with respect to the laws governing personal property brokers and consumer finance lenders, defines "charges" as excluding, among other things, actual fees not exceeding $150 paid in connection with the repossession of a motor vehicle to certain repossession agencies, as specified

This bill would increase the $150 maximum limitation to $250 with respect to those

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fees

Ch 99 (AB 946) Eastin Public construction contracts San Francisco Bay Area Rapid Transit (BART) District

Existing law prohibits, with respect to competitively bid local public agency building or construction contracts, certain practices relating to insurance or surety requirements.

Existing law exempts from these prohibitions the construction of any exclusively public mass transit guideway project in any county with a population exceeding 6,000,000, or in the County of Santa Clara

This bill would add the City and County of San Francisco and any exclusive public mass transit guideway project undertaken by San Francisco Bay Area Rapid Transit (BART) District to this exemption

Ch. 100 (AB 1426) Roybal-Allard Telephones automatic dialing-announcing devices

Under existing law, whenever telephone calls are placed through the use of an automatic dialing-announcing device, the device is required to be operated by a person who is required to do specified things

This bill would also require that an unrecorded, natural voice announcement be made to the person called by the person calling

Ch 101 (AB 1499) Sher State Energy Resources Conservation and Development Commission

Under the Warren-Alquist State Energy Resources Conservation and Development Act, any aggrieved person is authorized to obtain judicial review in superior court of a determination by the State Energy Resources Conservation and Development Commission and the court is authorized to review the record and any relevant facts to determine the validity of the decision

This bill would delete the specific authority to review any relevant facts and would otherwise recast the court's authority to require that the decision of the commission be sustained unless the court makes specified findings

The bill would state that those provisions are declaratory of existing law.

Ch 102 (SB 544) Dills Veterans' memorial facilities dedication

Under existing law, a county may provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of one or more veterans' associations

This bill would specify that the provision of those facilities and their acceptance by a veterans' association constitutes a dedication to a public purpose and that the county may not revoke the dedication, so long as the veterans' association has not violated the terms and conditions of the dedication, unless it dedicates substitute facilities or unless the veterans' organization has either consented to the proposed county action or has abandoned its use of the facilities The bill would declare that its provisions are intended to codify the holding in Gridley Camp No 104 v Board of Supervisors, 98 Cal App 585

Ch. 103 (SB 687) C Green State employees

Existing law provides that whenever the State Personnel Board finds that pay data was furnished to the board on the basis that the source remain confidential, the source shall not be open to the public or admissible as evidence in any action or special proceeding

This bill would repeal this provision

Existing law provides that no state agency shall employ any legal counsel other than the Attorney General in any matter in which the agency is interested, and whenever any law authorizes any state agency to employ legal counsel other than the Attorney General, it shall be construed to refer to the Attorney General

Existing law provides that, with the approval of the board, an employee may be transferred from a position in one class to a position in another class involving substantially the same level of duties, responsibility, and salary, but requiring additional or different special requirements, and provides that any transfer of an employee from a

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position in a lower class to a position in a higher class is a promotion and any transfer of an employee from a position in a higher class to a position in a lower class is a demotion, and may be accomplished only in the manner provided for making promotional or demotional appointments

This bill would delete these provisions, and would instead provide definitions for the terms "promotion," "demotion," and "transfer."

Existing law provides that all state agencies shall use for civil service positions standard employment forms developed by the State Personnel Board. Existing law also provides that the board may approve the use of a nonstandard form based upon a petition of necessity from a requesting state agency.

This bill would provide that the board, or an appointing power designated by the board, may approve the use of a nonstandard form if the information requested on the form is job-related and the forms and procedures used conform to state and federal law. This bill would require that nonstandard forms approved for use by a designated appointing power be transmitted to the board accompanied by a petition of necessity from a requesting state agency.

Existing law provides that when the Legislature, in the Budget Act, authorizes a specified number of positions in a specified class in a specified agency, the board shall approve the appointment of qualified persons to those positions.

This bill would instead provide that when the Legislature so authorizes those positions, the Department of Personnel Administration shall approve the allocation of those positions to classes.

Existing law provides that if a civil service employee enters the military service while serving a probationary period, and following his return satisfactorily completes the probationary period, the probationary period shall be considered to have been satisfactorily completed on the date on which it would have been completed had he remained in the position without interruption.

This bill would repeal this provision.

Existing law requires each state department to either adopt the existing policy of the board on smoking, or adopt their own policy on smoking.

This bill would instead require each state department to adopt a policy on smoking.

Existing law provides for a hearing in a disciplinary proceeding against a state employee before a hearing officer, who is required to prepare a proposed decision, which may be adopted by the board in its entirety, or may be reduced in part and adopted in part by the board.

This bill would, in addition, permit the board to remand the proposed decision.

Existing law permits the board to conduct and evaluate demonstration projects, and requires that each demonstration project involve not more than 1,500 individuals other than individuals in any control groups necessary to validate the results of the project.

This bill would delete the limitation that each demonstration project involve not more than 1,500 individuals.

Existing law provides that process directed to any officer or employee, or the board or its members, in any action or proceeding arising under the civil service laws may be served upon any member of the board, its secretary, or its assistant secretary, and also upon the Attorney General, or one of his or her deputies.

This bill would instead provide that this process shall be served upon the office of the Chief Counsel of the board.

Existing law provides that a person shall not be discriminated against under the civil service laws because of sex, race, religious creed, color, national origin, ancestry, marital status, or physical handicap.

This bill would provide that a person shall not be retaliated against because he or she has opposed any practice made an unlawful employment practice, or made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the civil service laws.

Ch 104 (SB 1240) McCorquodale Public works

(1) Under various improvement acts, local agencies may issue bonds and levy assessments against real property to finance projects which benefit the property.

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This bill would make procedural changes in those acts

(2) Existing law sets forth various powers of community services districts

This bill would authorize the Jurupa Community Services District to exercise its powers for the purpose of installing or planting and maintaining landscaping within public street rights of-way or easements in accordance with prescribed procedures and requirements

(3) Under the Subdivision Map Act, when land which is subject to a special assessment or bond which may be paid in full is divided by the line of a lot or parcel of the subdivision, that assessment or bond is required to be paid in full or security for that payment is required to be filed with the county as trustee for the assessment bondholders

This bill would, as an alternative, authorize the responsibility for payment of the assessment to be segregated, as specified

Ch 105 (SB 300) Kopp Transportation funding revenues and expenditures

(1) Existing law declares the intent of the Legislature to utilize all state and federal funds in the State Highway Account in the State Transportation Fund to maintain specified annual funding levels for specified transportation purposes

This bill would, instead, establish a state transportation funding plan, consisting of (a) revenues in the amount of $18,500,000,000 estimated to be available for highways and public mass transit guideways for the 10-year period commencing on July 1, 1990, and (b) a plan for the expenditure of those revenues during that period

(2) Existing law prescribes a process, based upon the annual adoption of a 5-year state transportation improvement program, to program and fund transportation projects

This bill would revise that process, including revision of the components of the state transportation improvement program, based upon the adoption of a 7-year state transportation improvement program every 2 years The bill would revise program elements to be included in the State Budget with respect to expenditures for the state highway program

The bill would require the Department of Transportation to develop an interregional road system plan and would specify the routes eligible for inclusion

(3) Existing law establishes a state-local transportation demonstration program to be administered by the department, under which the state and cities, counties, and local entities would share in the cost of highway and exclusive public mass transit guideway projects pursuant to a specified procedure

This bill would designate the program as a state-local partnership program, rather than as a demonstration program The bill would declare the Legislature's intent to appropriate for the program $300,000,000 by June 30, 1990, and $200,000,000 each fiscal year thereafter The bill would redefine "eligible project" for purposes of the program, and would revise the procedures for administering the program

(4) Under the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law, a 9¢ per gallon tax is imposed on motor vehicle fuel (gas tax and diesel tax) Existing statutory formulas prescribe the allocation of specified portions of those tax revenues to counties and cities

This bill would increase the rate under the Motor Vehicle Fuel License Tax Law to 14¢ per gallon on August 1, 1990, and would further increase that rate by 1¢ each January 1 to January 1, 1994 The bill would require that 11 5% of the revenues derived from a tax over 9¢ per gallon, including the tax over 9¢ per gallon imposed under the Use Fuel Tax Law as proposed by AB 471, be allocated to counties, and the same amount to cities, as specified

(5) The fuel tax increases specified in (4), above, would become operative only if SCA 1 of the 1989–90 Regular Session is approved by the voters at the June 5, 1990, direct primary election

(6) The Sales and Use Tax Law requires the increase in money in the Retail Sales Tax Fund estimated to have been received due to the imposition of sales and use tax at the 4¾% rate and on gasoline, rather than at the 5% rate and exempting gasoline, to be transferred to the Transportation Planning and Development Account in the State Transportation Fund for appropriation for specified transportation purposes If, in any

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fiscal year, the amount transferred is less than $110,000,000, the difference is to be transferred to the account from revenues due to imposition of the sales and use tax on diesel fuel

This bill would delete that $110,000,000 limitation and would require to be transferred to the account, in addition, all sales and use tax revenues derived from that tax on diesel fuel and all sales and use tax revenues resulting from increasing, after December 31, 1989, the rate of tax imposed on gasoline under the Motor Vehicle Fuel License Tax Law

(7) Existing law requires, with respect to the amount transferred to the Transportation Planning and Development Account, as discussed in (6), above, that (a) 42% be allocated to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board, based on the ratio of the population of the area under their respective jurisdictions to the total population of the state, (b) 18% based on the ratio of the total revenues of all transit operators in the area under their respective jurisdictions to the total revenue of all operators in the state, and (c) the remaining for public transportation purposes

This bill would require, after appropriations for specified planning, training, and research purposes, that the remaining amount be allocated 50% for purposes in (c), 25% as specified in (a), and 25% as specified in (b)

(8) The bill would not become operative unless AB 471 is enacted and becomes operative.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would impose a state-mandated local program by requiring local transportation planning agencies to conform to specified transportation planning and programming requirements

The bill would provide that no reimbursement be made from the State Mandates Claims Fund pursuant to those statutory procedures for a specified reason

(10) The bill would impose a tax for purposes of Article XIII A of the California Constitution

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

Ch 106 (AB 471) Katz Transportation funding revenues and expenditures

(1) Under existing law, the Department of Transportation is required to submit annually a project delivery plan to the Governor and the Legislature that specifies various milestone dates for state highway projects for which the department is responsible for project development work and which cost more than $1,000,000 and that identifies which project met or failed to meet those dates during a federal fiscal year

This bill would require the plan to identify these projects during the fiscal year used in programming the state transportation improvement program

(2) Under existing law, the state transportation improvement program, which is adopted annually by the California Transportation Commission, lists projects to be funded by funds allocated by the commission

This bill would require the commission to allocate funds for specified state highway projects included in the 1988 State Transportation Improvement Program.

The bill would require the Department of Transportation to develop, and the commission to adopt, guidelines to implement a commuter and urban rail transit program and an intercity rail program, and to prioritize projects which can be implemented by June 30, 2001 The bill would specify the rail corridors, and the commuter and urban rail projects, eligible for allocations under those programs

The bill would require the department, in cooperation with local transportation officials, to develop guidelines to implement a Flexible Congestion Relief Program and a Traffic Systems Management Program, and financial guidelines relating to allocations to local agencies for projects in those programs

(3) Existing law requires the annual adoption of 5-year regional transportation improvement plans

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This bill would require the adoption of 7-year regional transportation improvement program each odd-numbered year

The bill would require agencies responsible for the preparation of regional transportation improvement programs to develop and annually update a congestion management program, as specified, for every county that includes an urbanized area, as defined, and to monitor the implementation of the program The bill would provide for an appeal process for a finding of nonconformance by a city or county to the commission or a multicounty transportation planning agency, as specified The bill would require the Controller to withhold apportionments to a city or county by the commission or a multicounty transportation planning agency upon being notified that the city or county is not in conformance until notified otherwise

(4) Under the Motor Vehicle Fuel License Tax Law and the Use Fuel Tax Law, a 9¢ per gallon tax is imposed on motor vehicle fuel (gas tax and diesel tax) Existing statutory formulas prescribe the allocation of specified portions of those tax revenues to counties and cities

This bill would increase the rate under the Use Fuel Tax Law to 14¢ per gallon on August 1, 1990, and would further increase that rate by 1¢ each January 1 to January 1, 1994

(5) Under existing law, in addition to vehicle registration fees, an annual fee based upon vehicle weight is imposed on commercial motor vehicles.

This bill would increase those weight fees by specified amounts on August 1, 1990, and would further increase those fees on January 1, 1995

(6) The bill would require all ballots for the June 5, 1990, direct primary election to designate SCA 1 as "The Traffic Congestion Relief and Spending Limitation Act of 1990" and to include specified information regarding SCA 1

(7) The provisions regarding the congestion management program specified in (3), above, and the fuel tax and weight fee increases specified in (4) and (5), above, would become operative only if SCA 1 of the 1989–90 Regular Session is approved by the voters at the June 5, 1990, direct primary election

(8) The bill would not become operative unless SB 300 is enacted and becomes operative

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions established procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would impose a state-mandated local program by requiring transportation planning agencies to conform to specified transportation planning and programming requirements

The bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, no reimbursement for those costs shall be made from the State Mandates Claims Fund pursuant to those statutory procedures for a specified reason

(10) The bill would impose a tax for purposes of Article XIII A of the California Constitution.

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

Ch. 107 (AB 680) Baker State transportation facilities· private construction leases.

Under existing law, the Department of Transportation is generally responsible for the design, construction, and operation of state-owned transportation facilities.

This bill would authorize the department to enter into agreements with private entities for the construction by, and lease to, private entities of 4 transportation demonstration projects, including at least one in northern California and one in southern California The bill would authorize the department to lease rights-of-way in, and airspace over or under, state highways, to grant necessary easements, and to issue permits or other authorizations to enable private entities to construct transportation facilities supplemental to existing state-owned transportation facilities, and to lease those facilities

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to the private entities for up to 35 years The privately constructed facilities would at all times be state owned. The bill would authorize those agreements to contain provisions authorizing the private entity to charge tolls for the use of the privately constructed facilities, and would require the agreements to provide for reversion of the facilities to the state at the expiration of the lease

The bill would authorize the department to exercise any power possessed by it with respect to the development and construction of state transportation projects to facilitate the development and construction of the privately constructed projects, and would require the agreements to provide for reimbursement for maintenance and police services

The bill would require the plans and specifications for a project to comply with the department's standards for state projects, and would deem a facility constructed by and leased to a private entity to be a part of the state highway system during the term of the lease

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

Ch 108 (AB 973) Costa Rail transportation projects funding bonds

Under existing law, public rail transit projects are funded from various local, state, and federal sources

This bill would enact the Passenger Rail and Clean Air Bond Act of 1990, the Passenger Rail and Clean Air Bond Act of 1992, and the Passenger Rail and Clean Air Bond Act of 1994, respectively, each of which, if adopted, would authorize, for purposes of financing acquisition of rights-of-way, capital expenditures, and acquisitions of rolling stock for intercity rail, commuter rail, and urban rail transit programs, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $1,000,000,000

The bill would provide that bonds could not be issued under the 1990 bond act unless SCA 1 is approved at the June 5, 1990, direct primary election

The bill would provide for submission of the 1990 bond act to the voters at the June 5, 1990, direct primary election, the 1992 bond act at the November 3, 1992, general election, and the 1994 bond act at the November 8, 1994, general election in accordance with specified law

Ch 109 (AB 2218) Ferguson Highway projects "fast track"

(1) Under existing law, the construction of state highway projects is carried out by the Department of Transportation

This bill would prescribe until January 1, 1997, expedited processing ("fast track") for state highway projects meeting specified criteria Under that process, the Director of Transportation would be authorized to preliminarily designate as eligible any state highway project meeting those criteria The bill would allow affected state and local agencies to object to the fast-track designation The bill would require projects to which objection has been made to be referred to a fast-track panel, comprised of a specified membership, for approval or denial of that designation Upon final designation, the department would be required, within 2 years, to complete all engineering, right-of-way acquisition, and other matters preliminary to bid advertisement for the project

(2) The bill's provisions would become operative only if SCA 1 of the 1989–90 Regular Session is approved by the voters, and would be repealed on January 1, 1997

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

Ch 110 (AB 165) Floyd Alcoholic beverages

Existing law provides that any person under the age of 21 years who produces, uses, or possesses false evidence of age and identity for the purpose of purchasing alcoholic beverages is guilty of a misdemeanor punishable by a fine of at least $200

This bill would increase that fine to at least $250 and would provide that the person may be punished by being required to perform community service, as specified, in lieu of the fine or by a combination of fine and community service

Ch 111 (AB 653) Jones Water districts. directors' compensation

Under existing law, the governing board of any water district, as defined, is authorized

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to provide compensation to members of the governing board, unless prohibited by its principal act, in an amount not to exceed $100 per day for specified services, for not more than a total of 6 days in any calendar month, subject to subsequent increases as prescribed

This bill would increase the number of days for which compensation may be authorized to a total of 10 days in any calendar month

Ch 112 (AB 791) Hannigan Alcoholic beverages: school property

Existing law, which provides exemptions from the prohibition against possessing, consuming, selling giving, or delivering to any other person alcoholic beverages in or on any public schoolhouse, defines a "performing arts facility", built on property owned by a community college district and leased to a specified nonprofit organization, as an auditorium with more than 1,000 permanent seats

This bill would, for those purposes, instead define a "performing arts facility" as an auditorium with more than 300 permanent seats

Ch 113 (SB 51) Robbins 51st District Agricultural Association

Existing law describes the boundaries of the 51st District Agricultural Association

This bill would change the boundaries of the association

The bill would delete obsolete provisions relating to property of the former 51st District Agricultural Association which was abolished on January 1, 1960

Ch. 114 (SB 618) Boatwright Nuisance. abatement by county

Under existing law, a board of supervisors of a county or the legislative body of a city may, by ordinance, establish a procedure for the abatement of a nuisance

This bill would provide that the board of supervisors of a county or the legislative body of a city may, by ordinance, provide that upon entry of a second or subsequent civil or criminal judgment within a 2-year period finding that an owner of property is responsible for a condition that may be abated in accordance with the above-mentioned procedures, the court may order the owner to pay treble the costs of the abatement, except as specified

Ch 115 (SB 1407) C Green STRS allowances Supplemental Benefit Maintenance Account

The existing State Teachers' Retirement Law establishes the Teachers' Retirement Fund which is continuously appropriated for the payment of STRS benefits, provides various benefits and various adjustments in the benefits, requires the Teachers' Retirement Board to conduct periodic actuarial investigations and valuations, and specifies the employer contribution rates

This bill, which would become effective only if SB 1513 is enacted, as specified, would establish in the Teachers' Retirement Fund a segregated account known as the Supplemental Benefit Maintenance Account which is continuously appropriated for the purposes specified in SB 1513, and repayment with interest of specified advances made from the retirement fund and any funds appropriated by Item 1920-111-835 of the Budget Act of 1989 This bill would require the annual transfer from the General Fund of percentages, which annually increase, commencing with 50% in the 1990–91 fiscal year to 2 5% in and after the 1994–95 fiscal year, of the total of prior year salaries upon which members' STRS contributions are based to the Supplemental Benefit Maintenance Account for funding supplemental payments provided by SB 1513 The Teachers' Retirement Board would be authorized to deduct from those annual state contributions an amount necessary for the administrative expenses of the supplemental payments provided by SB 1513, subject to the annual Budget Act The Teachers' Retirement Board would be required to transfer funds from the Teachers' Retirement Fund to the Supplemental Benefit Maintenance Account, commencing in the 1989–90 fiscal year, until the fiscal year in which that account contains sufficient funds to restore purchasing power of 68 2% as authorized by SB 1513 and repayment to the retirement fund of these advances and any funds appropriated by Item 1920-111-835 of the Budget Act of 1989 to provide payments under the existing Retirees' Purchasing Power Protection provision is re-

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quired, with interest from advancement or appropriation until repayment, at the regular interest rate, from those transferred annual state contributions which exceed the resources required to make the supplemental payments provided by SB 1513 Repayment would be required to commence in any fiscal year in which those excess funds exist and to continue until all those advances and any appropriation in Item 1920-111-835 of the Budget Act of 1989 are repaid This bill would also require the Director of Finance, after full repayment is made, to make adjustments in the amount of the annual General Fund transfers in the amount which causes the account balance to equal a 3-year reserve, at the end of the subsequent fiscal year The provisions providing for advances would become inoperative when the Teachers' Retirement Board and the Director of Finance jointly determine that scheduled annual state contributions are adequate to meet the purposes of the supplemental payments provided by SB 1513 This bill would express legislative intent, in establishing the Supplemental Benefit Maintenance Program, to manifest a contractually enforceable promise to fully repay the Teachers' Retirement Fund, with interest, for all the advances made therefrom and for any appropriation made in Item 1920-111-835 of the Budget Act of 1989 and would otherwise reserve the right of the Legislature to reduce or terminate the state's contributions and the distributions provided by SB 1513 This bill would, if the state's contributions are reduced or terminated before full repayment of the Teachers' Retirement Fund, immediately terminate all duties of the Teachers' Retirement Board to make the advances or the distributions provided by SB 1513 This bill would also express related legislative intent

This bill would also require the Teachers' Retirement Board, upon the mandatory inclusion of all members of STRS within the Social Security System, to review the benefit structure provided by SB 1513 and the funding mechanism provided therefor by this bill and to be prepared to provide an alternative benefit structure similar to those provided in a specified report of the system

This bill would also require the Teachers' Retirement Board to make annual related reports to the Director of Finance and the appropriate fiscal and policy committees of the Legislature

Ch 116 (SB 1513) Campbell. STRS allowances purchasing power adjustments.

The existing State Teachers' Retirement Law establishes the Teachers' Retirement Fund which is continuously appropriated for the payment of STRS benefits, provides various benefits and various adjustments in the benefits, requires the Teachers' Retirement Board to conduct periodic actuarial investigations and valuations, and specifies the employer contribution rates

This bill, which would only become effective if SB 1407 is enacted, as specified, would require annual distribution of the proceeds of the Supplemental Benefit Maintenance Account established by SB 1407 in nonvested quarterly payments, commencing September 1, 1990, to restore the original purchasing power of the initial monthly STRS allowances to retirants, disabilitants, and beneficiaries to up to 68 2%, which payments would be payable only to the extent that funds are available therefor in that account

This bill would also make the existing Retirees' Purchasing Power Protection provision inoperative in any fiscal year in which, as determined by the Teachers' Retirement Board, the distributions provided by this bill are being made

Ch 117 (SB 125) Mello California Beverage Container Recycling and Litter Reduction Act

(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 one cent The act requires at least one certified recycling center or location within every convenience zone, except that the Director of Conservation may grant specified exemptions, including an exemption for a curbside program of local agencies if certain requirements are met, including a requirement that the program recycles all types of beverage containers from households at least once every 2 weeks A recycling center is required to operate at least 30 hours per week, except that the department is authorized 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 , if the

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department makes a specified determination and considers consumer convenience and the economic impact on the center

This bill would revise the requirements for the curbside program exemption to require the program to recycle at least once every 2 weeks or twice monthly.

The bill would include additional factors which the department is required to consider when requiring a recycling center to operate 15 hours per week at times other than from 9 a.m. to 5 p.m.

(2) Existing law authorizes the department to make convenience incentive payments to operators of recycling centers. Existing law allows the department to assess a civil penalty upon violators of the act.

This bill would require the department, until January 1, 1993, to suspend making convenience incentive payments for up to 6 months, but not less than 2 months, from the date of a 3rd violation assessed within a one-year period.

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

Ch. 118 (SB 751) Royce. State Teachers' Retirement System.

The State Teachers' Retirement Law provides various benefits for members, beneficiaries, disabilitants, and retirants.

This bill would make corrective, clarifying, technical, and updating changes in various provisions to conform to current administrative interpretation and practice.

Ch. 119 (AB 641) Quackenbush. Mobilehomes: sale or transfer.

Existing law provides that an escrow, sale, or transfer agreement involving a mobilehome located in a park at the time of the sale, where the mobilehome is to remain in the park, shall contain a provision signed by the purchaser stating that by the signature he or she has agreed to the terms of a rental agreement. A copy of a fully executed rental agreement signed by both the purchaser and park management satisfies those requirements.

This bill would revise the above provision to instead provide that an escrow, sale, or transfer agreement involving a mobilehome shall contain a copy of the fully executed rental agreement.

Ch. 120 (AB 936) Hughes. Telephone corporations: disclosure of unlisted access numbers.

Existing law prohibits telephone and telegraph corporations from disclosing certain information concerning residential subscribers without the subscriber's consent, except in specified instances. This provision does not, however, specifically prohibit the disclosure of a telephone subscriber's unlisted access number.

This bill would specifically prohibit a telephone or telegraph corporation selling or licensing lists of residential subscribers from including the telephone number of any subscriber assigned an unpublished or unlisted access number, as defined, without his or her consent, except in specified instances. It would also provide that every deliberate violation of this provision is grounds for a civil suit by the aggrieved subscriber.

Ch. 121 (AB 260) Clute. County retirement systems: deductions from allowances.

The existing County Employees Retirement Law of 1937 authorizes deductions from retirement allowances or benefits from the system to be made for payments to charitable organizations approved by the board of retirement and the board of supervisors.

This bill would also authorize deductions for payments to any federally chartered veterans' organizations approved by the board of retirement and the board of supervisors.

Ch. 122 (SB 91) Robbins. Vehicles: records: convictions: reversal.

(1) Existing law requires a court or clerk to send the Department of Motor Vehicles an abstract of cases in which persons were convicted of vehicle-related offenses, as specified.

This bill would require a court or clerk to send the department an abstract of cases in which a conviction for any of those offenses was reversed, and would require the

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department to include that information in its records and reports. The bill would create a state-mandated local program by imposing new duties on clerks of local courts.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

The bill would become operative on the July 1 following the date on which the bill takes effect

Ch 123 (SB 253) Beverly State of California notes. limitations on amount

Existing law provides for the sale of notes of the State of California pursuant to specified procedures whenever the Controller determines that there are, or are expected to be, insufficient moneys in the General Fund for the payment of appropriations in the then current fiscal year

Existing law provides that the aggregate amount of these notes issued and outstanding at any one time shall not exceed 10% of the General Fund revenues as set forth in a specified report of the Controller, unless authorized by a statute adopted by a ⅔ vote of the Legislature

This bill would delete the limitation of 10% of the General Fund revenues for these bonds, and the requirement that a statute be adopted by a ⅔ vote of the Legislature to exceed the 10% limitation

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

Ch 124 (SB 297) Boatwright Delta flood protection

Under existing law, it is the intent of the Legislature to allocate $12,000,000 each year to the Delta Flood Protection Fund from specified tidelands oil and gas revenues deposited in the California Water Fund and to annually appropriate from the Delta Flood Protection Fund $6,000,000 for local assistance for the maintenance and improvement of delta levees pursuant to specified provisions and $6,000,000 for special delta flood protection projects and for subsidence studies and monitoring The Budget Act of 1988 limits the amount of tidelands oil and gas revenues deposited in the California Water Fund for the 1988–89 fiscal year to $7,200,000

This bill would reallocate $6,000,000 of that amount to the Delta Flood Protection Fund in accordance with the above legislative intent

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

Ch 125 (SB 610) Leonard Vehicle loads aggregate material.

(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, including aggregate material, as defined, to remove the material from the highway, or be subject to a civil action for the cost of the removal, as prescribed, and any other damages authorized by law Under existing law, aggregate material shall only be carried in the cargo area of a vehicle Existing law requires every vehicle used to transport aggregate materials to be equipped, among others, with center flaps and prescribes their location and requires described fenders

This bill would redefine aggregate material for these purposes by including dirt within its definition The bill would revise the provisions specifying the location of center flaps and the description of the fenders on the vehicles used to transport aggregate materials, and exempt vehicles of full rigid enclosures from the provisions requiring center flaps or shed boards

Since the failure to comply with these provisions would constitute 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

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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

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

Ch 126 (SB 1002) Beverly Vehicles· failure to appear.

Existing law authorizes court magistrates and clerks to notify the Department of Motor Vehicles whenever any person who, for a period of 15 or more days, violates a written promise to appear for violations of specified provisions of the Vehicle Code

This bill would authorize that notification to be given for any violation of the Vehicle Code except vessel, parking, pedestrian, bicycle, off-highway, and open alcoholic container violations, as specified The bill would exempt the reporting of a violation of specified provisions of existing law which is the responsibility of the owner of a vehicle from these provisions

Ch 127 (SB 1016) Montoya Correctional facilities

Existing law requires all profits earned from the sale of articles sold at a store in a county jail and 10% of all gross sales of inmate hobbycrafts to be deposited in an inmate welfare fund to be kept in the county treasury Existing law also requires the deposit in the inmate welfare fund of any money, refund, rebate, or commission received from a telephone company when the money, refund, rebate, or commission is attributable to the use of pay telephones which are primarily used by inmates while incarcerated

This bill would provide that those provisions apply to any pay telephone provider as well Thus, the bill would impose a state-mandated local program by increasing the level of service required of county government under an existing program

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 128 (SB 1154) Bergeson Community facilities.

The existing Mello-Roos Community Facilities Act of 1982 authorizes the formation of community facilities districts, and the levying of special taxes thereunder, to finance designated public and utility facilities and services Existing law requires that, for any tax year, the legislative body of the district specify, by resolution, the rate at which the tax is to apply no later than the date of the first meeting of the legislative body in July of that tax year

This bill would impose a state-mandated local program by instead requiring a certified copy of the resolution of the legislative body of the district, and a list of all parcels subject to the special tax with the tax to be levied on each parcel, to be filed by the clerk of the legislative body with the county auditor on or before the 10th day of August of that tax year, with certain exceptions

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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 129 (SB 249) Stirling Public employees disclosure of information

Existing law prohibits local agency officers, managers, and supervisors from taking a reprisal action through any act of intimidation, restraint, coercion, or discrimination

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against any employee or applicant for employment who files a complaint with a local agency Malicious violation of these provisions is a crime punishable by a $10,000 fine and imprisonment for up to one year. Existing law further provides that these provisions shall remain in effect only until January 1, 1990, and as of that date are repealed, unless a later enacted statute, which is chaptered on or before January 1, 1990, deletes or extends that date

This bill would delete the repeal date thereby extending the prohibitions contained in these provisions indefinitely The extension of these prohibitions would subject violators to criminal sanctions which would not have been in effect had the provisions been repealed thus creating a new crime The creation of a new 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 130 (SB 355) Ayala Agriculture cattle

Under existing law, the Department of Food and Agriculture regulates cattle branding.

This bill would authorize the Director of Food and Agriculture to issue a permit allowing suckling calves under specified circumstances to be branded with a brand recorded in another state, and to charge fees for issuance and inspection

Ch 131 (SB 672) Russell District agricultural associations advisory committees

Under existing law, district agricultural associations are governed by a 9-member board of directors appointed by the Governor

This bill would authorize a district agricultural association board of directors to form advisory committees composed solely of members of the board The bill would prescribe procedures for meetings of these advisory committees

Ch 132 (SB 948) Stirling Judges benefits

(1) Existing law provides that in San Diego County, in addition to any other compensation and benefits, each judge of the superior or municipal court shall receive the same life insurance, accidental death and dismemberment insurance, comprehensive physical examinations, executive flexible benefits, except as specified, and dental and vision insurance, as provided by the county for the classification of chief administrative officer, and that changes in these benefits shall be effective on the same date as for those for the classification of chief administrative officer Existing law also provides that the board of supervisors in an option county under the Brown-Presley Trial Court Funding Act may, at county cost, provide municipal court judges servicing in the county on and after October 1, 1987, with retiree health benefits equal to the retiree health benefits provided to superior court judges

This bill would add to the benefits for judges in San Diego County, subject to the approval of the board of supervisors, either long-term disability insurance or a percent of retirement contribution offset, or both, for superior court judges, as specified, and either long-term disability insurance, a percent of retirement contribution offset, or payment of retiree health benefit insurance premiums, or 2 or more of them, for municipal court judges, as specified

(2) The bill would declare that it is to take effect immediately as an urgency statute, and would also state that it is the intent of the Legislature that the foregoing benefits shall accrue as of the date of approval of these benefits by the board of supervisors

Ch 133 (SB 423) Stirling. Subdivisions soil reports engineers

Existing law requires each city, county, and city and county to enact an ordinance requiring a preliminary soils report of every subdivision for which a tentative and final map is required Existing law requires that the report be prepared by a civil engineer who is registered by the state

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This bill would permit the report to be submitted to and reviewed by the city or county engineer, as specified

Ch 134 (SB 516) Dills Alcoholic beverages tied-house restrictions.

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 However, in certain instances, holders of both a beer manufacturer's license and a winegrower's license are permitted to purchase advertising space and time from or on behalf of, an on-sale retail licensee under specified conditions, pursuant to written contract.

This bill would authorize the holder of a beer manufacturer's or winegrower's license to enter into a written contract to purchase advertising space and time from, or on behalf of, an on-sale licensee subject to certain other specified conditions, including a requirement that the on-sale licensee be the owner or lessee, or a wholly owned subsidiary of a lessee, of an arena with a fixed seating capacity in excess of 10,000 seats, at least 60% of the use of which is for horseracing events, and which is located in a county of the first class

The bill would create a new crime and thus a state-mandated local program by providing that a beer manufacturer or winegrower who coerces or employs other illegal means to induce a beer or wine wholesaler to fulfill those contractual obligations on behalf of an on-sale licensee would be guilty of a misdemeanor

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

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

Ch 135 (SB 914) Vuich Public schoolsites acquisition outside of district boundaries

(1) Existing law authorizes the governing board of any school district to acquire property, construct buildings, and maintain classes outside its boundaries on any site that is immediately adjacent to a schoolsite of the district located within its boundaries

This bill would extend this authority to include, from the operative date of the bill to June 30, 1993, the acquisition of a site outside a school district's boundaries that is acquired from an adjacent school district

(2) Existing law authorizes the governing board of any school district, with the approval of the county board of supervisors, to alternatively conduct member elections on the same day in which a primary, municipal, or general election is held in the county, as specified Existing law also requires that a governing board resolution to that effect be adopted and submitted to the board of supervisors of each appropriate county no later than 240 days prior to the date of the currently scheduled election of the district and that, within 60 days of submission, the board of supervisors approve the resolution unless it makes a prescribed finding

This bill would set forth the legislative finding that a resolution of the governing board of the Cutler-Orosi Unified School District to postpone its governing board election of November 7, 1989, for consolidation with the statewide general election, commencing on November 6, 1990, was submitted, in a timely manner, to the Board of Supervisors of Tulare County, and approved by that board, but not submitted to the Board of Supervisors of Fresno County, in which territory of the district is also located The bill would provide, pursuant to certain findings, that the resolution would not be required, as a condition of that consolidation of elections, to be submitted to, or approved by, the Fresno County Board of Supervisors

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

Ch 136 (AB 288) Clute Postsecondary education tuition and fee exemptions

Existing law, until January 1, 1992, prohibits any state-owned college, university, or other school from charging tuition or incidental fees to specified dependents of veterans, children of certain disabled United States military service veterans, and children of

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veterans killed in service or who died of a service-connected disability.

This bill would also provide a tuition and incidental fee exemption to any dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, as defined, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state

Existing law, until January 1, 1992, requires the governing board of each community college district to charge each student, except as otherwise specified, a fee of $5 per unit per semester up to a maximum of $50 per semester

This bill would also provide an exemption from the charge imposed by a community college district for the surviving spouses who have not remarried and dependents of the members of the California National Guard, as described above This bill would state the intent of the Legislature to provide adequate funding for purposes of defraying this fee for any student who, at the time of enrollment is the dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, as defined, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state To the extent that this bill imposes new requirements on community college districts, it would constitute a state-mandated local program

This bill would provide that no provision would apply to the University of California unless the Regents of the University of California adopts a resolution to that effect

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 137 (AB 355) Woodruff Minors

Existing provisions of the Arnold-Kennick Juvenile Court Law detail the procedures for declaring a minor to be a dependent child of the juvenile court

This bill would revise the law to provide that when a minor has been adjudged a dependent child of the juvenile court, as specified, no other division of any superior court, rather than no other division of the superior court, may hear proceedings, as specified, regarding the custody of the minor

In addition, the bill would provide that when the juvenile court terminates its jurisdiction over a minor who has been adjudged a dependent child of the juvenile court prior to the minor's attainment of the age of 18 years, and proceedings not only for the declaration of the nullity or dissolution of the marriage of the minor's parents, but also proceedings for legal separation of the minor's parents or proceedings to establish paternity of the minor child, as specified, are pending in the superior court of any county, rather than in the superior court of the same county, the juvenile court may issue orders directed to the parents, as specified, either enjoining actions, as specified, or determining the custody of, or visitation with, the child Because the bill would impose additional specified duties on the court clerk in this regard, 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 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 requires reimbursement pursuant to these

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constitutional and statutory provisions

Ch 138 (AB 320) Speier Contracts. weight loss and dating services cancellation

Existing law does not provide the buyer of a dating service contract or the buyer of a weight loss contract a period of time within which he or she may cancel the contract or offer

This bill would permit the cancellation of those contracts or offers until midnight of the 3rd business day after the buyer signs the agreement or offer to purchase It would require the contracts to be in writing and a copy delivered to the buyer at inception The bill would require those contracts to contain certain information and also specify the means of cancellation The bill would provide that no dating service or weight loss contract shall require financing by a buyer over a period in excess of 2 years, as specified. A buyer would also be authorized to bring an action for the recovery of treble damages, as specified.

Ch. 139 (AB 793) Floyd State military service personnel. disability benefits

Under existing law, members of the state military forces who are wounded, injured, disabled, or killed on state active duty in the line of duty are eligible for workers' compensation benefits Existing law provides that a member wounded, injured, or disabled on active duty in the line of duty remains on state active duty for 26 weeks from the date of wounding, injury, or disability, regardless of the date of expiration of the period of state active duty, unless the member becomes entitled to disability compensation from any other public employer or a private employer, is able to return to his or her regular civilian employment, or requests an earlier release from active duty If none of these events occurs, the member becomes entitled to workers' compensation following the 26-week period

This bill would increase the above period for these purposes from 26 to 52 weeks

This bill would also specifically extend these benefits to a member of the state military forces, on active duty, who is transferred by military authority to any other state or local agency for purposes of fulfilling active service requirements under a mutual aid agreement or an interagency agreement

Ch 140 (AB 922) Floyd Garment manufacturing

Existing law requires every person engaged in the business of garment manufacturing to register with the Labor Commissioner

This bill would require every person registered as a garment manufacturer to display his or her name, address, and garment manufacturing registration number on the front of his or her business, as specified

Ch 141 (AB 58) Roybal-Allard Environmental impact reports

(1) Existing law provides 3 alternative methods that a public agency may use to provide notice that an environmental impact report or negative declaration is being prepared for a project, in addition to providing notice to those that have requested it, including providing a direct mailing to owners of contiguous property shown on the latest equalized assessment roll

This bill would also require the direct mailing to be provided to occupants of contiguous property The bill would require all 3 of the existing methods of notification to be used, as well as other specified means, for projects involving a new facility for the burning of municipal wastes, hazardous waste, or refuse-derived fuel, and for projects to expand the permitted capacity, as specified, of an existing facility which burns hazardous waste

The bill would impose a state-mandated local program by imposing additional public notice requirements upon local agencies with regard to the preparation of environmental impact reports

(2) Existing law generally requires all local agencies to prepare an environmental impact report on resource recovery projects which burn municipal waste or refuse-derived fuel other than those for which the State Energy Resources Conservation and

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Development Commission has assumed jurisdiction pursuant to the Warren-Alquist State Energy Resources Conservation and Development Act.

This bill would revise that provision by requiring an environmental impact report for a project for a new facility which would burn municipal wastes, hazardous waste, or refuse-derived fuel, or for any project which would expand the permitted capacity, as specified, of an existing facility which burns hazardous waste, except as specified

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

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

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

Ch 142 (SB 24) Robbins. Telephones coin-activated

(1) Under existing law, the Public Utilities Commission is required 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

This bill would require the commission to determine, rather than find, that a violation was a significant or repeated violation The bill would require any determination by the commission leading to a termination of service to be made in accordance with commission rules or orders The bill would additionally include within those requirements a requirement that every such telephone display the address at which the telephone is located and the telephone number or other identification number, as specified, on the telephone in a place where this information may be seen by a person using the telephone 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

Ch. 143 (SB 148) Presley Counties Riverside County.

Existing law sets forth the duties of the sheriff's office and the marshal's office with respect to the courts

This bill would establish a procedure for the consolidation of those services by the Board of Supervisors of Riverside County, upon a specified finding by the board of supervisors and according to the result of an election, as specified, conducted among all the judges of the superior and municipal courts.

The bill would also provide for continuation of classifications, salaries, and benefits of the employees of the marshal's offices or the sheriff's office in the event of consolidation, as specified

The bill would state that these provisions constitute necessary special legislation

Ch 144 (SB 1555) Robbins Crimes

(1) 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, as specified Existing law authorizes the diversion for education, treatment, or rehabilitation, instead of criminal prosecution, of a person who violates those provisions, as specified

This bill would correct an erroneous cross reference to clarify which defendants are eligible for parental diversion

(2) Existing law prescribes the punishment applicable to any person who is convicted of a felony or misdemeanor which is committed or attempted to be committed for the

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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 1-, 2-, or 3-year sentence enhancement applicable to the commission or attempted commission of a felony in furtherance of these objectives. Existing law also provides that the court may strike the additional punishment for those enhancements in unusual cases where the interest of justice would best be served, as specified.

This bill would recast, without substantial change, those provisions relating to the punishment provided for those felonies, and, with respect to the provisions currently relating to misdemeanors, would limit those provisions to public offenses punishable as misdemeanors or felonies The bill would, as to those latter provisions, authorize the court to refuse to impose the minimum jail sentence in unusual cases where the interest of justice would best be served, as specified

Ch 145 (AB 358) Felando State forestry firefighters civil service examinations career credits

Existing law accords career credits to competitors in certain civil service examinations who meet specified conditions

This bill would accord 3 career credits to certain seasonal, limited term, or permanent intermittent firefighters who have worked in specified firefighter and related job categories, full time for 3 months with the California Department of Forestry and Fire Protection since January 1, 1979, and who attain a passing mark in open, nonpromotional examinations for specified firefighter and related job categories

Ch 146 (AB 434) N Waters State property

Existing law provides that the Director of General Services, absent any express prohibition and with the consent of the state agency concerned, may let state-owned real property for a period not to exceed five years if he or she deems the letting to be in the state's best interest

This bill would provide, notwithstanding existing provisions, that the Director of General Services, with the consent of the Department of Corrections, may lease, as specified, to the City of Folsom for purposes of a water reservoir an approximately 1½ acre parcel located within Folsom State Prison for a period not to exceed 50 years This bill would also provide that the consideration shall be payable solely in cash and that the lease be subject to review every 5 years, as specified

Ch 147 (AB 467) Mojonnier Vehicles vessel trailers

Existing law authorizes dealers to display vehicles at fairs, expositions, or exhibits without receiving a branch license if no actual sales are made at those events

This bill would permit vessel dealers to sell trailers in conjunction with vessels at those events

Ch 148 (AB 503) Chandler Public liability

Existing law requires that a copy of a petition requesting leave to file a late claim against a local public entity or the state and the written notice of hearing shall be served not less than 10 days before the hearing on (1) the clerk, secretary, or board of the local public entity, or (2) the State Board of Control or its secretary, if the respondent is the state

This bill would instead require that the petition and notice be served before the hearing, as specified, and that the service be made on the Attorney General, if the respondent is the state

The bill would also provide that service of the petition and notice may be made on either the Attorney General or the Director of Transportation, if the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation

Ch 149 (AB 568) Eaves County Employees Retirement Law of 1937 postretirement death benefits

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An existing provision of the County Employees Retirement Law of 1937, which will be repealed on January 1, 1990, permits a county to increase a specified postretirement death benefit from $750 to $1,000, and provides that in any county which elects specified alternative financial provisions, these postretirement death benefits shall be paid from the Supplemental Retiree Benefits Reserve

This bill would delete the repeal and thereby make this provision permanent

The continuation of this 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 150 (AB 575) Harvey Bail

Existing law provides for release on bail pending an appeal from a conviction of an offense not punishable by death under specified conditions Existing law provides that the order releasing the defendant on bail shall be made if the defendant demonstrates, among other things, by clear and convincing evidence, that he or she does not pose a danger to the safety of any other person or to the community

This bill, in addition, would specify that under these provisions, the court shall consider, among other factors, whether the crime for which the defendant was convicted was a violent felony, as specified

Ch 151 (AB 612) Mojonnier Marine life refuge City of Encinitas

(1) Existing law prohibits, with prescribed exceptions, the taking of birds, mammals, fish, and amphibia in any refuge except pursuant to a permit from the Department of Fish and Game

This bill would establish a marine life refuge in the City of Encinitas, and prescribe its boundaries Since a violation of the prohibition as to the taking of birds, mammals, fish, and amphibia in the refuge would be a misdemeanor, the bill would impose a state-mandated local program

(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 impose new duties on the department in the affected area, it would make an appropriation

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

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

Ch 152 (AB 625) Harris California Law Revision Commission revision of statutory defects

Existing law generally confines the topics which the California Law Revision Commission may study to those approved by concurrent resolution of the Legislature

This bill would authorize the commission to study and recommend revisions to correct technical or minor substantive defects in the statutes without a prior concurrent resolution of the Legislature referring the matter to the commission for study

Ch 153 (AB 627) Bentley Child abuse

Existing law requires the Department of Justice to maintain an index of all reports of

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child abuse submitted from child protective agencies and to notify the agency or district attorney of any information which is relevant to known or suspected child abuse reported by the agency, and to make available to the State Department of Social Services information received subsequent to January 1, 1981, concerning an applicant for licensure or employment in a position having supervisorial or disciplinary power over a child or children or who will provide 24-hour care over a child or children

This bill would require the Department of Justice to make available to any county licensing agency, which has contracted with the state for the performance of licensing duties, the above specified information relating to persons who are applicants for licensure or employment which the Department of Justice is now required to make available to the State Department of Social Services and would expand the persons about whom the information is tc be made available to the State Department of Social Services or these county licensing agencies to include any adult who resides or is employed in the home of an applicant for licensure The bill would make a related change

Ch 154 (AB 691) Jones Postsecondary education

Existing law authorizes the California Maritime Academy Board of Governors to withdraw, out of any appropriation made for the support of the school, sums not to exceed $50,000 to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises

This bill would increase the amount of funds that may be withdrawn to $75,000.

Existing law contains provisions relating to classes provided by California Polytechnic State University at Vandenberg Air Force Base

This bill would repeal those provisions

This bill also would authorize the deposit of all financial aid money in the possession of the California State University into a checking account in the centralized treasury system The bill would require the funds in the checking account to be invested by the Treasurer Interest earned thereon would be required to be deposited in the California State University Trust Fund The interest earnings would be continuously appropriated for expenditure by the Trustees of the California State University for financial aid, as specified, thereby making an appropriation

Ch 155 (AB 1032) Wright State funds special deposit fund child support intercept account

Existing law provides for the Special Deposit Fund in the State Treasury, to consist of moneys collected or received for specific purposes by any state agency, required to be paid into the State Treasury but for which no fund has been established Existing law further provides that moneys are to be held in the fund subject to the right of state agencies to recover those moneys to fulfill the purposes for which they were collected or received, and that the fund is appropriated to fulfill the purposes for which payments are made into it

This bill would permanently establish within the Special Deposit Fund the Child Support Intercept Account, to consist of all moneys obtained by the state pursuant to child and spousal support intercept programs, and to be continuously available for the payment of child and spousal support obligations

Ch 156 (AB 1064) Mojonnier Water hyacinth

Existing law designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling water hyacinth in the Sacramento-San Joaquin Delta and the Suisun Marsh The cooperating agencies are authorized to furnish money, services, equipment, and other property to that end

This bill would include the tributaries of the delta within that designation and authority

Ch 157 (AB 1117) Farr Highways state scenic highways United States National Forest

Under existing law, the Department of Transportation is required to establish and apply planning and design standards for the development of official state scenic high-

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ways, and may designate official state scenic highways if specified requirements are met.

This bill would, in addition, permit the department to designate any state highway within or traversing United States National Forest land meeting the standards therefor as an official state scenic highway and place signs so indicating

Ch 158 (AB 1164) Filante. Schoolsites: nonuse payments

Existing law requires school districts to make nonuse payments to the state with respect to schoolsites not used for school purposes for a specified number of years, exempting from this requirement certain schoolsites used as civic center, for community playground, playing field or other outdoor recreational purposes, or for the storage by the State Allocation Board of emergency portable classrooms

This bill would additionally exempt from nonuse payments any schoolsite used by the school district, or by any other public or private entity pursuant to agreement with the school district, for the operation of a child care program

Ch. 159 (AB 1275) Clute. Public liability settlements of claims

Under existing law, a charter provision or ordinance or resolution of a local public entity may authorize an employee to allow, compromise, or settle a claim against the local public entity, but only a charter provision of a local public entity may authorize an employee to allow, compromise, or settle a claim against the public entity that exceeds $20,000.

This bill would increase the limit on claims that may be settled by an employee pursuant to an ordinance or resolution in the absence of a charter provision from $20,000 to $50,000, as specified

Ch 160 (AB 1326) Jones Private roads state vehicle laws applicability

(1) Under existing law, a city may adopt an ordinance or resolution declaring that a specific private road is generally held open to the public and that the road connects with a highway in such a manner that the public is not aware that the private road is not a highway and, upon that adoption, the Vehicle Code applies to the private road unless the owner posts notice that it is privately owned and maintained. A county, in adopting a similar ordinance, is required, in addition, to find and declare that the private road is in an area which would be a residence or business district if the private road were a highway

This bill would delete the additional requirement applicable to a county in this situation and permit a county to follow the same procedure as a city in declaring that a private road is being held open to the public By extending the possible application of the Vehicle Code to additional private roads in counties, the bill would create new crimes, 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 161 (AB 1396) Wyman Hazardous materials transportation: licenses

(1) Existing law exempts licenses for the transportation of hazardous materials from specified provisions regarding the denial of a license, and the suspension, revocation, or disciplinary action against a licensee by the Commissioner of the Department of the California Highway Patrol

This bill would repeal that exemption, and would thus make the provisions regarding the denial, suspension, or revocation of licenses, applicable to hazardous materials licensees and applicants

(2) Existing law authorizes the commissioner to deny, suspend, or revoke a license to transport hazardous materials when it is evident that the applicant or licensee, or employees, have been guilty of repeated violation of the Vehicle Code to a specified extent.

This bill would authorize the commissioner to deny, suspend, or revoke that license

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when it is evident that the applicant or licensee, or employees, have repeatedly violated any provision of law, rather than any provision of the Vehicle Code, to a specified extent

The bill would additionally authorize the commissioner to suspend, revoke, or take disciplinary action against a licensee who fails to equip or maintain his or her vehicles, as required

Ch 162 (AB 1418) Burton PERS contracting agency participation-contract

The existing Public Employees' Retirement Law authorizes public agencies to participate in the system by entering into and amending contracts with PERS

This bill would authorize a contracting agency which is a reciprocal system to amend its PERS contract to remove an exclusion of groups of employees who elect to become PERS members prospectively only and to continue its retirement system with respect to service rendered prior to the effective date of the contract amendment

Ch 163 (AB 1965) Woodruff Taxpayers' Bill of Rights. education program

The Harris-Katz Taxpayers' Bill of Rights governs the assessment, audit, and collection of specified taxes administered by the State Board of Equalization It requires, among other things, the board to develop and implement a taxpayer education and information program directed at specified groups and includes participation in small business seminars and similar programs organized by state and local agencies

This bill would provide that the taxpayer education and information program includes participation in small business seminars and similar programs organized by federal, state, and local programs

Ch 164 (SB 128) Beverly County transportation commissions procurement

Existing law requires, with specified exceptions, that expenditures by the Los Angeles County Transportation Commission exceeding $25,000 for the purchase of supplies, equipment, and materials, and for the construction of facilities and works, be let by contract to the lowest responsible bidder Existing law authorizes the commission to procure certain specialized equipment, but excluding rail transit vehicles, through competitive negotiation, rather than competitive bidding

This bill would authorize the commission to purchase rail transit cars through competitive negotiation

The bill would state that competitive negotiation does not apply to contracts for construction or for the procurement of any product available in substantial quantities to the general public

Ch 165 (SB 244) B Greene Industrial Welfare Commission appropriation

The Budget Act of 1989 provides that none of the funds appropriated to the Department of Industrial Relations by a specified item in that act may be expended for support of the Industrial Welfare Commission

This bill would appropriate $431,000 from the General Fund to the Department of Industrial Relations for support of the Industrial Welfare Commission

Ch 166 (SB 493) Rosenthal Public Utilities Commission imposition of civil penalties

Existing law provides that every corporation or person, other than a public utility and its officers, agents or employees, which or who knowingly violates or fails to comply with, or procures, aids, or abets any violation of the California Constitution relating to public utilities, or fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the Public Utilities Commission, or who procures, aids, or abets any public utility in the violation, in a case in which a penalty has not otherwise been provided, is subject to a civil penalty of not less than $500 or more than $2,000 Existing law also provides that actions to recover penalties for the violation of the Public Utilities Act are brought in superior court, except penalties related to undercharges by common carriers, which are imposed by the commission, after a hearing

This bill would provide that, if the commission finds, after hearing, that any person or corporation, other than a common carrier or cement carrier, has knowingly aided or

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abetted a common carrier in violating certain provisions of the Public Utilities Code relating to fraudulent practices in connection with the transportation of persons or property, or any order, decision, rule, regulation, direction, demand, or requirement issued pursuant to those provisions, the commission may impose a fine for each violation, not to exceed $5,000, and, in addition, may impose interest on the fine, to commence to accrue on the date when the payment of the fine becomes delinquent

Ch. 167 (AB 326) Costa Volunteer firefighters discrimination

Existing law prohibits an employer from discriminating against an employee in the terms and conditions of employment under certain circumstances

This bill would prohibit an employer from discharging or in any manner discriminating against an employee for taking time off to perform emergency duty as a volunteer firefighter

The bill would also provide that any employee who is discharged or otherwise discriminated against by an employer because the employee has taken time off to perform emergency duty as a volunteer firefighter, as defined, shall be entitled to reinstatement and reimbursement for lost wages and work benefits In addition, the bill would provide that any employer who willfully refuses to reinstate or reimburse an aggrieved employee, as specified, is guilty of a misdemeanor These provisions would not apply to public safety agencies or providers of emergency medical services when the absence would hinder the availability of public safety or emergency medical services The creation of a new 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 168 (AB 420) Hughes State government part-time employment university students

Existing law provides that a limited term appointment to a civil service position for temporary staffing needs shall not exceed 2 years except upon authorization of the State Personnel Board, subject to specified conditions

This bill would authorize any state agency to enter into an agreement with any public or private institution of higher education in California, nonprofit campus foundation, or state higher education foundation to provide part-time employment to students attending a public or private institution of higher education in the state that contracts with the state agency, or to students attending a public or private institution which is affiliated with a nonprofit campus foundation, or a state higher education foundation, that contracts with a state agency, in work related to the field of study of the student. This part-time employment would not entitle a student to civil service status, would be for a limited duration, and would prohibit the displacement, as defined, of civil service employees

Ch 169 (AB 477) Lancaster State employees supervisory training

Existing law requires that each supervisorial employee, upon initial appointment to a supervisory position, be provided a minimum of 80 hours of training, at least 40 hours of which shall be structured and be provided by a qualified instructor

Existing law requires that this supervisorial training be completed within 12 months of appointment to a supervisorial classification, except that when the appointing power provides only 40 hours of structured training, on-the-job training shall be completed within 6 months.

This bill would instead provide that the entire 80 hours of training be completed within the term of the probationary period, or within 12 months of appointment to a supervisorial classification, and would require that the training be completed within the term of the probationary period unless it is demonstrated that to do so creates additional costs or that the training cannot be completed during the probationary period due to the limited availability of training courses.

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This bill would also require that every supervisor have access to a copy of each bargaining agreement covering the employees he or she supervises

Ch 170 (AB 518) Cortese Developer fees

Under existing law any public agency, defined to include the state or any of its agencies, providing public utility service on or after July 1, 1986, is authorized to continue to charge or increase an existing facilities fee or may impose a new capital facilities fee after that date, and any public agency receiving a public utility's service is required to pay those fees, with certain exceptions Existing law further provides that the imposition or increase of a capital facilities fee of a specified amount on or after July 1, 1986, on a state agency shall, among other things, be made after agreement has been reached between the 2 agencies through negotiations entered into by both parties.

This bill would define, for these purposes, a state agency to mean any state office, department, division, bureau, board, or commission.

Existing law exempts from certain requirements applicable to fees imposed on development projects, a fee imposed pursuant to a reimbursement agreement by and between a city or county and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds a specified need.

This bill would expand that exemption to include a fee imposed pursuant to a reimbursement agreement by and between a local agency and a property owner or developer which exceeds that need. The term "local agency" is defined by existing law to mean a county, city, whether general law or chartered, city and county, school district, special district, or any other municipal public corporation or district

Existing law also requires that when fees are collected for a development project, a local agency deposit them in a separate fund or account in a manner which will avoid the commingling of those fees with other funds, and that these fees be expended only for the purposes for which they were collected.

Existing law requires a local agency to refund to the current record owner any unexpended or uncommitted portion of a fee for which a need cannot be demonstrated

This bill would require, for each separate account or fund so established, that the local agency, within 60 days of the close of each fiscal year, make available to the public the beginning and ending balance for the fiscal year and the fee, interest, and other income and the amount of expenditure by public facility and refunds made during the fiscal year

The bill would also require not less than 15 days after the availability of the account or fund information required by the bill, the local agency to review this information at a public hearing.

Since the bill would impose additional requirements 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

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

Ch 171 (AB 584) Hauser Real property disclosures.

Existing law requires specified written disclosures to be made to certain prospective transferees of real property

This bill would also require the seller to disclose whether he or she is aware of any substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property.

The bill would also expressly authorize counties and cities on and after July 1, 1990, to require additional disclosures on a prescribed form, and would authorize the use of addenda thereto The bill would authorize the use of different disclosure forms pursuant to an ordinance adopted prior to July 1, 1990, which the bill would provide could be amended thereafter

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Ch 172 (AB 987) Lancaster. Industrial loan companies

Existing law authorizes the Commissioner of Corporations to assess each industrial loan company a pro rata share of certain administrative costs and expenses. An industrial loan company may request a hearing, in writing, if its certificate of authority is suspended or revoked by the commissioner for a failure to pay that assessment

This bill would provide that the request for that hearing be filed in writing within 15 days from the date of service of the order

Existing law authorizes the commissioner to take possession of an industrial loan company when its capital is impaired, as specified.

This bill would make technical changes in that provision

Existing law provides that an industrial loan company must show cause before the commissioner as to why an order, as specified, should not be observed

This bill would delete that provision and authorize an industrial loan company to file a written request for a hearing with the commissioner, as specified

Existing law authorizes the commissioner to take possession of the property and business of any industrial loan company based upon certain enumerated grounds

This bill would additionally provide, as grounds for that action, the case where an application for membership in the Federal Deposit Insurance Corporation has not been filed with and accepted by the FDIC on or before January 15, 1990

Ch 173 (AB 739) Johnson Worker's compensation death benefits scholarships

Existing law entitles each dependent of a peace officer or law enforcement officer of state or local agencies, or a firefighter employed by local agencies, who is killed or disabled in the performance of his or her duty, to a college scholarship, as specified Existing law further defines "dependent" for purposes of these provisions to mean the children of the peace officer, law enforcement officer, or firefighter

This bill would expand the definition of "dependent" to include the spouse of the peace officer, law enforcement officer, or firefighter

Ch 174 (AB 1022) Hauser Commercial fishing salmon data collection

(1) Existing law regulates the taking and possession of salmon for commercial purposes The Department of Fish and Game is authorized to conduct research and investigations, including the tagging of salmon

This bill would, in implementation of the department's tagging program, require any person in possession of a salmon with a missing adipose fin, as described, upon request by an authorized agent or employee of the Department of Fish and Game, to relinquish the head of the salmon to the state, at no charge, for the recovery of any coded-wire tag, as prescribed Since the failure to comply with this requirement would constitute 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 175 (AB 1158) 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 Architect Licensing Examination, or another written examination acceptable to the board, as specified. The law provides that, until July 1, 1989, 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, is 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 applies to any person who is not a legal resident of this state, is licensed as an architect

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in another jurisdiction, and is applying for licensure based on reciprocity.

This bill would delete the above provisions and instead would provide that an individual licensed in jurisdictions other than this state may be granted reciprocal licensure by the board upon satisfaction of the board's requirements for licensure

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

Ch 176 (AB 1204) Campbell License plates Purple Heart recipients

Existing law authorizes Purple Heart recipients to apply for special license plates inscribed with the Purple Heart insignia upon payment of additional fees.

This bill would permit applicants who are also eligible for special disabled veteran license plates, without payment of additional fees, to choose to instead display Purple Heart license plates on one vehicle without payment of additional fees

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

Ch 177 (AB 1284) Quackenbush Public school employees' health coverage· STRS and PERS-personnel selections

(1) Existing statutes authorize certain disabled school employees to continue their health care coverage, subject to specified conditions

This bill would make a technical, clarifying change in those statutes

(2) Existing law authorizes the Teachers' Retirement Board to meet in closed session to consider matters pertaining to the appointment or removal of the chief executive officer of the State Teachers' Retirement System

This bill would expand this authorization to authorize the Teachers' Retirement Board and the Board of Administration of the Public Employees' Retirement System, each, to meet in closed session to consider matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer and the recruitment or removal of the chief investment officer of each system

(3) The existing Public Employees' Retirement Law requires the board of administration to annually employ a certified public accountant or a public accountant, who is not in public employment, to audit the financial statements of PERS

This bill would delete the authorization to employ a public accountant, would limit the term of the contract with a certified public accountant to 5 years, and would prohibit the board from contracting with the same certified public accountant for 2 consecutive 5-year terms

Ch 178 (AB 1368) Wright Industrial loan companies advertising

Existing law prohibits an industrial loan company from using any advertisement after its use has been disapproved by the Commissioner of Corporations and the company has been notified in writing of the disapproval

This bill would, commencing July 1, 1990, authorize the commissioner to require a company to obtain approval of any advertisement for investment or thrift certificates prior to publication in order to avoid false, misleading, or deceptive advertising

Existing law provides that investment or thrift certificates advertising may be used 5 business days or such earlier time as is specified by rule or order of the commissioner, after receipt by the commissioner, unless the company is notified that the advertising is disapproved

This bill would delete that provision as of July 1, 1990

Ch 179 (AB 1756) Friedman Firearms sale and transfer

Existing law makes it a misdemeanor offense for any person to engage in the business of selling, leasing, transferring, offering, or exposing for sale or transfer, specified concealable firearms unless he or she has been issued a license by a city, county, or city and county licensing authority in accordance with specified provisions of existing law However, these provisions do not include the "infrequent" sale or transfer, offering, exposing for sale, lease, or advertising for sale any pistol, revolver, or other firearm capable of being concealed upon the person. For these purposes, "infrequent" means occasional and without regularity

This bill also would provide that these provisions would not include other certain

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specified instances In addition, the bill would provide that in no event shall "infrequent" mean more than 5 transactions per calendar year For these purposes, "transaction" would mean a single sale, lease, or transfer of any number of pistols, revolvers, or other firearms capable of being concealed upon the person.

Ch. 180 (AB 1954) Kelley. Fish and Game licenses.

(1) Existing law authorizes the Fish and Game Commission to prescribe the terms and conditions under which permits, certificates, and licenses provided under the Fish and Game Code shall be issued by the Department of Fish and Game.

This bill would, additionally, authorize the commission to prescribe the terms and conditions under which license tags, reservations, or applications shall be issued

(2) Existing law authorizes the commission to establish and adjust fees, as specified, for the issuance of licenses, license tags, certificates, permits, or other entitlements if the Fish and Game Code does not specify whether there are fees, or the amount thereof.

This bill would expressly add applications and reservations to the entitlements for which the commission may set and adjust fees.

(3) Existing law makes it unlawful to transfer, use, or possess any such license, license tag, license stamp, or permit under specified conditions

This bill would also make it unlawful to transfer, use, or possess applications and reservations under thos conditions, thereby imposing a state-mandated local program by creating a new crime

(4) Existing law authorizes the commission to provide for the taking of tule elk under specified conditions.

This bill would require the 1989 tule elk hunting tags to be issued to persons drawn for 1988 tule elk hunting tags in a specified manner

(5) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and the commission to carry out their duties under the Fish and Game Code

Because this bill would change the revenues to the fund and impose additional duties on the department and the commission with regard to licensing and other entitlements, it would make an appropriation

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

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

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

Ch 181 (AB 82) Floyd Horseracing meetings. wagering.

(1) Under the Horse Racing Law, the California Horse Racing Board may authorize an association conducting a racing meeting to accept wagers on out-of-state feature races with a gross purse of more than $100,000 during the period it is conducting the racing meeting under certain conditions That law requires that all deductions from parimutuel pools on out-of-state feature races be the same as deductions from other parimutuel pools at the racing meeting

This bill would revise that provision by changing the requirement that this gross purse be at least $100,000 during the period it is conducting the racing meeting on days when live races are being run The bill would permit the board to authorize the inclusion of those wagers accepted by an association in this state on the results of out-of-state feature races in the parimutuel pools of the out-of-state association which conducts the feature races on which the wagers are placed, and provide for the distribution of those wagers

(2) Existing law requires any person claiming money from a parimutuel pool to file a claim with the association issuing a ticket within a specified period after the close of the meeting

This bill would designate the funds which were unclaimed within that period as unclaimed tickets and provide for their distribution.

(3) Under existing law, any specified racing association, when it authorizes betting systems located outside this state to accept wagers on a race, is required to pay a license

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fee to the state in an amount equal to 10% of the total amount received by the association from the out-of-state betting system.

This bill would require the association to pay to the state either 10% of the total amount received by the association or ½ of 1% of the handle, whichever is greater, if the out-of-state betting system is a parimutuel betting system

(4) Existing law authorizes an association conducting the racing meeting in this state to allow out-of-state wagering on those races.

This bill would authorize, with permission of the board, the inclusion of wagers accepted by betting systems located outside of this state in the parimutuel pool of the association which conducts the racing meeting in this state. The bill would require that, if so included, the betting system located outside of this state deduct from the total amount handled in each conventional and exotic parimutuel pool the same total percentages deducted by the association which conducts the racing meeting in this state under designated provisions, and would authorize the inclusion of out-of-state wagers in the association's parimutuel pool if the laws of the jurisdiction in which the betting system is located do not permit the betting system to deduct this same percentage, upon certain findings by the board The bill would provide for the allocation of breakage among the association and the betting system where the association and the betting system located outside the state deduct the same percentages prior to the amount handled in the parimutuel pool and where the association and that betting system deduct different percentages from that amount The bill would provide for the distribution of these breakage amounts and funds from unclaimed tickets.

Ch 182 (AB 286) Assembly Committee on Transportation Schoolbuses

Existing law, known as the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program, establishes a program for the replacement of certain schoolbuses manufactured prior to April 1, 1977, and that are beyond their useful life, as determined under specified criteria and establishes a demonstration program, administered by the State Energy Resources Conservation and Development Commission with the advice of the Department of the California Highway Patrol and the Superintendent of Public Instruction The demonstration program is designed to ensure that fuel economy and exhaust emissions of replacement schoolbuses are monitored and that at least 35% of the vehicles are powered by methanol or other low-emission, clean-burning fuels, except as specified

Existing law expresses the Legislature's intent to purchase new schoolbuses which meet federal safety standards and are fueled by methanol or other low-emission, clean-burning fuels

This bill would further express the Legislature's intent that these replacement schoolbuses be diversly distributed among the districts in a manner to be consistent with safety and energy considerations

This bill would repeal and recast the eligibility criteria for schoolbuses that may be replaced to require that they be inspected by the Department of the California Highway Patrol in order to determine whether they meet specified criteria relating to the dates of manufacture of the candidate schoolbuses, the total accumulated mileage and average number of miles per day traveled during the prior school year and to date during the current school year for each schoolbus, and the dates of each of the last 3 annual certifications of the schoolbuses and the odometer reading for each of those dates

Existing law authorizes local educational agencies to use funds from any available source, except as specified, to pay any part of the cost of a schoolbus that exceeds the cost of a replacement vehicle, as estimated by the Department of the California Highway Patrol Existing law also requires the Department of the California Highway Patrol to estimate the useful service life of schoolbuses.

This bill would require estimates of the cost of replacement schoolbuses to be made by the Department of General Services, rather than the Department of the California Highway Patrol, and would delete the requirement that the Department of the California Highway Patrol estimate the useful life of schoolbuses

This bill would also authorize local educational agencies to submit a statement describing special circumstances which are applicable to a qualified candidate schoolbus, such as the unavailability of repair and replacement parts, or any necessary chassis modifica-

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tions requiring the approval of the manufacturer of the chassis, as required by regulations of the Department of the California Highway Patrol, with its application for a replacement schoolbus The bill would authorize these special circumstances to be considered in determining the local educational agencies that are to receive replacement schoolbuses This bill would prohibit schoolbuses replaced under these provisions from being used in the state as schoolbuses, youth buses, school pupil activity buses, general public paratransit vehicles, or farm labor vehicles.

Existing law requires the State Energy Resources Conservation and Development Commission to establish, by regulation, a procedure and requirement for participation in the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program

This bill would delete the requirement that the procedure and requirement be established by regulation

This bill would require all vehicles acquired under the demonstration program, at a minimum, to meet all applicable laws and regulations, including those related to their acquisition by school districts, operation, fuel efficiency, air emissions, and safety

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

Ch. 183 (AB 406) Bradley Vessels liens

Existing law provides for the registration of undocumented vessels by the Department of Motor Vehicles. Existing law also provides procedures for the collection of delinquent property taxes assessed on vessels, as defined.

This bill would authorize the county tax collector to notify the owners of property tax delinquent vessels that the department will withhold the renewal of the registration until evidence is presented that the taxes have been paid If notice has been given to delinquent owners, the bill would require the county tax collector to notify the department, and would prohibit the department from renewing the registration of tax delinquent vessels, except as specified The bill would require the department to record the notice of delinquent taxes, require the county tax collector to provide notice to the department of satisfaction of the delinquency and require the department to issue a certificate of number if all other requirements are satisfied, and require the department to assess a fee upon the county tax collector to cover the department's administrative costs

Ch 184 (AB 1206) Hauser Housing residential hotels residential hotel units.

Existing law requires the Department of Housing and Community Development to contract, subject to the availability of federal funds, for residential hotels as housing for persons of very low and low income, and fix a schedule of rents for those purposes and permits alteration of those rents, as specified Existing law defines a residential hotel to mean any building containing 6 or more guest rooms intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, as specified

This bill would revise the definition of a residential hotel to, instead, mean any building containing 6 or more guest rooms or efficiency units, as defined, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, as specified

Existing law continuously appropriates funds contained in the Rental Housing Construction Fund to the Department of Housing and Community Development for making loans for the acquisition and rehabilitation of residential hotels

Existing law creates the Housing Rehabilitation Loan Fund, a continuously appropriated fund, to make loans for the rehabilitation or acquisition and rehabilitation of rental housing, including residential hotels, for very low and low-income households. Existing law defines residential hotel in part as consisting of a majority of residential hotel units, as defined

This bill would define residential hotel unit, for these purposes, as including an efficiency unit, as defined

Since the bill would revise the definitions of residential hotel and residential hotel unit to create additional purposes for which loans may be made, it would constitute an appropriation

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

Ch 185 (AB 1390) Kelley. Emergency services.

Under existing law, the Office of Emergency Services is empowered to coordinate the actions of all state agencies during a state of emergency Existing law also provides for the establishment of mutual aid regions, which are composed of 2 or more counties, and which are a part of the state emergency services organization.

Existing law also contains provisions for mutual aid in times of emergency, in accordance with approved plans

Existing law also establishes the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, under which each county may establish a local emergency medical services (EMS) agency for the administration of the county's emergency medical services program, in accordance with regulations adopted by the Emergency Medical Services Authority.

This bill would permit the Director of the Emergency Medical Services Authority, and the Director of Health Services to jointly appoint a regional disaster medical and health coordinator for each mutual aid region of the state A regional disaster medical and health coordinator would be either a county health officer, a county coordinator of emergency services, an administrator of a local EMS agency, or a medical director of a local EMS agency Appointees would be chosen from among persons nominated by a majority vote of the local health officers in a mutual aid region

The bill would permit a regional disaster medical and health coordinator, in the event of a major disaster which results in a proclamation of emergency by the Governor, and in the need to deliver medical or public and environmental health mutual aid to the area affected by the disaster, at the request of either the authority, the State Department of Health Services, or the Office of Emergency Services, to coordinate the acquisition of requested mutual aid resources from the jurisdictions in the region

The bill would permit a regional disaster medical and health coordinator to develop plans for the provision of medical or public health mutual aid among the counties in the region

The bill would specify that no person would be required to serve as a regional disaster medical and health coordinator and would provide that no state compensation would be paid for these positions except as determined appropriate by the state, if funding becomes available

Ch 186 (AB 1435) Hannigan Penalty assessments

Existing law, which continues until July 1, 1990, authorizes the Boards of Supervisors of Solano County and Orange County to establish the Solano County Transition Planning Trust Fund and the Orange County Transition Planning Trust Fund, respectively, to finance county criminal justice facility transition planning, as specified, to be funded by a penalty assessment of $1 for every $10 or fraction thereof collected on specified fines and forfeitures

This bill, operative July 1, 1990, would authorize the Board of Supervisors of Solano County and the Board of Supervisors of Orange County, respectively, to establish a County Jail Fund, to finance operation of the county jail, and to be funded by a similar penalty assessment until January 1, 2000

Ch 187 (AB 1555) Hansen Fleet vehicles· registration enforcement of liens

Existing law provides for proportionate registration and licensing of fleets of 3 or more commercial vehicles in this state in interstate commerce in lieu of registration under general provisions

This bill would establish a procedure for enforcement of liens for fees and penalties by the Department of Motor Vehicles on apportionately registered fleet vehicles and make other, related changes

Ch 188 (AB 438) Lancaster Financial institutions variable interest rate loans

Existing law imposes requirements relating to the contents of mortgage contracts, deeds of trust, real estate sales contracts, or any note or negotiable instrument issued in

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connection with any of these documents used to finance the purchase or construction of real property containing 4 or fewer residential units or on which 4 or fewer residential units are to be constructed when the security document or evidence of debt provide for a variable rate of interest Under existing law, the Savings and Loan Commissioner, with respect to savings and loan associations, the Insurance Commissioner, with respect to insurers, and the Superintendent of Banks with respect to banks, may adopt regulations setting forth the prescribed standard upon which variations in the interest rate shall be based

This bill would eliminate this authorization with respect to the superintendent and would specify that regulations adopted by the Savings and Loan Commissioner apply to all loans under these provisions made by savings associations prior to January 1, 1990

This bill would also specify that the requirements relating to those instruments do not apply to supervised financial organizations, defined to include, among others, banks, savings associations, as defined, credit unions, industrial loan companies, personal property brokers, consumer finance lenders, and institutions of the Farm Credit System, as specified. The bill would also make related changes.

Ch 189 (SB 81) Craven Mobilehome 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, among other things, provide assistance in taking and resolving complaints relating to manufactured 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 delete that date of repeal and would revise the duties of the ombudsman by prohibiting him or her from arbitrating mediating, negotiating, or providing legal advice on certain mobilehome park rent disputes

This bill would also appropriate $100,000 from the Mobilehome-Manufactured Home Revolving Fund to the department for the 1989–90 fiscal year to carry out the duties of the ombudsman

Ch 190 (SB 1686) Hart Housing senior citizen restriction

Existing law permits the establishment and preservation of specially designed and accessible housing for senior citizens, as specified Under existing law, the covenants, conditions, and restrictions or other documents or written policy of a senior citizen housing development, as defined, are required to permit temporary guest residency by persons under 45 years of age, as specified, for not less than 60 days in any year

This bill would also specifically require the covenants, conditions, and restrictions or other documents or written policy of the development to permit the occupancy of a dwelling unit by a permitted health care resident, as defined, during any period that the person is providing live-in, long-term, or hospice health care to a qualifying resident, as defined, for compensation

Ch 191 (AB 238) Roybal Allard 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 specified acts of domestic violence

(2) Existing law provides that a battery is punishable by a fine not exceeding $2,000 or by imprisonment in the county jail not exceeding 6 months, or both. Existing law also provides for specified enhanced penalties for an assault or battery against various persons

This bill would provide, in addition, that when a battery is committed by a person against his or her noncohabitating former spouse, fiancé, or fiancée, or against another who is, or was, involved with that person in a dating relationship, as defined, the battery is punishable by a fine of not more than $2,000, or by imprisonment in the county jail

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for not more than one year, or both. If probation is granted or the sentence is suspended, the bill would require the defendant to complete a batterer's treatment program, as specified Because the bill would provide for an increased period of incarceration in county jail, it would create a state-mandated local program.

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

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

Ch 192 (AB 923) Tucker Public employees' retirement

Existing law provides that the retirement of a Public Employees' Retirement System member who has been offered enrollment in a rehabilitation program provided by the employer shall not become effective until one of specified events occur

This bill would, in addition, provide that the retirement of the member who has been offered enrollment in a rehabilitation program provided by the employer may become effective when the member completes the rehabilitation program.

Existing law provides that a retired person may serve without reinstatement from retirement or loss or interruption of retirement benefits in specified positions

This bill would, in addition, provide that a retired person may serve without reinstatement from retirement or loss or interruption of retirement benefits as a member of the governing body of a community college district, provided that the member serves on the governing body without compensation.

Existing law provides that a parent having custody of surviving children eligible to receive an allowance payable under the Public Employees' Retirement Law shall not be required to become the guardian of those children in order to be paid the benefits on behalf of those children

This bill would, in addition, provide that the parent having custody of surviving children eligible to receive a lump-sum payment payable under the Public Employees' Retirement Law shall not be required to become the guardian of those children in order to be paid the benefits on behalf of those children

Existing law requires the Board of Administration of the Public Employee's Retirement System, under certain circumstances, to disburse extraordinary performance dividend payments to those retired persons, survivors, and beneficiaries whose allowances have the lowest purchasing power percentage based on the amount that would be paid had the original allowance been increased by increases in the index then being used by the Department of Finance to measure changes in the cost of living.

This bill would instead require the board to make these payments based on the amount that would be paid had the original allowance been increased by increases in the Consumer Price Index, as defined.

Ch 193 (AB 1104) Tanner New Motor Vehicle Board fees. third party dispute resolution process

(1) Existing law requires, in certain circumstances, the buyer of a motor vehicle which is in dispute as to its conformity to applicable express warranties to resort to a qualified 3rd party dispute resolution process Under existing law, the findings and decisions of the 3rd party is admissible in evidence in an action to enforce the buyer's rights without further foundation

This bill would modify that provision by specifying that the findings and decisions of a qualified 3rd party dispute resolution process is admissible in evidence in such an action without further foundation

(2) Under existing law, the New Motor Vehicle Board has prescribed duties and responsibilities with respect to the licensing and regulation of new motor vehicle dealers, manufacturers, manufacturer branches, distributors, distributor branches, or representatives Existing law requires new vehicle dealers and other licensees under the jurisdiction of the board to be charged fees sufficient to fully fund the board's activities, which are required to be deposited, and held separate from other moneys, in the Motor Vehicle Account in the State Transportation Fund

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This bill would, instead, require that new motor vehicle dealers be charged those fees sufficient to fully fund the board's activities other than the board's activities in administering the collection of fees under a program for the certification of 3rd party dispute resolution processes The bill would authorize the board to recover the direct cost of those particular activities by charging the Bureau of Automotive Repair a fee which would be required to be paid by the bureau with funds appropriated from the Certification Account in the Automotive Repair Fund, and would make conforming changes in related provisions

Ch 194 (AB 1226) Moore Educational services contracts

Existing law requires the Superintendent of Public Instruction, in cooperation with the Department of Finance and the Auditor General, to provide a plan for the independent audits of state and federal funds allocated to private agencies that are under contract with the State Department of Education to provide educational services, including child nutrition services Existing law also requires private agencies to retain those records for at least 5 years

This bill would provide an exception to the 5-year retention requirement relating to Child Nutrition Program records, and would provide that Child Nutrition Program records shall be retained in accordance with regulations adopted by the United States Department of Agriculture relating to the retention of those records However, in cases where an audit has been requested by a state agency or the United States Department of Agriculture which remains unresolved, the bill would require the records to be retained until the date the audit is resolved

Ch 195 (AB 1460) Hannigan Public property deed City of Rio Vista

Under existing law, the various words and phrases of a deed are to be construed in accordance with the intent of the parties to the deed

This bill would define the phrase "lawful governmental functions" for the purpose of a specified deed from the Sacramento and San Joaquin Drainage District to the City of Rio Vista

Ch 196 (SB 1237) L Greene County bonds

Existing law makes revenue bonds issued by counties for specified county improvements subject to investigation and certification by the Treasurer under the Districts Securities Law for purposes of determining whether the bonds are eligible as legal investments for both public and private funds in the same manner provided in that law.

This bill would exclude from this provision revenue bonds issued by the County of Orange or Sacramento for county airports

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

Ch 197 (SB 130) Presley Mobilehomes polling places

Existing law requires the county clerk to appoint precinct board members and to designate polling places.

This bill would provide that a mobilehome may be used as a polling place under specified conditions, and prohibit a rental agreement from prohibiting the use of a mobilehome for those purpcses

Ch 198 (SB 175) Craven Mobilehomes

Existing law provides that the management of a mobilehome park shall permit meetings by homeowners or residents of a mobilehome in the park related to mobilehome living or social or educational purposes, as specified

This bill would delete that provision and, instead, enact provisions relating to homeowner communications and meetings which provide that no provision contained in any mobilehome park rental agreement, rule, or regulation shall deny or prohibit the right of any homeowner or resident in the park to (1) peacefully assemble or meet, as specified, for any lawful purpose, (2) invite public officials, candidates for public office, or representatives of mobilehome owner organizations to meet with homeowners and residents and speak upon matters of public interest, as specified, or (3) canvass and

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petition homeowners and residents for noncommercial purposes, as specified The bill would provide that any homeowner or resident who is prevented by management from exercising these rights is entitled to bring a civil action for injunctive relief The bill would set forth the legislative intent behind the enactment of these provisions.

Ch 199 (AB 63) N Waters Agriculture dairy products

(1) Existing law requires the term "artificially sweetened" to become part of the name of any milk product when any nonnutritive or artificial sweetener is added to a product

This bill would except specified sweeteners from that labeling requirement

(2) Existing law regulates the content and standards for manufactured milk products in this state

This bill would authorize sweeteners approved by the United States Food and Drug Administration to be added to milk products, would prescribe labeling requirements, and would require the Director of Food and Agriculture to develop and distribute specified guidelines. Because a violation of the labeling requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(3) Existing law makes it an unlawful practice to give any money, credit, or compensation, or to lend anything of value, to a wholesale customer for advertising or display in connection with the sale of dairy products with specified exceptions

This bill would except flavored milks until 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

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

Ch 200 (AB 226) Cortese Accountancy

Existing law authorizes the State Board of Accountancy to establish fees, up to a specified maximum amount, for the licensing and regulation of persons engaged in the practice of accountancy

This bill would increase the maximum amount of those fees and would authorize the board to fix the fees within those limits and on and after July 1, 1990, would require any increase in any fee fixed by the board to be fixed by regulation, as specified

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Accountancy Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

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

Ch 201 (AB 352) Bentley Vehicles oversize and heavy loads permits

Under existing law, the Department of Transportation or a local authority may issue a special permit authorizing the applicant, among other things, to operate a vehicle or combination of vehicles or special mobile equipment of a size or weight of vehicle or size, weight, or width of load exceeding the maximum size, weight, or width permitted under law when an application for the permit is made in writing Under existing law, the special permit is required to be in writing

This bill would remove the requirement that applications and permits be in writing, and would instead authorize the department or the local authority to accept applications and issue permits in writing, by an authorized facsimile process, and through an authorized computer and modem connection

Ch 202 (AB 393) Eaves County retirement. employer payment of members' contributions

An existing provision of the County Employees Retirement Law of 1937, which is repealed on January 1, 1990, authorizes the board of supervisors or the governing body of the district, on recommendation of the retirement board, to pay any portion of the members' contributions and provides that the payments shall be credited to member

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accounts.

This bill would delete the repeal thereby making the authorization permanent.

This continued 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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. 203 (AB 407) Kelley Agriculture dairy products

(1) Existing law requires single service containers for certain milk products to meet specified federal specifications

This bill would make a technical change to those requirements.

(2) Existing law establishes standards for light dairy dessert which terminate on January 1, 1990

This bill would delete that termination date

(3) Existing law establishes standards for reduced fat cheese which terminate on January 1, 1990

This bill would authorize alternative labeling of the reduced fat cheese, as specified, and would provide for the termination of those provisions on January 1, 1992

A violation of the provisions of the bill would be a misdemeanor The bill would, thereby, impose a state-mandated local program by creating a crime in the extended period and by changing the definition of crimes

(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 204 (AB 571) Chacon Elections recalled officers

Under existing law, a recalled city officer may not be a candidate to succeed himself or herself at a special election held to fill the vacancy created by his or her recall, nor may the recalled officer be appointed by the legislative body to fill the vacancy created by the recall

This bill would also provide that at a special election held to fill a vacancy created by the recall of a city officer, a recalled officer could not be a candidate for a vacancy on the same governing board created by another recalled officer

Under existing law, relating to the recall of public officers other than city officers, no person whose recall is being sought may be a candidate to succeed himself or herself at a recall election

This bill would also provide that no person being recalled may be a candidate to succeed any other member of the same governing board whose recall is being sought at the same election

Ch. 205 (AB 1155) Klehs Regional park, regional park and open-space, and regional open-space districts.

Existing law authorizes a regional park, regional park and open-space, or a regional open-space district to establish a zone or zones and a rate of tax for each zone in exercising its authority to impose voter-approved special taxes

This bill would clarify a district's authority to impose voter-approved special taxes for district purposes The bill would specify that any tax rate established for a zone is to be applied uniformly to all taxpayers within the zone

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Ch. 206 (AB 1849) Quackenbush Vehicles special size, weight, or load.

(1) Under existing law, the Department of Transportation or local authorities, with respect to highways under their respective jurisdictions, may, under prescribed conditions, issue a special permit authorizing the operation or movement, upon the highway, of various vehicles the operation or movement of which would otherwise be unlawful under the Vehicle Code Existing law also authorizes the department and local authorities to charge a fee for the issuance of those permits, and limits the total revenue which could be obtained from the permits by the department or local authorities, respectively

This bill would require the Department of Transportation to develop a standard application form for a permit, require local authorities to use this form, and limit the fee that the local authorities may charge for these permits to an amount which does not exceed a fee schedule developed by the department The bill would require the standard application form and the fee for the issuance of permits to be developed in consultation with representatives of local government and the commercial trucking industry The bill would permit special and other services to be separately billed The bill would impose a state-mandated local program by requiring local governments to comply with these provisions

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

The bill would become operative on the July 1 following the date on which the bill takes effect

Ch 207 (AB 1892) Farr Commercial fishing permits transfer

(1) Under existing law, persons engaged in businesses relating to commercial fishing are required to pay specified taxes based on the weight of fish landed, including a tax of $0 01 per pound for herring, 87% of which is required to be expended for research and management activities to maintain and enhance the herring resources in state waters.

This bill would increase the landing tax on herring to $0 0125 per pound, and would require 90% of that tax to be expended on those research and management activities

(2) 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 meeting specified conditions, for transfer of the limited fishery permit to working partners, as defined, if initiated within 6 months of the death of the permitholders, and for transfer to family members upon death of the permitholders Existing law authorizes the transfer of a limited entry herring roe fishery permit to another licensed commercial fisherman, as specified, upon payment of a specified fee It requires the offer of transfer to be made to persons on a list that the department is required to maintain and annually distribute, as specified, of persons with the maximum number of experience points and, subsequently, the next largest number of experience points, working in descending order therefrom

This bill would, in addition to existing law relating to individuals in joint herring fishery operations, authorize the issuance of a herring permit to 2 individuals if they are married to each other and file with the department a certified copy of their certificate of marriage and a declaration under penalty of perjury, or a court order, stating that the permit is community property The bill would provide that upon the death of a limited entry permittee, the permit shall vest in the permittee's estate or in the surviving community estate and may be transferred by the executor, administrator, personal representative, or surviving spouse to a qualified experience pointholder or to a partner, as prescribed The bill would authorize transfer of a herring permit to one of the partners

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if there has been a death or retirement of the other partner or a dissolution of the partnership, or if the partnership is dissolved by dissolution of marriage or decree of legal separation The bill would authorize the transfer within one year of the death, unless extended as specified The bill would authorize transfer upon death or retirement of one partner to the other partner only if the other partner has not less than 10 experience points

The bill would require that the notice of intention to transfer be made to persons with 20 or more experience points and would revise the method of computing experience points for persons engaged in the herring roe fishery, and the bill would make conforming changes

(3) 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

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

Ch 208 (AB 1997) Lempert Local government surplus land

Existing law excepts exempt surplus land, as defined, from the requirement that 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 include within the definition of exempt surplus land, land transferred for the purpose of providing affordable housing, as specified

Ch 209 (SB 676) Rogers Agriculture dairy products

(1) Existing law establishes standards for varieties of cheese

This bill would establish standards for nonfat cottage cheese Since violation of these standards would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

(2) Existing law establishes standards for eggnog, sour half-and-half, and light sour cream

This bill would revise specified content requirements for eggnog, sour half-and-half, and light sour cream and establish standards for light eggnog Since violation of these standards would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

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

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

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

Ch 210 (SB 783) Davis Horseracing purses and commissions

(1) Existing law requires breakage distributed as purses and commissions at racing meetings to be based on parimutuel pools from the previous corresponding meeting, if any

This bill would delete this provision

(2) Existing law provides for the deduction of an amount not to exceed 1 25% of the total amount handled by all satellite wagering facilities in the central or southern zone, from the funds allocated for distribution as commissions, purses, and owners' premiums, to provide reimbursement for offsite stabling, as prescribed, when satellite wagering is conducted on thoroughbred meetings

This bill would, instead, provide for this deduction when the wagering is conducted on thoroughbred races at associations or fairs

(3) Existing law annually requires fairs in the northern zone with an average daily handle of more than $300,000 to distribute purses equivalent to all purse money generated from live racing and satellite wagering during that year Other fairs are required to distribute purses for the current racing meeting based on the pools from the previous

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corresponding meeting, if any

This bill would delete the requirement that purses for fair meetings be based on the pools from the previous corresponding meeting, if any The bill would require fair racing meetings in the central and southern zones for 1989 and subsequent years to distribute all purse money generated from live racing and satellite wagering during the year in which it is generated The bill would require any amount from years prior to 1989 to be distributed by the fair in equal amounts during its next 4 meetings

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

Ch 211 (SB 972) Beverly Appropriations limit

Under existing constitutional law, the appropriations limit imposed on any new entity of government by Article XIII B of the California Constitution may be established by the electors of that entity, subject to and in conformity with constitutional and statutory voting requirements Existing constitutional law also provides that appropriations subject to limitation do not include the appropriations of any special district created by a vote of the people, which is totally funded by other than the proceeds of taxes

This bill would provide that, with respect to any special district formed during the 1978–79 fiscal year which initially was totally funded by other than the proceeds of taxes, and which subsequently, during the 1980–81 fiscal year, imposed a special tax with voter approval, the appropriations limit of such an entity, unless otherwise established pursuant to law, shall be deemed established by the electors at the election approving the special tax as that amount equal to the proceeds of taxes received during the first full fiscal year in which proceeds of taxes were received, and shall thereafter be adjusted in any manner which may be required or permitted by Article XIII B of the California Constitution

Ch 212 (SB 1181) Royce Hospital districts powers

Existing law permits the compensation of hospital district boards of directors to be set at $100 per meeting not to exceed 4 meetings per month, plus actual expenses, as specified

This bill would instead increase the number of compensable meetings to 5 per month

Existing law requires a hospital district to have and exercise specified powers, including the power to do any and all things which an individual might do which are necessary for, and to the advantage of, a hospital and a nurses' training school

This bill would in addition require the hospital district to have and exercise the power to do any and all things which an individual might do which are necessary for, and to the advantage of, a child care facility for the benefit of employees of the hospital or residents of the district

Existing law authorizes the board of directors to engage in various activities when it determines that the action is necessary for the provision of adequate health services within the district

This bill would authorize the board to study the feasibility of providing health care coverage for employees of employers operating within the service area of the participating hospital district The bill would prohibit a district from actually providing health care coverage unless specifically authorized by the Legislature

Existing law, with specified exceptions, requires the board of directors to make any contract subject to competitive bidding which involves an expenditure of more than $20,000 for materials and supplies or more than $10,000 for work to be done

This bill would increase the limits in both categories to more than $25,000

Ch 213 (AB 126) M Waters Teachers authority to provide for attendance of parent or guardian at school

Existing law prohibits the employer of a parent or guardian required to attend class pursuant to specified provisions of existing law from unfairly treating the parent or guardian in any term or condition of employment in retaliation for being absent from work pursuant to these provisions Existing law authorizes 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 retalia-

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tion for being absent from work to attend school pursuant to these provisions to file a complaint pursuant to specified procedures set forth in the Labor Code. Existing law also authorizes 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 delete those provisions and instead would prohibit an employer from discharging or in any manner discriminating against an employee for taking time off to appear in the school of a pupil pursuant to specified provisions of existing law, if the employee, prior to taking the time off, gives reasonable notice to the employer that he or she is requested to appear in the school The bill would also provide that any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because the employee has taken time off to appear in the school of a pupil pursuant to specified provisions of existing law shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by those acts of the employer

Ch 214 (AB 508) Mojonnier Unlawful conduct lifeguards

Existing law makes it a misdemeanor for any person, except as specified, to go to the scene of an emergency, or to stop at the scene of an emergency, for the purpose of viewing the activities of certain emergency or military personnel during certain periods of the emergency and to thereby impede the emergency or military personnel in the performance of their duties in coping with the emergency

This bill would also make it a misdemeanor for any person to knowingly resist or interfere with the lawful efforts of a lifeguard in the discharge or attempted discharge of an official duty of the lifeguard, as specified, 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 215 (AB 1200) Sher Wild and scenic rivers

Under the California Wild and Scenic Rivers Act, specified rivers and segments thereof are included within the California Wild and Scenic River system and are subject to specified protections Under existing law, specified segments of the Carson, West Walker, and McCloud Rivers are designated for potential addition to the system, and are included within the protections afforded to wild and scenic rivers until January 1, 1990

This bill would include the specified segments of the West Walker and Carson Rivers within the system, subject to specified special conditions concerning existing rights The bill would classify those segments as wild, scenic, or recreational

The bill would, in addition, establish specified protections for specified segments of the McCloud River and Squaw Valley Creek and would make legislative findings and declarations relating to the management of the fishery resources of the McCloud River and the exercise of specified powers by state agencies

Ch 216 (AB 361) Vasconcellos Energy facilities state sites

(1) Existing law authorizes the State Public Works Board to develop energy conservation and cogeneration measures and alternate energy supply sources for state agencies, and to enter into energy service contracts, as defined, with state agencies, as prescribed, and authorizes the board to issue revenue bonds for 10 fiscal years, beginning with the 1982–83 fiscal year, in specified amounts to finance the cost of cogeneration equipment, alternative energy equipment, and conservation measures in the public buildings, as defined Under existing law, if any portion of this authorization is not used in any fiscal year, it may be used in any future fiscal year or years within this 10-year period, and those public buildings are required to be the only public buildings authorized under these provisions at the 1982–83 Regular Session

This bill would delete the limitation that the unused authorization be used within this 10-year period and would delete the limitation that these public buildings be the only

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public buildings authorized under those provisions at the 1982–83 Regular Session. The bill would specify that the above provisions shall remain in effect only until January 1, 2000, and as of that date shall be repealed

(2) Existing law declares that it is the policy of the state to encourage 3rd-party financing of energy projects at state-owned sites and that development of energy projects at state-owned sites can be accelerated where reasonable incentives are provided Existing law sets forth specified incentive benefits between the state and the institutions siting the energy projects, with specified conditions under which the annual cash revenues of these projects are to be shared, on an equal basis, between the state and the siting institutions Existing law also requires the State Energy Resources Conservation and Development Commission to submit an annual report to the Legislature on the cost benefit aspects in carrying out these provisions These provisions are to remain in effect only until January 1, 1990, and as of that date are to be repealed

This bill would, instead, require the Department of General Services to submit this annual report to the Legislature, and would extend the January 1, 1990, termination date to January 1, 2000

Ch 217 (AB 1139) N. Waters Community colleges earthquake safety

Under existing law, school districts and community college districts are required to have certain buildings examined for safety for school use, and are required to repair, reconstruct, or replace unsafe buildings These provisions are known as the "Field Act"

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, 1990, 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, 1992

Existing law exempts from coverage under the Field Act, until June 30, 1990, specified buildings leased by the governing board of the Lake Tahoe Community College District

This bill would extend the exemption for a certain building to June 30, 1995

This bill would state the legislative intent that the Lodi Unified School District and the Lake Tahoe Community College District post signs to inform pupils and the parents or legal guardians of pupils of the school district and the students of the community college district of the risks that may be incurred by the continued occupation of buildings that are not in compliance with the earthquake safety standards prescribed by the Field Act

Ch 218 (AB 2360) Sher Environmental quality global warming

Existing law requires the Office of Planning and Research to periodically review the guidelines adopted under the California Environmental Quality Act and to recommend changes to the Secretary of the Resources Agency.

This bill would require the office to review the act and guidelines to determine if they should be amended to respond to potential impacts from global warming and to report its recommendations to the Legislature by January 1, 1991

Ch 219 (AB 747) Frazee Process servers revocation or suspension of certificate.

Existing law provides that the county clerk may conduct an investigation and hold a hearing at any time or upon the complaint of any person to determine whether to revoke or suspend the certificate of a process server for cause, as specified

This bill would require that a public prosecutor investigate a complaint by any person who has alleged that he or she has been injured by a service of process, substitute the public prosecutor for the county clerk as the person presenting the charges, and require a hearing by an administrative law judge provided by the Office of Administrative Hearings, as specified, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 220 (SB 217) Royce. Emergency medical services

Under existing law, the Commission on Emergency Medical Services is composed of 15 appointed members with specified backgrounds

This bill would increase the membership of the commission to 16 members by adding an active member of the California State Firemen's Association or the California Professional Firefighters, revise the names of specified nominating organizations, and require a specified physician and surgeon to be board prepared instead of board eligible

Ch 221 (SB 254) Bergeson Fire suppression assessments

Under existing law, local agencies which provide fire suppression services directly or by contract with the state or a local agency are authorized to act by ordinance to levy an assessment to pay for fire suppression services according to specified procedures The ordinance is required to establish schedules and rates for the assessment The law granting this authority will be repealed on January 1, 1991

This bill would delete that repeal date

Existing law also permits any district to specifically allocate a portion of the revenue generated by those assessments to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred by the district for the purchase of certain lands, facilities, or equipment

This bill would, instead, permit any fire protection district to allocate a portion of those revenues to pay the interest and that portion of the principal as will become due on an annual basis on indebtedness incurred by the fire protection district for purchase of any necessary property or the purchase of firefighting apparatus and equipment from the Office of Emergency Services pursuant to specified procedures

Ch 222 (SB 586) Hart Big Rock Mesa landslide litigation settlement appropriation

This bill would appropriate $15,000,000 from the State Highway Account in the State Transportation Fund to the Department of Transportation for expenditure in settlement of the Big Rock Mesa landslide litigation

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

Ch 223 (SB 591) Petris Prisoners sale of tobacco

Under existing law, it is a public offense, punishable as specified, to sell, give, or in any way furnish to any person who is under the age of 18 years, any tobacco, tobacco products, or smoking paraphernalia Existing law authorizes the Director of Corrections and the Director of the Youth Authority to sell or supply tobacco and tobacco products to persons confined in facilities under their respective jurisdictions, and to permit those persons to smoke at those facilities, if they have attained the age of 16 years and their parents or guardian consents

This bill would delete the authority of the Director of the Youth Authority to sell tobacco and tobacco products to minor inmates in specified detention facilities, as well as the authority to permit them to smoke at those facilities. Thus, the bill would impose a state-mandated local program by increasing the scope of an existing crime

Ch. 224 (SB 671) Hart 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

Under existing law, statutory authorization for that pilot program will be repealed June 30, 1990

This bill would provide that the statutory authorization for the pilot project will become inoperative June 30 1993, and would be repealed January 1, 1994, unless a later

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enacted statute, which is enacted before January 1, 1994, deletes or extends that date

Ch 225 (SB 698) Petris Cemeteries

Existing law requires each cemetery authority in charge of endowment care funds to file an annual report with the Cemetery Board on or before April 1, or within 3 months after close of their fiscal year with approval of the board, on specific matters relating to endowment care funds

This bill would provide that the provision shall apply to all cemetery authorities and would require the report to be filed on or before June 1 or within 5 months after close of the fiscal year with approval of the board, and would authorize the board to grant an additional 30 days in which to file the report upon request

The bill would authorize the board to assess a fine in an amount not to exceed $200 per month for a maximum of 5 months when any cemetery authority does not file the report within the time specified

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Cemetery Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch 226 (SB 741) Hart Transportation

Under the Mills-Alquist-Deddeh Act, funds allocated to cities, counties, and transit operators for community transit services may not, under specified circumstances, be included in determining the apportionment to the city or county for specified public transportation and street and road purposes under other provisions.

This bill would except funds made available in Santa Barbara County for claims for community transit services from that restriction

Ch 227 (SB 1039) C Green STRS reemployment of retirants.

The existing State Teachers' Retirement Law permits STRS retirants to work for a school district or other employing agency and earn, in any one school year in specified school positions without reinstatement or termination or suspension of retirement allowances, up to $7,500, operative on July 1, 1985, and requires that the maximum amount earnable by retirants be annually adjusted on July 1, 1986, and each July 1 thereafter by 50% of the increase in the All Urban California Consumer Price Index, using December 1984 as the base

This bill would delete the limitation of 50% thereby providing for annual increases in the full amount of that consumer price index

Ch 228 (SB 1625) McCorquodale Prisoners mentally disordered offenders

(1) Under existing law, the mentally disordered offender program requires that, as a condition of parole, a prisoner who meets specified criteria is required to be treated by the State Department of Mental Health Existing law provides as one of those criteria, that for any prisoner who is being evaluated for treatment under that program, prior to release on parole, the person treating the prisoner and a practicing psychiatrist or psychologist of the Department of Corrections shall have evaluated the prisoner, and that a chief psychiatrist of the department has certified certain specified facts to the Board of Prison Terms regarding the prisoner's severe mental disorder

This bill would provide that those facts which are certified by a chief psychiatrist of the department shall include that by reason of his or her severe mental disorder, the prisoner represents a substantial danger of physical harm to others

The bill would make a conforming change with respect to any hearing the prisoner requests regarding that certification

(2) The provisions described in paragraph (1) above also provide that if the professionals evaluating the prisoner's severe mental disorder do not concur with respect to the mental condition of the prisoner or that the condition was related to the prisoner's criminal behavior, as specified, that the Board of Prison Terms shall order a further examination by 2 independent professionals Those provisions further provide that the requirement that a chief psychiatrist of the department certify those specified facts does not apply unless both of the independent professionals concur with that chief psychia-

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This bill would make technical, nonsubstantive changes to clarify which issues those independent professionals are required to concur with

(3) Existing law provides, with respect to prisoners released on parole on condition that they continue treatment upon termination of prison or parole, 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 Under those provisions, the district attorney may file a petition for the continued treatment of the person for one year Existing law requires the petition filed by the district attorney to specify whether the prisoner has a severe mental disorder, and why it is not in remission or cannot be kept in remission without treatment

This bill would, instead provide that the petition shall specify that the prisoner has a severe mental disorder and that it is not in remission or cannot be kept in remission without treatment, and that by reason of his or her severe mental disorder, the person represents a substantial danger of physical harm to others.

(4) Existing law requires that a hearing be held on the petition filed under the provision described in paragraph (3) above. Existing law provides, with respect to that hearing, the need for continued treatment shall be proven "beyond a reasonable doubt "

This bill would, instead, provide that the "beyond a reasonable doubt" standard of proof applies to all matters considered in that hearing

(5) Existing law provides that the above-described provisions pertaining to mentally disordered offenders apply to persons incarcerated before, as well as after, January 1, 1986

This bill would, instead, provide that these provisions apply to persons who committed their crimes on and after January 1, 1986

(6) The bill also would require the Department of Corrections, and the State Department of Mental Health, in conjunction with the Board of Prison Terms, to submit specified reports concerning the mentally disordered offender program to the Legislature.

(7) The bill would set forth certain legislative findings

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

Ch 229 (SB 572) Bergeson Landscape architects.

Existing law provides that an applicant for a license to practice landscape architecture shall, among other things, pass a written and oral examination as a condition of licensure The law provides for a waiver of the written examination for a person who has taken a written examination in another state, as specified

This bill would delete the oral examination for all applicants and would provide that the written examination may be waived for an applicant who is licensed in another state and who demonstrates to the board that he or she has other specified qualifications and that he or she took and passed a written examination equivalent to the examination last given in this state as determined by the Board of Landscape Architects The bill also requires the written examination to test the applicant's knowledge in specified areas

Existing law provides that all accusations against a landscape architect shall be filed within 2 years after the act or omission alleged as the ground for disciplinary action except for an accusation based on fraud in obtaining a certificate, as specified

This bill would extend the period of limitation to 3 years after discovery of the act or omission by the Board of Landscape Architects, as specified, or within 6 years after the act or omission, whichever occurs first

Existing law specifies the fees which may be assessed by the State Board of Landscape Architects

This bill would authorize a fee for the approval of a school of landscape architecture.

Existing provisions of the Business and Professions Code continuously appropriate money in the State Board of Landscape Architects Fund. Because this bill would increase the amount of money in the fund, it would constitute an appropriation

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Ch 230 (SB 66) Robbins Sales and use taxes.

Existing Sales and Use Tax Law exempts from the tax the gross receipts from the sales of tangible personal property, other than aircraft fuel and petroleum products, purchased by a foreign air carrier and transported by the foreign air carrier's facilities to a foreign destination for use by the air carrier in the conduct of its business as a common carrier by air of persons or property

Under existing law, in order for the exemption to apply, the foreign carrier is required to timely furnish to the seller a certificate in writing that the property shall be transported and used in the manner described above The State Board of Equalization is required to prescribe the form of the certificate

This bill would delete the requirement that the certificate be timely furnished, and would require the State Board of Equalization to give the seller time to request the certificate from the foreign air carrier if the seller does not have the certificate at the time the board asks the seller to submit the certificate to the board

Ch 231 (SB 92) Mello 1992 World Exposition Seville, Spain.

This bill would appropriate $100,000 from the General Fund to the Business, Transportation and Housing Agency to enable California to participate in the 1992 World Exposition in Seville, Spain, and other activities related to the Quincentennial Celebration of Columbus' Voyages

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

Ch 232 (SB 176) Royce Alcohol and Drug Programs

Under existing law, the State Department of Alcohol and Drug Programs is required to work with the Advisory Health Council in developing statewide alcohol and drug plans

This bill would amend those provisions to revise the reference to the council to its current name, the California Health Policy and Data Advisory Commission.

Existing law requiring the State Advisory Board on Alcohol-Related Problems to review the statewide alcohol plan contains a reference to a repealed section

This bill would correct that obsolete reference

Existing law requires county alcohol program plans to contain specified requirements including the express requirement of an agreement to permit and cooperate with specified state reviews and audits

This bill would delete that express requirement

Existing law also requires the counties to agree to any additional assurances which may become necessary as a result of changes in laws, regulations, or procedures.

This bill would delete procedures from that requirement.

Existing law requires the department to promulgate regulations to implement statutes relating to licensing of alcoholism recovery facilities including provision for the issuance of a provisional license if the applicant is in substantial compliance with applicable laws and regulations and an urgent need for licensure exists

This bill would delete the requirement of an urgent need for licensure with respect to regulations concerning provisional licensure

Ch 233 (SB 393) Russell Districts cities

(1) Existing law establishes procedures for the merger of a district of limited powers that overlaps a city, or for the establishment of the district as a subsidiary district of the city, including procedures that for a resident voter district a petition be signed by either 5% of the registered voters of the district, or 5% of the registered voters residing within the territory of the city outside of the district, and for a landowner-voter district, a petition be signed by 5% of the number of landowner-voters within the district who also own not less than 5% of the assessed value of the land within the district, or 5% of the registered voters residing within the territory of the city outside the boundaries of the district

This bill would increase the necessary percentage of voter signatures, and the required ownership percentage of the assessed value of the land, under these provisions to 10%

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(2) The bill would delete provisions repealing: certain procedures for submission of an alternative proposal by the affected district, certain notification procedures applicable to a local agency formation commission and other affected parties, adoption of a resolution of determination, and the conducting of elections, for these purposes. In addition, it would set a time limit within which a proposal for the establishment of a district of limited powers as a subsidiary district of a city must be heard

(3) The bill would constitute a state-mandated local program to the extent that it would extend the operation of existing procedures, and institute new procedures, which must be followed by a local agency formation commission, district, or city.

(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. 234 (AB 704) Mountjoy Candidate ballot designations.

Existing law regulates the ballot designations that a candidate for election may employ It requires the election official to notify the candidate by registered mail if he or she determines the designation to be in violation of any of the restrictions set forth in a specific subdivision of a state statute

This bill would impose a state-mandated local program by requiring the elections official to notify the candidate by registered or certified mail, addressed as specified, if he or she determines the designation violates any of the restrictions set forth in the statute.

Existing law regulates the appearance of a foreign language translation of a candidate's designation when it is required by the federal Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended by a specific federal statute

This bill would delete the reference to that statute

This bill would change the reference from "nomination papers" to "nomination documents" in the above 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 235 (AB 986) Mountjoy. Elections voting systems

Under existing law, the Secretary of State is required to study and adopt regulations governing the use of voting machines, voting devices, and vote tabulating devices

This bill would require that an exact copy of the source code for all ballot tally software programs be placed in an approved escrow facility prior to its use.

The bill would further require the Secretary of State to adopt regulations relating to the definition of source codes for ballot tally software, specifications for the escrow facility, procedures for submitting ballot tally software program source codes, and criteria for access to those codes

Under existing law, any person who tampers with, interferes with, or attempts to interfere with the correct operation of, or willfully damages in order to prevent the use of, any voting machine, or who interferes or attempts to interfere with the secrecy of voting, is guilty of a felony, punishable as specified

This bill would include ballot tally software program source codes and the security of those codes within the scope of that crime, and would specify that willfully substituting or attempting to substitute forged or counterfeit ballot tally software program source codes is a felony.

The bill would impose a state-mandated local program by making any person who

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commits any of those crimes or who aids or abets the commission of any of those crimes, or other specified crimes against voting machines, subject to imprisonment in the county jail or the state prison.

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

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

Ch 236 (AB 1199) Margolin. Aging. Community Care Facility Demonstration Project for the Elderly.

Existing law provides for the Community Care Facility Demonstration Project for the Elderly, administered by the Multipurpose Senior Services Program, which, by its own provisions, became inoperative on June 30, 1989, and will be repealed as of January 1, 1990

This bill would extend, by 2 years, the inoperative and repeal dates of the project. This bill would, in addition, specify that funds to support the project shall be allocated from existing federal and General Fund moneys which support the Multipurpose Senior Services Program

Existing law also states that the demonstration project shall not be extended or expanded unless conclusive evidence has been presented to the Legislature showing that it has been cost-effective and can be replicated

This bill would delete that requirement.

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

Ch 237 (AB 1257) Filante Emergency medical services

Existing law specifies the disbursement of the moneys in each Emergency Medical Services Fund

This bill would repeal an obselete provision relating to that disbursement

Ch 238 (AB 1415) Mountjoy Elections. judicial office. incumbents

Under existing law, there is no extension of time to file a declaration of intention to seek judicial office for persons, when an incumbent judge fails to file this declaration

This bill would provide that if the incumbent of a judicial office fails to file a declaration of intention by the end of the period for filing these declarations, persons other than the incumbent may file declarations of intention no later than the 1st day for filing nomination papers imposing new duties on the county elections officials, thereby creating a state-mandated local program

This bill would also make 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 239 (AB 2127) Leslie Health: chronically or terminally ill children demonstration project

Existing law requires the State Department of Health Services to establish a demonstration project for one intermediate care facility, as defined, for chronically ill or terminally ill children and extends the demonstration project until July 1, 1989.

This bill would extend the demonstration project until July 1, 1990.

Existing law requires that specified uniform standards of financial eligibility established by the state department be used to determine eligibility for this project, and requires that the state department establish and update a schedule of fees which shall

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be paid by the families of children receiving services under the project.

This bill would delete this provision, and would require that, subject to approval by the state department, the provider of services pursuant to the demonstration project establish a daily rate based on the cost of care, and a sliding daily fee scale based on ability to pay, and would provide that the families of children receiving services under this chapter shall be billed in accordance with the sliding fee scale

This bill would appropriate $140,000 to the state department for the purposes of continuation of the demonstration project.

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

Ch. 240 (AB 1127) Kelley Property taxation penalties

Under existing law, all taxes on personal property and ½ of the taxes on real property are due November 1 and delinquent December 10, and the 2nd half of the taxes on real property are due February 1 and delinquent April 10 of each year Existing law further provides for the attachment of interest and delinquent penalties at specified percentage rates on the secured and unsecured rolls

This bill would provide that delinquency penalties shall be canceled if the taxpayer can demonstrate that delinquency was caused by the tax collector's failure to mail the tax bill to the address provided on the tax roll, or may be canceled if the county board of supervisors, upon recommendation of the tax collector, has authorized the tax collector to establish, and the tax collector has so established, specific procedures for considering penalty cancellation

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

Ch. 241 (AB 1519) Cortese. Public contracts

Existing law provides for alternative procedures to the bidding procedures on public projects which are required for public agencies whose governing boards have by resolution elected to become subject to certain uniform construction cost accounting procedures. These alternative procedures permit a contract for the performance of a public project of $15,000 or less to be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order, permit a contract for the performance of a public project of $50,000 or less to be let by certain informal bidding procedures and require a contract for the performance of a public project exceeding $50,000 to be let by formal bidding procedures

This bill would revise those alternative procedures to, instead, permit a contract for the performance of a public project of $25,000 or less to be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order, permit a contract for the performance of a public project of $75,000 or less to be let by certain informal bidding procedures, and would require a contract for the performance of a public project exceeding $75,000 to be let by formal bidding procedures

This bill would also permit a public agency which has, by resolution, elected to become subject to those uniform construction cost accounting procedures to instead, utilize those alternative procedures when contracting for "maintenance work," as defined, or for any other work involving a "public project," as defined

This bill would permit the governing board, in the event all bids received for the performance of that public project are in excess of $75,000, to award the contract at $80,000, or less, to the lowest responsible bidder, as specified, if it determines the cost estimate of the public agency was reasonable

Ch. 242 (SB 68) Torres Education school dropouts educational clinics

Existing law establishes a program under which the Superintendent of Public Instruction is authorized to certify specified educational clinics Under existing law, these clinics

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are authorized to provide services to high school dropouts through contractual arrangements with school districts, county superintendents of schools, or the Superintendent of Public Instruction, pursuant to specified procedures and requirements Existing law makes this program inoperative on June 30, 1989, and repeals the program on January 1, 1990

Existing law authorizes school districts participating in a program established pursuant to the so-called "School-Based Program Coordination Act" to establish alternative education and work centers for school dropouts, as specified The alternative education and work centers are required to teach basic academic skills, operate on a clinical, client-centered basis, and provide specified programs. Existing law which governs alternative education and work centers for school dropouts will be repealed on January 1, 1990.

This bill would extend these provisions of existing law such that they would become inoperative on June 30, 1994, and would be repealed on January 1, 1995.

The bill would require the Superintendent of Public Instruction to contract for an independent evaluation of the Alternative Education and Work Centers and the Educational Clinic programs, and report the evaluation results, together with any policy recommendations, to the Legislature on or before January 1, 1991, and again on or before January 1, 1993

The bill would appropriate $3,000,000 from State School Fund A to the Superintendent of Public Instruction for the 1989-90 fiscal year for allocation of $1,400,000 for the funding of outreach consultants by up to 50 school districts with dropout recovery program plans, as specified, and $1,600,000 for payments to certified educational clinics, as specified.

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

Ch 243 (SB 204) Stirling Ocean fishing research

(1) Existing law provides for the establishment of the California Ocean Resources Enhancement and Hatchery Program administered by the Director of Fish and Game with the advice and assistance of the Ocean Resources Enhancement and Hatchery Advisory Panel, for conducting a program of basic and applied research on the artificial propagation and distribution of adversely affected marine fish species, as specified. Under existing law, it is a misdemeanor to take fish from prescribed ocean waters or by prescribed means without an ocean fishing enhancement stamp. These provisions will be terminated on January 1, 1990

This bill would extend the termination date to January 1, 1993

Since it would be a misdemeanor to take the fish without the above stamp for the extended period, 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 244 (SB 447) Davis Ventura County flood control loans

Under existing law, the Ventura County Flood Control District is authorized, subject to prescribed limitations and voter approval as prescribed, to borrow money to finance zone flood control or conservation projects, subject to repayment within 10 years

This bill would instead require repayment within the term approved by the voters, specify the maximum interest rate for loans, and make technical changes

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

Ch 245 (SB 529) Rogers Vehicles lights

Existing law permits authorized emergency vehicles used by specified peace officers to display a steady or flashing blue warning light

This bill would permit authorized emergency vehicles used by local agency park rangers to display that light

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Ch 246 (SB 562) Montoya Weights and measures

Existing law provides that the Department of Food and Agriculture has general supervision of weights and measures.

This bill would make nonsubstantive, technical changes with respect to the department by correcting definitions and references

Ch 247 (SB 1657) C Green Driving offenses alcohol and drug assessment

(1) Existing law authorizes, until January 1, 1990, a county to develop, implement, operate, and administer an alcohol and drug problem assessment program, as specified. Existing law requires any person to participate in the program if the person is convicted in a judicial district, which does not elect to not participate in that program where operated, of driving when 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. A county may terminate such a program on or before December 31, 1989

This bill would extend the termination date of those programs to January 1, 1995, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 248 (SB 1715) Royce Hemodialysis technicians supervision

Existing law provides that the treatment of patients by a hemodialysis technician includes the administration of specified medications pursuant to protocol and under immediate supervision, as specified

This bill would provide that hemodialysis technicians who treat patients in the home and are certified by the Board of Nephrology Examination for Nurses and Technicians are exempted from the requirement of immediate supervision until January 1, 1991

The bill would set forth specified findings and declarations and would declare that it is to take effect immediately as an urgency statute

Ch 249 (AB 71) Elder PERS health benefits and investment returns

(1) Under existing law, the Public Employees' Retirement System provides retirement benefits and health benefits to certain public employees and annuitants

This bill would require the system to provide to members requesting retirement materials, a written explanation of the effects, if any, of each possible decision on selecting optional settlements, beneficiaries, and survivor benefits upon certain health benefits

(2) The existing statutes require the system to submit annual reports to the Legislature, which include specified information regarding rates of return by asset type

This bill would require that report also to include the book valuation return on a 5-year, 3-year, 2-year, and 1-year basis

Ch 250 (AB 89) O'Connell Redevelopment taxes

Existing law permits any redevelopment plan to contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the taxing agencies as defined, after the effective date of the ordinance approving the redevelopment plan, be divided so that (1) the portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project, as specified, be allocated to and when collected be paid to the respective taxing agencies for specified purposes, and (2) the portion of the levied taxes each year in excess of the amount determined pursuant to item (1) above shall be allocated

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to and when collected shall be paid into, a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project

This bill would require that portion of the taxes identified in item (2) above, which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property be allocated to, and when collected shall be paid into, the fund of that taxing agency

This bill would provide that its provisions would only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989

Since the bill would require different calculation methods to be utilized by the counties in distributing tax proceeds to which the bill applies, 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 251 (AB 470) Farr Forest Resources Improvement Fund.

Under existing law, moneys in the Forest Resources Improvement Fund may be expended, when appropriated, for purposes relating to forest resources and to reimburse the General Fund for costs of operation of state forests administered by the Director of Forestry and Fire Protection. Existing law requires proposed expenditures from the fund to be included as separate items in the Budget Bill

This bill would allow moneys in that fund to be expended, upon appropriation, for operating costs associated with management of lands held in trust by the state and operated as demonstration forests by the Department of Forestry and Fire Protection The bill would require the lands to be managed to produce revenue that offsets state costs, as specified

Ch 252 (AB 551) Hannigan Rail passenger service funding

Under existing law, statutes implementing Article XIX of the California Constitution provide that projects eligible for funding as exclusive public mass transit guideway projects include rail lines on which the Department of Transportation contracts for rail passenger service

This bill would, instead, provide that eligible projects include projects on rail lines on which publicly funded rail passenger service is provided or is proposed to be provided

Ch 253 (AB 658) Killea Health mineral water

Existing law provides that mineral water producers which bottle 5,000 gallons, or less, per week shall have until February 1, 1990, to comply with the quality standards for bottled water

This bill would permit mineral water to exceed the quality standards for specified chemical elements.

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

Ch 254 (AB 669) Speier Firearms persons with prior convictions

Existing law provides that any person who has been convicted of a felony under the laws of the United States, as specified, of the State of California, or of any other state, government, or country, or of an enumerated offense involving the use of a firearm, or who is addicted to the use of any narcotic drug, who owns or has in his or her possession or under his or her custody or control any concealable firearm is guilty of a public offense, and shall be punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding $1,000, or both These provisions also apply to any person who has been convicted of a felony or of an enumerated offense,

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who owns or has in his or her possession or under his or her custody or control any concealable firearm, when the conviction results from certification by the juvenile court for prosecution as an adult in an adult court.

This bill, instead, would apply those provisions to any of those persons who owns or has in his or her possession or under his or her custody any firearm, rather than a concealable firearm Because this bill would expand the scope of an existing crime, it would create a state-mandated local program

Existing law also provides that any person who has been previously convicted of any specified violent offense and who owns or has in his or her possession or under his or her custody or control any concealable firearm is guilty of a public offense, and shall be punishable by imprisonment in a county jail for at least 6 months and not exceeding one year, or by imprisonment in the state prison. These provisions also apply to any person who has been convicted of any specified violent offense who owns or has in his or her possession or under his or her custody or control any concealable firearm, when the conviction results from certification by the juvenile court for prosecution as an adult in an adult court

This bill, instead, would apply those provisions to any of those persons who owns or has in his or her possessior or under his or her custody or control any firearm, rather than a concealable firearm Because this bill would expand the scope of an existing 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

Ch. 255 (AB 1190) Campbell Vocational education

Existing law authorizes the governing board of any school district maintaining secondary schools or the county superintendent of schools to establish special classes for adults designed to serve the educational needs of handicapped adults, including vocational education programs Existing law requires each school district or county superintendent of schools which provided certain adult education courses and classes in the 1977–78 fiscal year, including, among others, adult education programs for substantially handicapped persons, to continue to offer those courses and classes in subsequent fiscal years

Existing law authorizes any school district or districts, any community college district or districts, any county superintendent or superintendents of schools, or the governing body of any agency maintaining a regional occupational center or program, to contract with a private postsecondary school which has been in operation for a minimum of 2 years to provide vocational skill training Existing law requires these contracts to meet specified requirements, including the requirement that they be approved by the State Department of Education or the California Community Colleges, and that they meet specified standards for vocational education programs.

This bill would authorize any school district, community college, or county superintendent of schools to contract with an activity center, work activity center, or sheltered workshop to provide vocational skill training in any adult education program for substantially handicapped persons operated by a school district This bill would require each contract between a school district, community college district, or county superintendent of schools and these centers and workshops to meet the above-described minimum contract requirements, and would additionally require that the course of study be approved by the State Department of Education.

Ch 256 (AB 1987) Costa Surface impoundments. hydrogeological assessment reports

The Toxic Pits Cleanup Act of 1984 requires that every person discharging hazardous waste into a surface impoundment submit a hydrogeological assessment report, when ratified, to the California regional water quality control board The act also imposes other requirements concerning discharges, fees, inspections, and closure of the impoundment Under existing law, there are 2 provisions which allow a regional board to

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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 provisions are substantially similar, except that one provision contains certain criteria concerning the waiver of waste discharge requirements, and does not contain certain criteria concerning the determination by the regional board, in consultation with the Department of Fish and Game, of measures to prevent adverse impact to wildlife, and a demonstration regarding the reduction of the volume of drainage water discharged into the surface impoundment

This bill would repeal that provision

Ch 257 (AB 2027) Condit. Public records storage reproduction

(1) Existing law authorizes the public records of any state agency to be microfilmed or otherwise photographically reproduced and certified upon the written authorization of the head of the agency

This bill would provide that the public records of any state agency may also be electronically data imaged under those provisions.

(2) Existing law requires the Attorney General to keep on file a complete record of copies of fingerprints, applications to carry concealed weapons, records of the sale of deadly weapons, and reports of lost, found, pledged, or pawned property, as specified, for the purpose of assisting the investigation of crime, the prosecution of criminals, and recovery of lost, stolen, and found property

This bill would authorize the Department of Justice and criminal justice agencies to maintain those records by any system of microphotography, optical disk, or reproduction by other techniques which do not permit additions, deletions, or changes to the original document, and to provide hard copy printouts of those records, as specified The bill would require that all storage medium shall comply with standards approved by the National Institute of Standards and Technology

(3) Existing law provides specified requirements to ensure uniform recording, reporting, storage, analysis, and dissemination of criminal offender record information by criminal justice agencies in the state. Existing law prohibits the destruction of any state record unless it is determined that it has no further administrative, legal, or fiscal value and is not appropriate for preservation in the State Archives, as specified

This bill would authorize any criminal justice agency to destroy the original records maintained pursuant to those provisions if certain specified requirements are met

(4) The bill would provide that copies of records made pursuant to the above provisions shall be deemed to be an original record, or a certification of the original record, as specified

Ch 258 (SB 114) Davis Hazardous waste penalties

Existing law prohibits the burning or incineration of hazardous waste at an unpermitted facility or unauthorized point and specifies the criminal penalties for a violation of that prohibition A person who violates the hazardous waste control law is, upon conviction, guilty of a misdemeanor, except as specified

This bill would add a reference to that exception concerning the penalties for the unauthorized burning or incineration of hazardous waste

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

Ch 259 (SB 210) Russell Household goods carriers: rates liability insurance

(1) Under existing law, if the Public Utilities Commission establishes minimum rates for household goods carriers, the rates may not exceed the current rates of common carriers by land subject to the Public Utilities Act for the transportation of the same kind of property between the same points

This bill would repeal that provision

(2) Under existing law, a household goods carrier is required to procure and continue in effect during the life of its permit adequate liability protection for the payment of damages for personal bodily injuries and property damage Currently, protection is required to be in an amount of not less than $15,000 on account of bodily injuries to or death of one person, not less than $30,000 on account of bodily injuries to or death of

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more than one person as a result of any one accident, and not less than $10,000 for one accident resulting in damage or destruction of the property of one or more than one claimant

This bill would raise the minimum protection against liability required of household goods carriers to not less than $250,000 on account of bodily injuries to or death of one person, not less than $500,000 on account of bodily injuries to or death of more than one person as a result of any one accident; and not less than $100,000 for one accident resulting in damage or destruction of the property of one or more than one claimant, and not less than $600,000 on account of bodily injury or death of one or more persons, and damage to or destruction of property of one or more than one claimant in any one accident This bill would also permit the commission to increase the minimum level of public liability and property damage protection required if necessary to provide adequate protection

(3) Under existing law, all household goods carriers are required to procure and continue in effect cargo insurance in the amount of $5,000

This bill would raise the amount of required cargo insurance to $20,000, unless the commission finds that a lesser amount adequately protects the public

(4) Under existing law, the Legislature has made certain findings and declarations concerning its purpose in enacting provisions regulating household goods carriers

This bill would add to that statement of intent a declaration that the regulatory provisions are for the purpose of securing nondiscriminatory rates for transportation by these carriers

Ch 260 (SB 225) Presley Judgments and settlements of claims against the state appropriation

This bill would appropriate $412,612 90 from the General Fund to the Secretary of the State Board of Control to pay judgments and settlements of claims accepted by the State Board of Control

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

Ch 261 (SB 232) Russell Mutual insurers

Under existing law, mutual life or life and disability insurers that have completed proceedings for voluntary mutualization under specified provisions are exempt from certain general provisions pertaining to mutual insurers, including provisions making 5% of the voting members of a mutual insurer a quorum for the transaction of business and permitting action to be taken by a vote of a majority of the members present and voting

This bill would make these mutual insurers subject to the above provisions on quorum requirements and voting

Ch 262 (SB 412) Petris Courts appeals

Existing law, which will remain in effect only until January 1, 1990, requires the Supreme Court, a court of appeal, or the appellate department of a superior court to afford the parties to a proceeding the opportunity to present their views on the matter through supplemental briefing whenever the court renders a decision based upon an issue not proposed or briefed by any party, except as specified

This bill would delete the repealer, extending this provision indefinitely

Ch 263 (SB 543) Deddeh Garnishment withholding period

Existing law defines "withholding period" as the period which commences on the 10th day after service of an earnings withholding order upon the employer and which continues until the earliest of the following dates (1) the 100th day after the order was served, (2) the date the employer has withheld the full amount specified in the order, (3) the date of termination specified in a court order served on the employer, and (4) the date of termination specified in a notice of termination served on the employee by the levying officer

This bill would eliminate the date as specified under (1) above, as one of these dates

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Ch 264 (SB 599) Montoya. Boxing.

Existing law authorizes the State Athletic Commission to license boxers and martial arts fighters, among others

This bill would require a professional boxer or martial arts fighter to demonstrate his or her ability to perform prior to licensure, as specified

Existing law requires the operator of a professional boxers' training gymnasium to inspect the boxing license or sparring permit of any individual who wishes to use the gymnasium for sparring or boxing

This bill would require that operator to log daily on a form approved by the commission the license or sparring permit of those individuals

Existing law does not require licensees of the State Athletic Commission to report an injury or knockout during a sparring match or other event

This bill would provide that the failure of a licensed training gymnasium owner or operator, fighter, boxer, trainer, second, or manager to report an injury or knockout of a licensed boxer or fighter or the holder of a sparring permit shall be grounds for the suspension of their license

This bill would impose a state-mandated local program by adding a new crime since any violation of the Boxing Act is a misdemeanor

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

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

Ch 265 (SB 921) Vuich Hazardous substances highway spill or disaster

Existing law vests authority for the management of the scene of an on-highway hazardous substance spill or disaster in the appropriate law enforcement agency having primary traffic investigative authority on the highway where the spill or disaster occurs

This bill would authorize the local governing body of a city having jurisdiction where the spill or disaster occurs to assign the authority for management of the scene on local streets and roads, other than freeways, to either the local law enforcement agency or fire protection agency The bill would specify that the Department of the California Highway Patrol is responsible for scene management on all highways where the department has primary traffic investigative authority The bill would make conforming changes with respect to the state toxic disaster contingency plan

Ch 266 (SB 938) Rosenthal Public Utilities Commission· report

Under existing law, the regulation of public utilities, including telephone corporations, is carried out by the Public Utilities Commission The commission has undertaken a monitoring plan to enable the commission to measure and assess the impact which regulatory flexibility may have on long-distance customers of American Telephone and Telegraph Corporation, and its competitors

This bill would make legislative findings and declarations in that connection and would require the commission to report to the Legislature by December 1, 1990, and submit a final report by December 1, 1991, on the results of the plan, including specified information

Ch 267 (SB 955) Stirling *Community colleges holidays*

Existing law requires community colleges to close on specified holidays, including Lincoln Day

This bill would authorize the governing board of a community college district, in addition to closing on the days presently authorized by law, to close the colleges on the Friday preceding or following Lincoln Day if Lincoln Day falls on a day other than Friday

Ch 268 (SB 1655) Boatwright Reclamation districts ferry operation

Under existing law, reclamation districts are not specifically authorized to operate ferry boats for access to district lands

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This bill would authorize reclamation districts to construct, maintain, and operate ferry boats, bridges, road systems, and related facilities to provide access to the district
The bill would declare that it is to take effect immediately as an urgency statute

Ch 269 (SB 475) Torres Hazardous substances. fees and taxes· water quality.
(1) Existing law requires that each person who disposes of hazardous waste onsite, who submits hazardous waste for disposal offsite, or who submits hazardous waste 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 The money in the account is available upon appropriation, to the State Department of Health Services for hazardous waste management and 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 Existing law specifies the formula for determining adjustments to the disposal fee and requires that the fee for hazardous waste residue resulting from incineration is 5% of the base rate The provisions establishing the Hazardous Waste Control Account, imposing the fee, and providing for the fee formula are operative until July 1, 1989, and repealed as of January 1, 1990. Existing law makes it a crime to violate the hazardous waste laws
The bill would instead require the proceeds of the fee to be deposited in the Hazardous Substance Account ("California Superfund") in the General Fund, thereby making an appropriation and imposing a tax for purposes of Article XIII A of the California Constitution The bill would delete the provisions establishing a formula for the fee and would instead specify that the base rate is $52 50 per ton
This bill would authorize the funds in the Hazardous Waste Control Account to be expended for state operational costs with respect to the oversight of removal and remedial actions to hazardous substance releases The bill would require that any surplus in the Hazardous Waste Control Account which exceeds 5% of the previous year's appropriation be transferred to the Hazardous Substance Account for expenditure by the department upon appropriation by the Legislature
The bill would delete the termination of those provisions, thereby imposing a state-mandated local program by creating a crime in that extended period
The bill would include, within the 5% base rate for the disposal of hazardous waste, the hazardous waste residue resulting from treatment which meets certain requirements and which has been approved by the department, as specified
(2) Existing law imposes an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities, and an annual generator fee Existing law requires the department to establish fees for application renewals, closure, and variances
This bill would delete the formula for the facility fees and the generator fees and would establish a base rate for these fees of $20,000 and $2,400, respectively, thereby imposing a tax for purposes of Article XIII A of the California Constitution, as these fees are deposited into the Hazardous Waste Control Account for various purposes, and thereby imposing a state-mandated local program by creating a new crime The bill would repeal the provision authorizing the department to establish fees for application renewals, closure, and variances, and would, instead, require the State Board of Equalization to assess a fee, in a specified amount, for applications for permits, variances, or certifications, in specified amounts, and would require the board to assess a fee for the classification of a waste as a hazardous waste
The bill would require the board to adopt a schedule of SIC codes, as defined, that consists of corporations in this state which use, generate, store, or conduct activities in the state related to hazardous materials, including hazardous waste The bill would require each corporation identified in the schedule to pay an annual fee, in specified amounts, thereby imposing a tax for purposes of Article XIII A of the California Constitution The bill would require the department to deposit the fees in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature, to carry out the provisions regulating hazardous waste The bill would require that each manifest resubmitted to the department by a producer of hazardous waste be accompanied by a fee of $20 and would require these fees to be deposited in the

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Hazardous Waste Control Account

(3) Existing law imposes a tax, payable by July 1 of each year, upon the reported amount of hazardous waste disposed of in the preceding calendar year. A person is required to report the amount of hazardous waste subject to this tax by March 1 of each year and pay the amount assessed by July 1 of each year. Existing law specifies a formula for the collection of this tax and prohibits the total amount of the tax which may be collected in any fiscal year from exceeding $15,000,000 Existing law provides for the deposit of this money into the Hazardous Substance Account, and the money within this account may be expended by the State Director of Health Services, upon appropriation by the Legislature, to pay, among other things, for removal and remedial actions related to the release of hazardous substances. Existing law continuously appropriates the money in the fund to a reserve account for emergencies and for repayment of the bonds sold pursuant to the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984. These provisions, including the tax, are repealed on January 1, 1991, except that existing law extends the date of the repeal until the bonds are repaid, as specified.

This bill would require the State Board of Equalization to assess fees on and after July 1, 1989, on any person potentially responsible for the costs of a hazardous substance remedial and removal action, taken pursuant to a specified order or agreement, for the costs of certain assessments and oversight by the department The bill would specify the amounts of these fees and would reduce the liability of persons paying these fees from their liability for administrative costs

The bill would delete the formula for determining the tax, and would repeal the provisions limiting the total amount of taxes which may be collected and authorizing a rebate, and would impose a limit of $20,000,000 on the amount of tax which may be collected after July 1, 1996, thereby imposing a tax for purposes of Article XIII A of the California Constitution and thereby making an appropriation The bill would specify that the base rate for the tax is $52.50 per ton, as specified The bill would require that not less than $20,000,000 of the funds in the Hazardous Substances Account be used to fund the direct costs of removal and remedial actions to hazardous substance release sites

The bill would delete the requirement that the amount of hazardous waste subject to the tax be reported by March 1 of each year and would instead require each person subject to the tax to file an annual return

The bill would extend the date of the repeal of specified provisions of the Carpenter-Presley-Tanner Hazardous Substances Account Act to July 1, 1996, or until the bonds sold pursuant to the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 are repaid A state-mandated local program would be imposed by continuing in effect specified crimes, and the bill would also continue in effect specified appropriations.

The bill would make conforming changes to provisions specifying procedures for the collection of the fees and taxes imposed on hazardous waste.

(4) Existing law requires that all costs incurred and payable from the Hazardous Substance Account or the Hazardous Substance Cleanup Fund be recovered from the liable person and specifies that the person is liable for administrative costs, but not greater than $500 or 10% of the reasonable costs actually incurred

This bill would specify that a potentially responsible party is liable for reimbursing the account or the fund for all expenditures associated with the identification, characterization, and remediation of hazardous substance releases, including interest and administrative expenses, for all activities which occur before July 1, 1989, and would require the department to prorate the fees for activities or phases of activity initiated, but not completed, before July 1, 1989, as specified

(5) Existing law authorizes the State Director of Health Services to request the Attorney General to secure relief that may be necessary when the director determines that there may be an imminent or substantial endangerment to the public health or welfare or to the environment because of a release or a threatened release of a hazardous substance.

This bill would authorize the court to grant a permanent or temporary injunction, restraining order, or other order upon a specified showing by the department concern-

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ing the imminent or substantial endangerment The bill would additionally authorize the director to request the Attorney General to secure relief whenever there is a release or threatened release of a hazardous substance. The bill would specify that certain allegations and proof are not required in any civil action for a temporary restraining order, injunction, or other order brought pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act and that these provisions apply to actions occurring before or after the effective date of the bill

(6) Existing law requires the department or a county health officer to issue a specified order to secure a site within 30 days after making a determination concerning a release of a hazardous substance, including requiring the order to direct the posting of signs within 60 days after receiving the order and to direct the fencing of the site, except as specified The department or county health officer is required to secure and post the site within 30 days after the expiration of this 60-day period.

The bill would delete the 30-day requirement concerning when the order is required to be issued, and would require the order to direct the site to be posted and fenced within 5 days after receiving the order The department or the county health officer would be required to secure and post the site within 30 days of the 5-day period using any source of funds, thereby imposing a state-mandated local program

(7) Under existing law, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies responsible for water quality control Under existing law, all discharges of waste that could affect the quality of the waters of the state, other than into a community sewer system, are subject to requirements prescribed by the regional boards and the state board

This bill would require the state board and the regional boards, in consultation with the State Department of Health Services and the Department of Fish and Game, to develop and maintain a comprehensive program as prescribed, to identify and characterize toxic hot spots, as defined, in enclosed bays and estuaries, as defined, to plan for the cleanup of the sites, and to amend water quality control plans and policies, as specified. The bill would require the state board, by July 1, 1991, to adopt and submit to the Legislature a workplan for the adoption of sediment quality thresholds for toxic pollutants that have been identified in known or suspected toxic hot spots and for toxic pollutants The state board would be required, when adopting sediment quality thresholds, to base them on a health risk assessment as specified

The bill would require the state board, in consultation with the State Department of Health Services and the Department of Fish and Game, by July 1, 1992, to adopt general criteria, as prescribed, for the assessment and priority ranking of toxic hot spots in enclosed bays and estuaries The bill would require each regional board, as appropriate, to complete, by July 1, 1993, a toxic hot spots clear up plan, as prescribed, and within 120 days from the ranking of a toxic hot spot, to initiate a reevaluation of waste discharge requirements for dischargers, based on the determination of the regional board, who have discharged all or part of the pollutants which have caused the hot spot The bill would also require the state board to submit to the Legislature, by January 1, 1994, a consolidated statewide toxic hot spots cleanup plan

The bill would require each regional board to develop for each enclosed bay or estuary, a consolidated data base, as specified, which identifies and describes all known and suspected toxic hot spots

The bill would prohibit any person from dredging or otherwise disturbing a toxic hot spot site that has been identified and ranked by a regional board without first obtaining certification, as specified, or waste discharge requirements from the regional board, and would prescribe criteria for that approval effective on and after January 1, 1993

The bill would prescribe related powers and duties of the state board and the regional boards.

The bill would declare legislative intent that appropriate state and regional agencies take all necessary actions to fully implement specified policies and principles The bill would appropriate $5,000,000 from the Hazardous Waste Control Account to the state board to implement this program

(8) The Budget Act of 1989 appropriates funds for the support of the department, of

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which, among other things, $38,716,000 is appropriated for site mitigation, $14,360,000 for permitting, $14,576,000 for surveillance and enforcement, and $13,288,000 for alternative technology, and of which, $6,805,000 is payable from the Hazardous Substance Account

This bill would amend and supplement the Budget Act of 1989 to increase the amount appropriated for support of the department, of which, $85,911,000 would be appropriated for site mitigation, $20,440,000 for permitting, $20,697,000 for surveillance and enforcement, and $19,629,000 for alternative technology, and would make the amount payable from the Hazardous Substance Account $64,000,000 The bill would specify that if revenues received by the department are insufficient to meet the amount required for support of the department, the department would be required to reduce state administrative costs and would be prohibited from reducing the taking of direct removal and remedial actions to hazardous substance release sites

The bill would also supplement the Budget Act of 1989 by transferring $10,000,000 from the General Fund to the Hazardous Substance Account for the support of the department The bill also would appropriate $3,900,000 from the Hazardous Substance Account to the state board to implement a program for abating releases of hazardous substances from underground storage tanks by local agencies

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000.000, shall be made from the State Mandates Claims Fund

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

Ch 270 (SB 683) C Green *Certificated employees STRS member applications-spousal signatures community colleges*

Existing statutes require that certain member applications to the State Teachers' Retirement System contain the spouse's signature, unless specified conditions are met

This bill would make that requirement also applicable for applications to withdraw accumulated annuity deposit contributions

Existing statutes provide for leaves of absence for certificated employees of community college districts

This bill would authorize governing boards of community college districts to adopt workload balancing programs for certificated employees which would permit excess time served to be used for paid leaves of absence at a subsequent time This new authorization would impose upon community college districts state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to local public school employer-employee relations

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,-000, shall be made from the State Mandates Claims Fund

Ch 271 (SB 55) Torres. *Amerasian children's services*

Existing law provides for various programs for assistance of youth

This bill would require the State Department of Social Services to develop a plan for services to Amerasian children from Vietnam, in consultation with the State Depart-

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ment of Education, volunteer agencies responsible for their initial resettlement, refugee mutual assistance associations, and other appropriate state agencies, as determined by the department.

The bill would specify what factors the plan shall include.

The bill would require the State Department of Social Services to seek federal funding for unmet service requirements of Amerasian children and their families identified in the needs determination required by this bill These unmet requirements would only be provided to the extent that federal funding is available and allowable under federal laws and regulations.

Ch. 272 (AB 169) Floyd. Horseracing

Existing provisions of the Horse Racing Law authorize the California Horse Racing Board to license associations and fairs to conduct horseracing meetings with parimutuel wagering.

This bill would define the terms "barrel race," "match jumping race," and "steeplechase race" for purposes of the Horse Racing Law The bill would authorize the California Exposition and State Fair, a county fair, and a district agricultural association fair to provide mixed breed racing with parimutuel wagering which includes barrel races, match jumping races, and steeplechase races The bill would authorize all recognized breeds of horses to compete in barrel races, match jumping races, and steeplechase races

Ch 273 (AB 199) Floyd Horseracing California Exposition and State Fair

Existing provisions of the Horse Racing Law define a racing week, with specified exceptions, as having a minimum of 5 racing days

This bill would authorize the California Horse Racing Board, until January 1, 1993, to allocate racing weeks consisting of fewer than 5 racing days to an association conducting harness meetings at the California Exposition and State Fair, if the association and the organization representing horsemen participating in the meetings agree to the allocation.

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

Ch. 274 (AB 696) Cortese Transactions and use taxes operation.

Under the existing Bradley-Burns Uniform Local Sales and Use Tax Law and the Transactions and Use Tax Law, the State Board of Equalization deducts from its periodic transmittals of sales and use tax revenues and transactions and use tax revenues to counties, cities, redevelopment agencies, and districts, as defined, their respective shares of refunds of those taxes which are due to taxpayers.

This bill would, with certain exceptions, require the board, upon the request of a local agency or district, to remit to the local agency or district that portion of the refund deducted from tax revenue transmittals by the board which exceed the greater of $50,000 or 20% of the local agency's or district's quarterly tax revenues and to thereafter deduct a pro rata share of that portion from future transmittals of tax revenues, as specified, until the portion is fully deducted

The existing Transactions and Use Tax Law specifies the date on which an ordinance of a district, as defined, imposing a transactions and use tax becomes operative. It provides that an ordinance to adopt a transactions and use tax shall be operative on the first day of a calendar quarter commencing more than 120 days after the adoption of the ordinance. However, if the principal act of the district provides for an earlier operative date or no operative date at all, existing law provides that the State Board of Equalization and the district may agree, at least 4 months prior to the proposed operative date of the ordinance, for the board to prepare to administer the ordinance In that case, existing law provides that the ordinance may be made operative on the first day of an earlier calendar quarter, but in no instance shall the operative date be earlier than the first day of the calendar quarter specified in the principal act of the district

This bill would delete the provisions of the Transactions and Use Tax Law permitting agreements between the district and the board relating to the board's preparation to administer a transactions and use tax ordinance and making the ordinance operative

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earlier This bill would also provide that transactions and use tax ordinances become operative on the first day of a calendar quarter commencing more than 110 days, rather than 120 days, after the adoption of the ordinance

Ch 275 (AB 789) Hill Whittier Union High School District.

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 state legislative findings, including the finding that the Whittier Union High School District is experiencing financial distress due to a shortfall in state apportionments to the district because of a miscalculation by the county auditor-controller in overstating the district's property tax revenues

Existing law prescribes the procedures to be followed by the Controller for the issuance of warrants to be drawn on the State Treasury in favor of the respective county treasuries for support of the public schools These procedures establish different formulas for determining the amount of warrants to be issued in specified months and under specified conditions

This bill would require that, for the 1989–90 fiscal year only and notwithstanding any other provision of law, warrants from the State Treasury for amounts apportioned to the Whittier Union High School District shall be drawn pursuant to specified procedures

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

Ch 276 (AB 1708) Hannigan PERS state safety members disability retirement

Existing statutes provide for nonindustrial disability retirement allowances and industrial disability retirement allowances under the Public Employees' Retirement System

This bill would authorize any state safety or state peace officer/firefighter member who before January 1, 1986, was eligible for an industrial disability retirement allowance, but elected, instead, for nonindustrial disability retirement allowance to elect, for future payments only, for an industrial allowance, calculated, as specified, in an amount which shall not be less than his or her nonindustrial allowance

Ch 277 (AB 999) Farr Local transaction and use tax

Existing law authorizes the board of supervisors of any county with a population of 350,000 or less on January 1, 1987, to impose a retail transactions and use tax of 0 5%, if the ordinance or resolution proposing the tax is approved by a ⅔ vote of the members of the board and the tax is approved by a majority vote of the qualified voters of the county

This bill would alternatively, authorize the board of supervisors of any county with a population of 350,000 or less on January 1, 1987, to establish an authority for specific purposes and would authorize the authority, by a ⅔ vote of its members and approval by a majority of the voters of the county, to adopt an ordinance imposing a transactions and use tax at a rate of 0 5% for any purpose for which the authority is established The bill would require the tax ordinance to include an expenditure plan and to conform to the Transactions and Use Tax Law

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

Ch 278 (AB 2483) Epple Public works

Existing law defines "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects.

Existing law further requires that, except as specified, not less than the general prevailing rate of per diem wages be paid to workers employed on public works It imposes misdemeanor penalties for a violation of this requirement

This bill would add specified public transportation demonstration projects to the definition of "public works" for purposes of these provisions The violation of prevailing wage requirements by local public entities when engaged in these specified projects would result in the imposition of misdemeanor penalties thereby creating a state-mandated local program.

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

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

Ch. 279 (AB 227) Hannigan. Public utilities: solar energy systems.

(1) Existing law requires an electrical or gas corporation, or any subsidiary thereof, that desires to manufacture, lease, sell, or otherwise own or control any solar energy system to first obtain the authorization of the Public Utilities Commission to do so.

This bill would require an electrical or gas corporation to submit to the commission a description, including specified matters, of its proposed program of solar energy development, and would authorize the corporation to pursue the program, unless the commission, within 45 days after the commission has accepted the filing of the description, orders the corporation to obtain the commission's authorization. The bill would also require an electrical or gas corporation that desires to provide assistance, as specified, to any subsidiary in implementing the subsidiary's program of solar energy development to obtain the commission's authorization to do so.

(2) Existing law requires the commission to grant the authorization to the corporation to pursue its proposed program of solar energy development if the commission finds that the program will not restrict competition, restrict growth in the solar energy industry, or unfairly employ in a specified manner.

This bill would require that the commission deny an authorization if it finds that the program of solar energy development will restrict competition, restrict growth in the solar energy industry, or unfairly employ in a specified manner.

(3) Under existing law, the commission is required to suspend or terminate an authorization to engage in certain activities concerning a solar energy system whenever the commission determines the program of solar energy development no longer meets specified requirements.

This bill would provide that this provision applies to all programs of solar energy development undertaken by a gas or electrical corporation.

(4) Under existing law, the rates of a public utility, including electrical and gas corporations, are required to be just and reasonable.

This bill would prohibit the costs and expenses of implementing a program of solar energy development from being passed through to the ratepayers of an electrical or gas corporation.

Ch. 280 (AB 431) Hansen. State Coastal Conservancy: enhancement and restoration projects: loans to nonprofit organizations.

(1) Under existing law, the State Coastal Conservancy is authorized to provide up to $50,000 of the cost of preparing local coastal restoration plans, local coastal resource enhancement plans, or urban waterfront restoration plans, for any proposed coastal restoration project, coastal resource enhancement project, or urban waterfront project approved by the conservancy.

This bill would increase that maximum amount to $100,000.

(2) Existing law authorizes the conservancy to loan funds to a nonprofit organization to acquire temporarily a site for later acquisition by a state or local public agency.

The bill would also authorize these loans for later acquisition by a federal agency.

Ch. 281 (AB 480) Polanco. Freeway incident management.

Existing law contains provisions relating to the jurisdiction of law enforcement authorities to police and manage the scene of an accident. Existing law also establishes a California Traffic Safety Program, administered by the Governor, relating to, among other things, emergency services, and authorizes the formation of local service authorities for freeway emergencies to operate a motorist aid system of call boxes. Existing law appropriated funds to the Department of Transportation for a study of urban freeway gridlock.

This bill would require the Department of Transportation and the Department of the

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California Highway Patrol to establish an advisory committee to develop a program using specified techniques to respond to and manage freeway incidents

The bill would require the advisory committee to submit a report of its activities, including its recommendations, to the Legislature by January 1, 1991

The bill's provisions, except for a related change, would be repealed on January 1, 1991, unless a later enacted statute deletes or extends that date

Ch 282 (AB 483) Jones Prisoners medical care

Under existing law, cities and counties are required to provide medical or hospital care to prisoners, these costs generally are borne by the city or county However, existing law authorizes cities and counties to recover hospitalization costs from a nonindigent prisoner or a person or agency responsible for a prisoner's care and maintenance Existing law also authorizes cities, counties, and the Department of the Youth Authority to make claim for and recovery of the costs of necessary hospital, medical, surgical, dental, or optometric care rendered to any prisoner confined in a county or city jail or juvenile detention facility who would otherwise be entitled to that care under the Medi-Cal Act, as specified, or under the provisions of any private program or policy

This bill would authorize counties, cities, and the Department of the Youth Authority to make claim for and recover from a nonindigent prisoner or a person legally responsible for a prisoner's care and maintenance, upon a determination of their ability to pay, the costs of providing any necessary hospital, medical, surgical, dental, or optometric care to such a prisoner confined in a county or city jail or juvenile detention facility, as specified It would also require the person legally responsible for the prisoner's care to provide a financial disclosure statement, executed under penalty of perjury, based on his or her past year's income tax return, to the Department of the Youth Authority

The bill would also provide that the city, county, or department may request that the prisoner appear before a hearing officer for an inquiry and a determination of the prisoner's or responsible 3rd party's ability to pay, as defined, require a specified notice in this regard, and provide for the incorporation of any amount to be reimbursed in a court order The bill would further provide that, at the hearing and prior to satisfaction of the judgment, the prisoner or responsible 3rd party shall be entitled to certain procedural rights

The bill also would make technical, conforming changes

Ch 283 (AB 785) Mountjoy Elections

Existing law provides that a candidate for elective office may submit a petition containing signatures of voters, as specified, in lieu of a filing fee It requires that a circulator of such a petition be a registered voter.

This bill would require the circulator to be a registered voter of the district in which the candidate is to be voted on, and would limit the circulator to serving within the county in which he or she resides

Existing law permits the county clerk examining the signatures affixed to an in-lieu filing fee petition to use a random sampling technique for verification of signatures and requires that the random sampling include an examination of 5% of the signatures if the number of signatures is more than 2,000. The law does not prescribe a sampling technique if the number of signatures is exactly 2,000

This bill would require this examination if the number of signatures is 2,000 or more

Existing law requires, in elections using voting systems, that the precinct board seal the operating lever and lock the machine and that it remain locked and sealed against operation for a period not to exceed 30 days following any statewide election or a period of 8 days following any local or special election

This bill would provide that this period shall not exceed 30 days following the declaration of the results of the election by the body canvassing the returns

Existing law specifies the design for a petition to recall a state or local elected officer. It requires, among other things, that a space at least one inch wide be left blank after each name for the use of the clerk in verifying the petition

This bill would also require that a margin at least one-inch wide be left blank across the top of each page of the petition and that a margin at least ½-inch wide be left blank

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along the bottom of each side of the petition.

Ch. 284 (AB 1191) Mojonnier. Lobster traps.

Existing law prohibits disturbing, moving, or damaging any lobster trap which belongs to another person if it is marked, as specified. Existing law exempts persons from that prohibition if they are authorized, as specified, to pull or raise the trap and exempts employees of the Department of Fish and Game while engaged in the performance of official duties

This bill would also exempt, as specified, publicly employed safety personnel who may remove a trap, buoy, or line under specified conditions while engaged in the performance of their official duties The bill would require persons removing a trap or buoy, or a trap or buoy line, to report the buoy identification number to the department and to notify the owner, as specified.

Ch 285 (AB 1307) Killea Industrial development bonds

Existing law authorizes the issuance of industrial development revenue bonds by industrial development authorities to facilitate the acquisition by private enterprise of property which is suitable for, or evidences an obligation concerning, specified activities or uses, including manufacturing, industrial parks, and energy development

This bill would include in those activities or uses processing or manufacturing recycled or reused products and materials by manufacturing facilities

Ch 286 (AB 1321) Jones School facilities funding state building cost standards

Existing law authorizes the State Allocation Board to grant funding to applicant school districts for the construction of school facilities under the Leroy F Greene State School Building Lease-Purchase Law of 1976, subject to specified building area and cost standards

This bill would authorize an increase of 10% or less in the maximum building cost of any project approved under that state program, where the increase is funded by the applicant district exclusively from the proceeds of a general obligation bond measure or a special tax pursuant to the formation of a community facilities district, or both, pursuant to specified conditions

Ch 287 (SB 903) Vuich Agriculture citrus pests

Existing law authorizes citrus pest districts until March 1, 1990, to pay limited compensation to owners of citrus trees and stone or pome fruit trees which are removed because of specified infections

This bill would delete that termination date

Ch 288 (SB 1672) Campbell Chiropractic

Existing law provides for the licensing and regulation of persons engaged in the practice of chiropractic by the State Board of Chiropractic Examiners pursuant to an initiative act known as the Chiropractic Act

This bill would authorize the superior court of any county to issue an injunction or other appropriate order restraining any act or practice which would constitute an offense against that act upon application of the board or of 10 or more persons licensed under that act

Ch 289 (SB 365) Craven California State University San Marcos

Existing law authorizes the establishment of campuses of the California State University at designated locations throughout the state Existing law also authorizes the establishment of a permanent off-campus center of the university in the northern portion of San Diego County

This bill would authorize the establishment of a new campus of the university on the current location of that off-campus center, to be known as the California State University, San Marcos

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Ch 290 (SB 766) C Green. Vehicles· bail· refund.

Existing law requires that a deposit of bail for an infraction offense under the Vehicle Code be refunded, as specified, within 30 days of a dismissal or finding of not guilty, and that multiple or duplicate deposits of bail be refunded within 30 days of identification

This bill would include violation of any local ordinance adopted pursuant to that code within those provisions and apply the refund of bail to the cancellation of the offense charged The bill would specify that the amount refunded in accordance with those provisions shall accrue interest, at a specified rate, on and after the 60th day of a cancellation, dismissal, or finding of not guilty or identification of multiple or duplicate deposits, and require that it be refunded as soon as possible thereafter along with accrued interest

Ch 291 (SB 270) Stirling Banks conversion to national banks

Nothing in existing law requires the conversion of banks chartered by this state into national banking associations to be reported to the Secretary of State

This bill would require the national banking association created by such a conversion to file a prescribed officers' certificate with the Secretary of State and would require the Secretary of State to enter the fact of the conversion on the corporate records of the state bank so converted The bill would also authorize the Superintendent of Banks to file a report with the Secretary of State setting forth the same recitals required in the officers' certificate, as to any conversion occurring either before or on or after January 1, 1990, if an officers' certificate has not been filed with the Secretary of State within 60 days of completion of the conversion The bill would provide that the bank shall no longer be considered organized under the laws of this state after the Secretary of State enters the fact of the conversion on the Secretary of State's corporate records

Ch 292 (SB 390) Dills Judges' Retirement System minimum requirements.

The existing Judges' Retirement Law deems any judge whose term of office expires within 30 days before the judge either rendered the minimum years of service or attained the minimum age required for retirement, to have rendered the minimum service or to have attained the minimum age

This bill would increase those periods from 30 to 60 days

Ch 293 (SB 419) L Greene Public contracts. services

Existing law provides that, notwithstanding any other provision of law, it shall be considered to be the public policy of the State of California and any political subdivision thereof, that selection by a state or local agency head for professional services of private architectural, engineering, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required

This bill, instead, would require both state and local agency heads to select certain professional services on that basis The bill would also declare that it is declaratory of existing law The imposition of this new requirement on local agencies 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 294 (SB 650) Stirling Real property transferring or hiring· disclosures

Existing law requires the transferor in specified real property transfers to make specified disclosures to the transferee including whether the transferor is aware of any neighborhood noise problems or other nuisances.

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This bill would require a transferor to disclose as soon as practicable before transfer of title, any former federal or state ordnance locations, as defined, within one mile of the property if the transferor has actual knowledge of these locations

Existing law requires the lessor of a building intended for the occupation of human beings to put it into a condition fit for human occupancy

This bill would require the landlord of a residential dwelling unit to disclose to prospective tenants any ordnance locations within one mile of the unit known to the landlord, before execution of the rental agreement The bill would require these disclosures to be made, in the case of tenancies in existence on January 1, 1990, as soon thereafter as practicable

Ch 295 (SB 742) Seymour Taxation information disclosure

The existing Personal Income Tax Law imposes various restrictions on the Franchise Tax Board and its employees regarding the disclosure of information from state personal income tax returns and makes unauthorized disclosures a crime

This bill would provide that the Franchise Tax Board may disclose specified tax information to the California Student Aid Commission relating to applicants for, and recipients of, student financial aid, the parents of dependent applicants or recipients, and spouses of the applicants or recipients, upon the commission furnishing to the board the names and social security numbers of those persons who have signed a student aid application for California which serves as a voluntary authorization for that disclosure It would authorize the Franchise Tax Board to make specified audits of those authorizations

The California Constitution requires the state to reimburse local agencies and school districts 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

Ch 296 (SB 743) Seymour Subdivided land public reports.

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 a public report Existing law requires the Real Estate Commissioner to issue the person a public report, if certain conditions are met, authorizing the sale or lease of lots or parcels within the subdivision

This bill would impose a state-mandated local program by making it unlawful for any person to make, issue, publish, deliver, or transfer as true and genuine any public report which is forged, altered, false, or counterfeit, knowing it to be forged, altered, false, or counterfeit, or to cause to be made or participate in the making, issuance, delivery, transfer, or publication of a public report with knowledge that it is forged, altered, false, or counterfeit

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

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

Ch 297 (SB 1018) Marks Mental health

Existing law requires that counties establish a community mental health service, and adopt a county plan for mental health services

Existing law provides for reimbursement of 90%, or 85% for hospital services, of the costs of these programs from state allocations and authorizes counties to receive this reimbursement for specified programs, as specified in the county plan

This bill would authorize the counties to utilize this funding mechanism for establishing and maintaining any client self-help mental health projects as authorized in the county plan for mental health services

Ch 298 (SB 1040) C Green County retirement employment of retired county employees

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The existing County Employees Retirement Law of 1937 authorizes counties, under specified conditions, to employ, without reinstatement, retired members for not to exceed either 90 working days or 720 hours, whichever is the greater, in any one fiscal year

This bill would authorize the board of supervisors to designate, as an alternative to one fiscal year, any other 12-month period, in which the time limitations would apply.

Ch 299 (SB 1180) Royce Occupational health laboratory services

Existing law provides for a Division of Occupational Safety and Health of the Department of Industrial Relations It requires the division, in performing its responsibilities, to provide for laboratory services and service personnel for occupational health matters by interagency agreement, as specified, with the State Department of Health Services.

This bill would instead require the division to provide those services by interagency agreement with the State Department of Health Services or another public entity, by contract with a private sector laboratory, or by establishment of a laboratory within the division, or a combination thereof

This bill would also require the division, if it contracts with the private sector for laboratory services, to enter into an interagency agreement with the State Department of Health Services for quality control and performance evaluation of the contract laboratory as well as analysis of nonroutine laboratory samples

Ch 300 (SB 1342) Dills Beer· schedule of selling prices

Existing law requires each manufacturer, importer, and wholesaler of beer to file and thereafter maintain on file with the Department of Alcoholic Beverage Control a schedule of selling prices charged for beer sold and distributed to customers in California, as specified The schedule is required to be filed in triplicate

This bill would delete the requirement that the schedule be filed in triplicate

Ch 301 (SB 1343) Morgan Child day care facilities

Existing law requires the State Department of Social Services to adopt, amend, or repeal necessary rules and regulations relating to child day care facilities

This bill would require the department on or before December 31, 1991, to review all child care regulations of the department to clarify or eliminate vagueness and to issue revised regulations if necessary

Existing law permits any duly authorized officer, employee, or agent of the department, upon presentation of proper identification, to enter and inspect any place providing personal care, supervision, and services to secure compliance or to prevent a violation of laws relating to child day care facilities

This bill would establish a list of provider rights, as specified, with respect to site visits by the licensing evaluator and appeals of decisions This bill would require that, whenever a facility visit and a complaint investigation are conducted at the same time, separate licensing reports shall be used to document the complaint investigation This bill would require the department to review a random sample of licensing reports to evaluate the consistency of the application of regulations by different licensing program analysts This bill would require the department to acknowledge in writing within 10 days of receipt, the request of a licensee to review notices of deficiency or penalty, or both

Existing law establishes various qualifications and requirements with respect to the staffing of child day care facilities

This bill would require the Child Development Programs Advisory Committee to review the enforcement of the current regulation which prohibits the director of a combination program from inclusion in the teacher-child ratio when schoolage children are present The bill would require the committee to report to the department and the Legislature by March 1, 1990, on whether that regulation should be amended and, if so, to recommend an appropriate standard by which a director may be included in the teacher-child ratio when schoolage children are being served in a combination program

Existing law requires the department to institute a staff development and training program for employees dealing with child day care facilities including 36 hours of

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training per year which reflect the unique needs of children.

This bill would specify that the training shall include training relating to regulation administration, including communication skills, writing skills, and human relations skills.

Ch 302 (SB 1324) Rosenthal Hearing aid dispensers

Existing law, the Hearing Aid Dispensers License Law, authorizes a temporary license to be issued to an out-of-state applicant who has engaged in the fitting and selling of hearing aids at an established place of business outside of California for 2 years within a 5-year period immediately prior to application The license is valid for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 90 days after the temporary license is issued

This bill would, instead, authorize the issuance of a temporary license upon proof to the Hearing Aid Dispensers Examining Committee that the applicant is licensed in another state, the license has not been subject to formal disciplinary action by another licensing authority, and the applicant has been engaged in the fitting and sale of hearing aids for 2 years prior to application, as specified

Existing law authorizes the issuance of a temporary license if the applicant will be supervised and trained by a licensee (apprentice) The license is valid for 6 months from the date of commencement of employment or for a period ending 30 days after the conclusion of a qualifying examination given not earlier than 150 days after the date of issuance of the temporary license, whichever is later The applicant who has filed an application for temporary license may, between the date of receipt of notice that the application is on file, and the denial of application or the date of issuance of the temporary license, practice under the supervision of a licensee

This bill recast the above provisions to require the apprentice licensee to be approved by the Hearing Aid Examining Committee The temporary license would authorize the temporary licensee to fit or sell hearing aids for a period as set forth by regulations of the committee The committee would be required to adopt regulations setting forth criteria for refusal to approve a licensee to supervise a temporary licensee A temporary license would be effective and valid for 6 months, renewable for an additional 6 months, as specified The bill would delete provisions authorizing an applicant for a temporary license to fit and sell hearing aids pending the receipt of a temporary license or refusal thereof

Existing law provides that both out-of-state and apprentice temporary licensees who fail to pass the qualifying examination may receive a renewal for a period ending 30 days after the conclusion of the next qualifying examination given after the date of renewal, not to exceed 2 renewals

This bill would delete the above provision and would instead require temporary licensees to take the license examination within the first 10 months after the temporary license is issued, and a failure to take the examination would result in expiration of the temporary license, as specified.

The bill would also prohibit a temporary licensee from being the sole proprietor, manager, or independent operator of a hearing aid business A temporary licensee would be prohibited from advertising or representing that he or she is licensed as a hearing a d dispenser.

Ch 303 (SB 1497) Doolittle. Political Reform Act· contributions. specific office

Under the Political Reform Act of 1974, a candidate is required to declare the intention of seeking a specific office prior to soliciting or receiving any contribution or loans and to establish a campaign contribution account for deposit of contributions All contributions deposited into that account are deemed to be held in trust for expenses associated with seeking election to, or with holding, the specific office

This bill would provide that in the event that the numerical reference to a district changes due to a reapportionment subsequent to a candidate declaring an intention to seek a specific office, the candidate may use the contribution raised under the old numbered district to seek office, and for office expenses, in the new numbered district.

This bill would also provice that in the event that the boundaries of the district for a specific office change as a result of a reapportionment which is enacted after a candi-

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date files a statement of intention to be a candidate, the candidate may use any contributions already received for expenses associated with the election of the candidate to any other equivalent district office of the agency body which includes that specific office, and for expenses associated with holding that other district office.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements

This bill, which declares that it furthers the purposes of the act, would therefore require a ⅔ vote

Ch 304 (AB 631) Bradley Housing bracing systems

Existing law requires the Department of Housing and Community Development to adopt rules and regulations establishing a process and a fee schedule for the design review and certification of earthquake resistant bracing systems offered for sale to owners of manufactured homes and mobilehomes

This bill would require the department to adopt regulations governing the installation of earthquake resistant bracing systems on manufactured homes or mobilehomes Since the violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program

This bill would impose an additional state-mandated local program by requiring local enforcement agencies to inspect the installation of these bracing systems to ensure compliance with regulations of the department and by requiring the enforcement agency to adopt a fee schedule not exceeding the costs of the issuance of the permit and inspections

The bill would also appropriate $70,000 from the Mobilehome Parks Revolving Fund to the department for the 1989–90 fiscal year to carry out these purposes

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

This bill would provide that no reimbursement for certain costs is required by this act for specified reasons

Ch 305 (AB 1042) Bane Real estate brokers trust funds

Existing law prohibits interest earned by real estate broker's trust accounts from inuring to the benefit of the broker or any person licensed to the broker

This bill would specify that, notwithstanding these provisions or any other provision of law, benefits accruing from the placement in a demand deposit account of a commercial bank of funds received by a real estate broker who collects payments or provides services in connection with a loan secured by a lien on real property shall inure to the broker, unless otherwise agreed in writing by the broker and lender or note owner on the loan The bill would specify that the borrower shall receive at least a specified rate of interest on impound account payments

Ch 306 (SB 255) Bergeson. Airports land use commissions funding

(1) Under existing law, each county in which there is an airport served by a scheduled airline and, with 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 commission is required to formulate a comprehensive land use plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission

This bill would require each commission to adopt a comprehensive land use plan by June 30, 1991, and until it does so, would require a city or county to submit all actions, regulations, and permits, except as specified, within the vicinity of the airport to the commission for review and approval If the commission fails to act to approve or disapprove, the bill would permit an applicant to bring an action for administrative mandamus to compel the commission to act, and would give those actions preference over all other civil actions, except previously filed pending matters of the same character. The bill would require the commission to submit one copy of the plan and each amendment

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to the plan to the Division of Aeronautics of the Department of Transportation The bill would also permit commissions to establish a schedule of fees for reviewing and processing proposals, and for providing copies of land use plans, not to exceed the estimated reasonable cost of providing the service but would prohibit a commission which has not adopted a comprehensive land use plan from charging fees after June 30, 1991, and until it does so The bill would declare the intent of the Legislature not to reimburse airport and use commissions for costs incurred in the preparation of comprehensive land use plans after July 1, 1991, and would correct obsolete cross-references in the provisions governing fees and charges The bill would specify that a majority of the members constitute a quorum for the transaction of business, and would prohibit any action from being taken by the commission except by a vote of the majority of the full membership

(2) Existing law provides that in any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, which directly affects the use of land within one mile of the boundary of a public airport

This bill would provide that, until June 30, 1991, no action shall be commenced or prosecuted pursuant to these provisions to challenge actions, regulations, or permits in the vicinity of a public airport for which a commission or other designated body is making substantial progress towards the completion of the plan

(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 also provide that no reimbursement is required by this act for a specified reason

Ch 307 (SB 502) Lockyer Commercial fundraisers charitable purposes registration

Under existing law, the Uniform Supervision of Trustees for Charitable Purposes Act, every charitable corporation and trustee subject to the act who has received property for charitable purposes is required to file specified documents and information with the Attorney General

This bill would require commercial fundraisers for charitable purposes, as defined, to register with the Attorney General's Registry of Charitable Trusts on a form provided by the Attorney General prior to soliciting any funds in this state for charitable purposes or prior to receiving and controlling any funds or assets as a result of a solicitation for charitable purposes in this state The bill would require the registration or renewal to be filed by January 15 of each calendar year in which the commercial fundraiser for charitable purposes does business The bill would also require, no later than 30 days after the close of the preceding calendar year, the filing with the Attorney General's office of an annual financial report, as specified, accounting for all funds collected pursuant to any solicitation for charitable purposes during the preceding calendar year

The bill would provide that it is unlawful for any commercial fundraiser for charitable purposes to solicit funds in this state for charitable purposes unless the registration or annual renewal and financial reporting requirements are met

Ch 308 (SB 569) Kopp Crimes commercial bribery

(1) Existing law prohibits various acts constituting the bribery of designated persons

This bill would provide, except as specified, that every employee, as defined, who solicits, accepts, or agrees to accept any money or thing of value from any person other than his or her employer, as defined, other than in trust for the employer, corruptly, as defined, and without the knowledge or consent of the employer, in return for using or agreeing to use his or her position for the benefit of that other person, and any person who offers or gives an employee money or any thing of value under those circumstances, is guilty of commercial bribery except as specified This bill would provide that commercial bribery is punishable by imprisonment in the county jail for not more than one year

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if the amount of the bribe is $1,000 or less, or by imprisonment in the county jail, or in the state prison for 16 months, or 2 or 3 years if the amount of the bribe exceeds $1,000.

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

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

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

Ch 309 (SB 21) Ayala. Chino Unified School District necessary small schools

Under existing law, for purposes of making prescribed calculations made by the county superintendent of schools, a necessary small high school is defined to include the Boys Republic High School maintained by the Chino Unified School District Under those provisions, the Chino Unified School District is authorized to receive $180,000 annually

This bill would specify that the total amount annually received by the Chino Unified School District pursuant to these provisions for the 1988–89 fiscal year and each fiscal year thereafter shall not exceed an amount equal to the sum of $180,000 plus the amount of revenue that the average daily attendance in the Boys Republic High School would have generated pursuant to specified provisions of existing law

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

Ch 310 (SB 58) Marks Elections ballots polling places

Under existing law, no person during an election shall (1) remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare the person's ballot, (2) remove, tear down, or deface the cards printed for the instruction of voters, or (3) remove, tear, mark or otherwise deface any voter index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted

This bill would also prohibit any person from removing, tearing down, or defacing the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place

Under existing law no person, other than a member of the precinct board, shall receive a voted ballot from the voter or examine or solicit the voter to show his or her voted ballot

This bill would instead provide that, except as specified, any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show his or her voted ballot is punishable by a fine, by imprisonment in the state prison or county jail, or both, as specified

Under existing law, every person who uses or threatens to use any force, violence, or tactic of coercion or intimidation, in connection with inducing or compelling any other person to vote or refrain from voting at any election, or because any person voted or refrained from voting at any election, as specified, is punishable by imprisonment in the state prison for 16 months or 2 or 3 years

This bill would provide that any person who hires or arranges for another person to engage in these activities is guilty of a felony punishable in the same manner

This bill would also provide that any person in possession of a firearm, or who is in a peace officer, security guard, or security personnel uniform, and is stationed in the immediate vicinity of a polling place without written permission of the appropriate elections official, is punishable by a fine, by imprisonment in the state prison or county jail, or both, as specified

This bill would further provide that any person except as specified, who, without written authorization from the appropriate elections official, hires or arranges for an armed or uniformed individual to be stationed in the immediate vicinity of a polling place is punishable by a fine, by imprisonment in the state prison or county jail, or both, as specified

This bill, by imposing criminal penalties for a violation of its provisions, would impose

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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 311 (SB 133) Campbell Arson

Under existing law, persons convicted of arson or attempted arson may be required by the sentencing court to register, as specified, with the local law enforcement agency in whose jurisdiction they will reside or be temporarily domiciled. Existing law, however, provides that the court shall not require a person to register unless the court finds that the person in committing the offense exhibited compulsive behavior and unless it states on the record the reasons for its findings Under existing law, failure to register or violation of any of the registration provisions is punishable as a misdemeanor, as specified

This bill, which would become operative on July 1, 1990, would recast the above to provide that the court may require the person to register, as specified, with the local law enforcement agency upon a conviction of the offense of arson or attempted arson only if the court finds any of the following (1) the person committing the offense has previously been convicted of a violation of arson or certain arson-related offenses, (2) the person is convicted of multiple counts of arson or certain arson-related offenses, as specified, or (3) the person in committing the offense exhibited compulsive behavior

The bill also would make technical, nonsubstantive changes Because the failure to register with the appropriate local law enforcement agency by those who are ordered to register is a misdemeanor, by expanding the class of those who may be required to register, the bill would expand the scope of that crime, thus creating a state-mandated local program In addition, because local law enforcement officials would be required to perform additional duties with respect to these persons, the bill would create a state-mandated local program by increasing the level of service required of local government

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 312 (SB 135) Lockyer License plates Bill of Rights Bicentennial

Existing law authorizes the Department of Motor Vehicles to issue special license plates, as specified

This bill would authorize the department, until December 31, 1991, to issue commemorative Bicentennial of the Bill of Rights reflectorized license plates upon receipt of additional registration fees. The bill would become operative July 1, 1990

Ch 313 (SB 342) Craven Employment. discrimination

Existing law prohibits the state, a public school employer, and a higher education employer from discriminating or threatening to discriminate against employees because of the exercise of their right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations

This bill would define "employee" for purposes of these provisions to include an applicant for employment or reemployment The imposition on school districts of this

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new requirement prohibiting discrimination against applicants for employment or reemployment 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 314 (SB 380) Bergeson Forestry. pine pitch canker

Existing law requires the Director of Forestry and Fire Protection to take steps to prevent or retard Dutch elm disease

This bill would authorize the director to enter into agreements, as specified, with any local agency to prevent or retard the eucalyptus longhorn borer and pine pitch canker

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

Ch 315 (SB 457) Stirling. Peace officers training

Under existing law, the Commission on Peace Officer Standards and Training is, among other things, charged with the duty of developing and implementing programs, including training programs, to increase the effectiveness of law enforcement

This bill would authorize the commission to conduct a study to determine the possibility of instituting an Advanced Command Police Academy, where peace officers could acquire a master's degree, and to report to the Legislature, as specified

Ch 316 (SB 462) Seymour Vehicles brakes

(1) Existing law requires that a braking control on towing vehicles operate all service brakes on the combination of vehicles if either the towed or towing vehicle is required to have power brakes, as specified An additional control is allowed on the trailer or trailers

This bill would prohibit the use of the additional control in lieu of the service brake control, except when the service brake fails Since violation of this provision would be an infraction under other provisions, 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 317 (SB 689) Rogers Hunting licenses disabled veterans

(1) Existing law requires every person who takes any bird or mammal to procure a hunting license or permit from the Department of Fish and Game The fee for a hunting license for a resident of this state over 16 years of age is $17 plus an amount adjusted for inflation.

This bill would require the department to issue a reduced fee hunting license to a disabled veteran, as defined, who has not been convicted of any violation of the Fish and Game Code, for a fee of $2 initially, and thereafter as adjusted, as prescribed The bill would require the submission of proof of disability, as specified

The bill would become operative on July 1, 1990

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department and commission to carry out the Fish and Game Code

Because this bill would impose additional duties on the department and commission with regard to hunting licenses, and thus make the money in the fund available for a new purpose, the bill would make an appropriation

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Ch 318 (SB 1080) Mello Commercial fishing

(1) Under existing law, for purposes of the Fish and Game Code, "set line" is defined to include trawl lines Existing law also authorizes the use of troll lines or handlines with more than 2 hooks in Districts 6, 7, 10, 17, 18, and 19

This bill would delete the definition of set lines, and would, instead, define troll lines for the purposes of the authorization to use them, as specified The bill would prohibit the use of set lines with hooks more than 100 feet above the anchor or ocean bottom. The bill would also prohibit the use of fishing lines more than 900 feet in length unless they are used as set lines, as specified Notwithstanding that requirement, the bill would authorize the use of set lines in Districts 6, 7, 10, 17, 18, and 19 under specified conditions

(2) Existing law authorizes the preparation of fish which can lawfully be taken under sportfishing regulations on a commercial fishing vessel for human consumption under specified conditions, excepting specified fin fish or abalone which are less than the commercial size limit and excepting sturgeon or striped bass

This bill would change the exception to prohibit the taking or possession of any fish on a commercial fishing vessel under a sportfishing license while the vessel is engaged in commercial fishing and would prohibit possession of specified fin fish, lobster, or abalone on a commercial fishing vessel for preparation for human consumption

(3) Existing law prohibits the use of gill nets in specified areas of District 17 in waters of 15 fathoms or less in depth, in other specified areas in District 17 in waters 25 fathoms or less in depth, in specified areas in District 18 in waters less than 15 fathoms in depth, and in other specified areas in waters 20 fathoms or less in depth

This bill would change the restriction for an area of District 17 from 15 to 20 fathoms or less in depth, and would revise the boundary of that area This bill would also delete the restriction for those areas in District 18 prohibiting use in waters 20 fathoms or less in depth, as specified The bill would provide for notification and monitoring of the use of gill nets and trammel nets in specified areas of Districts 17 and 18

The bill would also change the authority of the Director of Fish and Game to issue an order allowing the use of nets south of Point San Luis under specified conditions and to rescind that order, as specified, to, instead, authorize the director to allow that use by public announcement and to rescind the authorization

(4) Existing law authorizes the use of purse and round haul nets to take fish other than squid and lampara nets to take squid in a specified area of District 16 Existing law further authorizes the use of lampara nets to take squid in another specified area of District 16 from June 1st to August 31st

This bill would, instead, authorize the use of round haul nets in those specified areas of District 16, including the use of round haul nets to take squid in the second area during that period

(5) Pursuant to existing provisions of the Fish and Game Code, a violation of the bill would be a crime, thus, the bill would impose a state-mandated local program by creating new crimes

(6) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to incidental taking of sardines, it would make an appropriation

(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 319 (AB 440) Cortese Sales and use tax catering trucks

The existing Sales and Use Tax Law provides that when the State Board of Equalization determines it is necessary for the efficient administration of that law, the board may require any person making sales to operators of catering trucks to verify that the operator has a valid seller's permit That law provides a $500 penalty for failure to comply unless the failure is due to reasonable cause

This bill would provide that the board may, by written notice, require verification of

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the validity of the seller's permit of an operator, as specified. This bill would further provide that the board may, by written notice, require persons making sales to operators of catering trucks to provide, within 30 days, listings of purchasing operators, with specified identifying information regarding each operator, or to promptly notify the board if a newly purchasing operator fails to provide evidence of a valid permit within 30 days of the first purchase This bill would also require that persons making sales to operators who do not have valid seller's permits or whose permits have been revoked shall report and pay tax on property as if the property were sold at retail at the time of sale

Ch 320 (AB 722) Pringle Mobilehomes. Mobilehome Ombudsman [2]

Existing law establishes the position of Mobilehome Ombudsman within the Department of Housing and Community Development to provide assistance to the public in handling and coordinating the resolution of complaints related to mobilehome parks Existing law repeals the authority for this position on January 1, 1990

This bill would delete that date of repeal

This bill would appropriate $100,000 from the Mobilehome-Manufactured Home Revolving Fund to the department for purposes of paying the costs of the duties of the Mobilehome Ombudsman for the last 6 months of the 1989–90 fiscal year

Ch 321 (SB 171) Boatwright Postsecondary education

Existing law provides that, until January 1, 1990, the maximum interest that can be paid on revenue bonds issued by community college districts, certain revenue bond anticipation notes, bonds, and notes issued by the Trustees of the California State University, and certain bonds issued by the Regents of the University of California is 12% per annum until January 1, 1990, at which time the maximum rate would be reduced to 10% per annum

This bill would provide for the continuation of the authority to pay a maximum rate of 12% per annum on those notes and bonds indefinitely

Ch 322 (SB 273) Lockyer Evidence child abuse

Existing law makes inadmissible as hearsay evidence a statement that was made other than by a witness while testifying at a hearing and which is offered to prove the truth of the matter stated However, existing law provides for specified exceptions to this hearsay rule

The bill would provide for an exception to the hearsay rule for evidence of former testimony made at a preliminary examination, on and after January 1, 1990, by a minor child who was the complaining witness, as defined, when offered against a parent or guardian of the minor child in a proceeding to declare the minor a dependent child of the court under specified conditions The bill would allow an attorney for the parent or guardian or, if none, the parent or guardian, to make a motion to challenge the admissibility of the former testimony upon a specified showing

Ch 323 (SB 362) Bergeson Local agencies local agency formation commissions

Existing law prescribes a procedure to correct or relocate the boundaries between cities or between a city and unincorporated territory that are incorrect, incorrectly described, or that are indefinite or conflict with the established property lines

This bill would repeal those procedures

Existing law contains various provisions permitting a local agency formation commission to charge fees for processing certain petitions involving local agencies

This bill would make technical, nonsubstantive changes to those provisions.

Existing law relating to local agency formation commissions requires, in the case of a proposed annexation to a city of affected territory consisting of 75 acres or less, that the city mail to each landowner within the affected territory notice of the conducting authority hearing on the proposed annexation, as specified

This bill would repeal that provision and would reenact that requirement in provisions of existing law relating to the conducting authority proceedings for changes of organization or reorganization

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This bill by requiring different notice requirements for annexation procedures would impose a state-mandated local program

This bill would make other technical nonsubstantive changes to 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

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

Ch 324 (SB 406) Bergeson Landscape and lighting assessment districts detachment of territory

(1) Under the Landscape and Lighting Act of 1972, the legislative body of a local agency which has formed an assessment district pursuant to the act may annex territory to the district, detach territory from the district, dissolve the district, or consolidate the district with another district If all of the territory of a district is included within one city by annexation or incorporation, the legislative body may transfer jurisdiction over the district to the city under mutually agreed upon terms.

This bill would require the executive officer of the local agency formation commission to notify the district clerk or other designated person whenever the commission approves the inclusion of any territory of a district within a city, thereby imposing a state-mandated local program The bill would permit the commission to waive this provision if it finds that the territory would be deprived of a service needed to ensure the health, safety, or welfare of the residents of the territory and that the waiver would not affect the ability of the city to provide any service, except that within 60 days of the inclusion of the territory within the city, the legislative body of the city could adopt a resolution nullifying the waiver The bill would provide that when this inclusion takes place and these notification requirements have been met, that territory is thereby detached from the district

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

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

Ch 325 (SB 471) Morgan Public social services Medi-Cal

Existing law provides that, commencing November 1, 1984, and continuing until November 1, 1989, Medi-Cal reimbursement to children's hospitals shall be on a basis which reflects the relative severity of pediatric diagnostic case types and requires the California Medical Assistance Commission to report to the Legislature on the reimbursement methodology based on case mix adjustments by March 30, 1989

This bill would delete the provisions regarding the report to the Legislature and the repeal date of the program

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

Ch 326 (SB 576) Maddy Nursing shortage

(1) Existing law provides for the Registered Nurse Education Program within the Minority Health Professions Education Foundation Persons participating in the program are required to either be from demographically underrepresented groups or persons who agree in writing prior to graduation to serve in a health manpower shortage area

This bill would add that persons who agree in writing prior to graduation to serve in an eligible county health facility, as defined, would also be eligible to participate

(2) Existing law permits a county board of supervisors, upon a determination and establishment of the need to recruit and retain registered nurses and licensed vocational nurses, to establish nursing scholarships

This bill would, in addition, allow the establishment of scholarships under this program for X-ray technicians, laboratory technologists, and other health care professionals

For purposes of the scholarship program, this bill would provide that a health care

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professional shall not include a physician and surgeon.

(3) Existing law provides for the Medi-Cal program to enter into contracts with selected providers for purposes of providing inpatient care to recipients qualifying for that care and specifies factors to be considered by the negotiator in negotiating contracts or in drawing specifications for competitive bidding, including the special circumstances of hospitals serving a disproportionate number of Medi-Cal beneficiaries and patients who are not covered by other 3rd-party payers

This bill would specifically include the costs associated with assuring an adequate supply of registered nurses within the special circumstances to be considered.

This bill would make findings by the Legislature related to the above

Ch 327 (SB 686) C. Green STRS payment of benefits

The existing State Teachers' Retirement Law authorizes the Teachers' Retirement Board to establish a special account and procedures to pay allowances and death payments on an emergency basis

This bill would make that special account and procedures also applicable to emergency payment of 75% of the return of the balance of accumulated retirement contributions as a result of termination of employment or death

The existing State Teachers' Retirement Law prescribes time limits for various payments of allowances and benefits and imposes upon the system specified penalties for delinquent payments

This bill would make those provisions applicable also to option beneficiaries receiving payments on account of the deaths of members or retirants, redesignate the penalty as interest due, and change the rate to the regular interest rate

Ch 328 (SB 754) Davis Escrow funds deposit in industrial loan companies

Existing law provides that at the request of the owner of trust funds or of the principals of a transaction from whom a real estate broker has received trust funds, a real estate broker is authorized to deposit the funds into an interest-bearing account in a bank, savings association, or credit union, subject to certain conditions

This bill would additionally authorize a real estate broker to deposit those trust funds into an interest-bearing account in an industrial loan company, whose accounts are insured by the Federal Deposit Insurance Corporation, subject to the same conditions

Existing law provides that all funds received in connection with any escrow conducted by a title insurance company, controlled escrow company, or underwritten title company shall be deposited in a separate depository account in a bank or savings association, as specified.

This bill would additionally authorize the deposit of those funds into an account in an industrial loan company insured by the Federal Deposit Insurance Corporation The bill would make related changes

Ch 329 (SB 868) Rosenthal Medi-Cal. submission of claims

Under existing law, providers of services under the Medi-Cal program submit claims for reimbursement to the State Department of Health Services, in the form prescribed by the department

This bill would require the department to develop, disseminate, and update on a periodic basis, claims preparation and processing software programs for computer use by providers, as specified The department would be required to take various steps to implement the program, and to report to specified legislative committees by April 1, 1990, and to the Legislature on January 1 of 1992 and 1993, on various aspects of the program The bill would require the department to develop and disseminate software programs to physician providers no later than January 1, 1991

Ch 330 (SB 1470) Campbell Public works contracts change orders

Existing law contains various criteria and requirements applicable to public works contracts

This bill would require that any public works contract of a local public entity which involves digging trenches or other excavations that extend deeper than 4 feet below the

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surface contain a clause which provides (1) that the contractor is required to notify the public entity of specified conditions concerning hazardous waste, subsurface or latent conditions or unknown physical conditions, (2) that the public entity, is required to promptly investigate the conditions, and if it makes certain findings regarding the conditions, that a change order shall be issued under the procedures described in the contract, and (3) that, as specified, in the event a dispute arises between the public entity and the contractor, that the contractor shall not be excused from performance

Ch 331 (AB 998) Pringle. Vehicles removal

(1) Existing law authorizes specified peace officers and city and county employees to remove vehicles from highways under various prescribed circumstances, including when a person is arrested and taken to a magistrate.

This bill would permit the removal of vehicles when a person is taken into custody, rather than taken to a magistrate

The bill would also permit the removal of any vehicle which is illegally parked and blocks the movement of a legally parked vehicle

(2) Existing law requires the presentation of a valid driver's license or current vehicle registration in order for a vehicle so removed in specified instances to be released to its owner or another person.

This bill would require a valid driver's license and proof of current vehicle registration to gain release of the vehicle

Ch 332 (AB 1149) N Waters Child day care.

Existing law specifies how a complaint and a request for inspection of a child day care facility may be made to the State Department of Social Services

This bill would require the department, if it determines that a complaint is without a reasonable basis, to mark the complaint confidential and would prohibit its disclosure to the public The bill would require the department to notify the child care provider, within 30 days, of the dismissal of the complaint.

Ch 333 (AB 1444) Margolin Health facilities emergency services: clinical psychologists

Existing law requires emergency services and care to be provided to any person requesting the services or care for any condition in which the person is in danger of loss of life, or serious injury or illness, at any health facility that maintains and operates an emergency department to provide emergency services to the public when the health facility has appropriate facilities and qualified personnel available to provide the services or care Existing law also provides that neither the health facility, its employees, nor any physician, dentist, or podiatrist shall be held liable in any action arising out of a refusal to render emergency services or care if the refusal is based on the determination, exercising reasonable care, that the person is not suffering from an emergency medical condition, or that the health facility does not have the appropriate facilities or qualified personnel available to render those services.

This bill would also provide that clinical psychologists shall not be liable under these circumstances.

Since any administrative or medical personnel who knowingly and intentionally violate the provisions relating to the denial of emergency services may be charged with a misdemeanor, 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. 334 (AB 2003) Chacon. Accountancy

Existing law provides that a person who has received a certificate of public accountant or a certificate of certified public accountant and holds a valid permit to practice under

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the Accountancy Act may use the term "public accountant" and use the abbreviation "P.A."

This bill would delete an obsolete provision in that law and would make conforming changes.

Ch. 335 (SB 583) C. Green Vehicles. confidential records

Existing law provides that the home address of any Member of the Legislature and specified state and local law enforcement officers appearing in any record of the Department of Motor Vehicles is confidential, if they request confidentiality, and prohibits disclosure, with specified exceptions.

This bill would make those provisions applicable to specified employees of the Department of Corrections, the Department of the Youth Authority, and the Prison Industry Authority, and the spouse and children of those employees. The bill would also make those provisions applicable to the spouse or children of a judge or court commissioner.

Ch 336 (SB 1211) Keene Healing arts practitioners: peer review

Existing federal law provides for the encouragement of effective professional peer review of physicians, and provides that its provisions shall apply to state laws, unless a state by legislation opts out

This bill would make specified legislative findings and declarations regarding the need for California to opt out of specified provisions of the federal law and design its own peer review system which, if fairly conducted, will preserve the highest standards of medical practice The bill would declare that California exercises its right to opt out of specified provisions of the federal law relating to professional review actions The bill would make conforming changes This bill would also declare that it is the policy of the state that peer review be performed by licentiates subject to specified limitations

This bill would provide under its provisions relating to professional review that a licentiate, as defined, who is the subject of a final proposed action of a peer review body, as defined, for which a report is required to be filed, as specified, shall be entitled to various due process rights before, during, and after a hearing on the matter, as specified The bill would provide that, notwithstanding these provisions, under certain circumstances, a peer review body, and under further specified circumstances, the governing body of an acute care hospital, may summarily suspend a licentiate's clinical privileges, as specified.

The bill would provide that its provisions shall not apply to peer review proceedings conducted in specified hospitals and facilities, or to specified licentiates engaged in postgraduate medical education, and that the provisions of the bill opting out of the federal law on peer review shall be null and void under certain circumstances

This bill would also provide that in any suit brought to challenge an action taken or a restriction imposed which is required to be reported by a peer review body, as specified, the court is required, at the conclusion of the action, to award to a substantially prevailing party the cost of the suit, including a reasonable attorney's fee, if the other party's conduct in bringing, defending, or litigating the suit was frivolous, unreasonable, without foundation, or in bad faith, except as specified

The bill would declare that it is to take effect immediately as an urgency statute, but that some of its provisions shall not become operative until January 1, 1990

Ch 337 (SB 143) Maddy Common carriers· transportation by equine animals

Under existing law, common carriers are subject to regulation under the Public Utilities Act

This bill would exclude any corporation or person furnishing or otherwise providing transportation by horse, mule, or other equine animal for entertainment or recreational purposes from the definition of common carrier.

Ch 338 (SB 149) Craven Vehicles parking

(1) Existing law prohibits parking in stalls or spaces designated for disabled persons or disabled veterans when indicated by both markings and signs, as specified

This bill would, until January 1, 1991, prohibit parking in those parking stalls or spaces

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when indicated by either markings or signs, or both, and on and after January 1, 1991, would prohibit parking in stalls or spaces indicated by both signs and markings.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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 339 (SB 360) Campbell Chaparral research study appropriation

Under existing law, the Department of Forestry and Fire Protection provides fire prevention and suppression for timber, brush, grass, or range lands classified as state responsibility areas by the State Board of Forestry The department is required to enforce state forest and fire laws

This bill would require the department to conduct a research study on chaparral dieback on brushlands in southern California, to cooperate with other entities on the chaparral dieback problem, and to submit annual progress reports on the research study to the Joint Committee on Fire, Police, Emergency, and Disaster Services, and a final report to specified legislative committees by June 30, 1993

Ch 340 (SB 580) C Green Agriculture· 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, specified persons whose business is the sale of farm products to persons operating mobile vehicles, mobile food preparation units, or vending machines.

Ch 341 (SB 589) McCorquodale Agriculture produce dealers

(1) Existing law, until January 1, 1990, authorizes county boards of supervisors under specified circumstances to establish fees to recover the costs of inspection of imported fruits, nuts, and vegetables by county agricultural commissioners

This bill would extend that termination date to January 1, 1993

(2) 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, persons buying or acquiring farm products from, and processed by, specified nonprofit cooperative associations

Ch 342 (SB 768) Rogers State employees benefits

Existing law permits the Department of Personnel Administration to enter into one or more contracts to provide problem assessment and referral services to implement the State Employee Assistance Program, and requires the Controller to transfer from the operating budgets of departments participating in the contract to the State Payroll Revolving Fund an amount sufficient to fund each department's per capita cost

This bill would require the Controller to transfer from the operating budgets of departments participating in the contract to the State Payroll Revolving Fund an amount sufficient to fund each department's per capita cost, including state administrative fees

Ch. 343 (SB 916) McCorquodale Fire protection buildings or structures

(1) Under existing law, any person who violates provisions which require the clearing of flammable material or combustible growth and the taking of other action around any building or structure in mountainous areas or forest-covered lands, brush-covered lands, or grass-covered lands is guilty of a misdemeanor

This bill would change a violation of these provisions to an infraction punishable by

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prescribed fines.

The bill would also provide that 80% of fines and forfeitures deposited with the county treasurer as a result of an arrest or notice given by an officer of the Department of Forestry and Fire Protection or a jurisdiction under contract with the department to provide fire protection shall be credited to the department to be used for specified purposes, or to the jurisdiction under contract By imposing additional responsibilities on the county treasurer, the bill would impose a state-mandated local program

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 344 (SB 924) Vuich Title insurance competition

Nothing in existing statutes specifically regulates competition in the provision of title insurance

This bill would require an applicant for a license to operate an underwritten title company, an applicant for a certificate of authority to act as a title insurer, or title insurance entity applying for a securities permit (1) to demonstrate to the Insurance Commissioner that its plan of operation will not result in reliance for more than 50% of its closed title orders from defined controlled sources and (2) to indicate to the commissioner that the applicant intends to actively compete in counties where the applicant intends to do business The bill would require persons issued these entitlements to make submissions as required by the commissioner to enable the Department of Insurance to determine the nature and extent of efforts to actively compete The bill would specify that competitive behavior is measured by the licensee's source of closed title orders, by county, and by its progress towards meeting the above 50% requirement

The bill would, with certain exceptions, require entities subject thereto to file prescribed reports with the commissioner, within 90 days of the end of the entity's business year, stating the percent of closed title orders by county originating with controlled and noncontrolled business sources

The bill would make failure to comply with its provisions grounds for denial, suspension, or revocation of a securities permit for a title insurance entity, a license to operate an underwritten title company, or a certificate of authority to act as a title insurer, or other disciplinary action determined by the commissioner

Ch. 345 (SB 993) Rosenthal. Public Utilities Commission telefacsimile communications. report

Under existing law, the regulation of the services and commodities furnished by public utilities, including telephone and telegraph corporations, is vested in the Public Utilities Commission

This bill would require the commission to report to the Legislature by January 1, 1991, on specified issues relating to the growth of unsolicited telefacsimile marketing communications This bill would appropriate $90,000 to the commission from the Public Utilities Commission Utilities Reimbursement Account for preparing the report.

Ch 346 (SB 1164) Robbins Group health insurance. substituted carriers.

Existing law requires that, when replacement coverage is provided on an expense-incurred or service basis for hospital, medical, or surgical coverage provided through a disability insurer, nonprofit hospital service plan, or self-insured welfare benefit plan within 60 days after termination of the prior group coverage, the carrier providing the replacement coverage is, with certain exceptions, required to immediately provide coverage for employees and dependents validly covered under the previous policy or contract

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This bill would clarify that this obligation of the replacement carrier is not vitiated by the fraudulent failure of an employee or dependent to disclose a preexisting medical condition The bill would specify that any denial of benefits for this fraud shall be limited to the employee or dependent committing the fraud

Ch 347 (AB 620) Chacon. Elections

Existing law requires the county clerk to follow specified procedures for the transfer or cancellation of affidavits of registration of a voter who moves from one precinct or county to another

This bill would change the reference from county clerk to county elections official in these provisions

Existing law requires that each section of a municipal initiative or referendum petition have attached an affidavit of the person soliciting the signatures declaring the circulator is a voter and stating his or her voting address

This bill would change the reference in these provisions from affidavit to declaration, and would change the reference from voting address to residence address

Existing law requires the holding of a special election when an incumbent office holder of a nonpartisan office who is a candidate for reelection dies and only one other candidate has qualified for the ballot.

This bill would make a technical change in this provision

Existing law provides, with respect to the use of vote tabulating devices that, in the case of absent voter ballots, voters may be provided with a supply of stickers for indicating their choices

This bill would delete this provision

Existing law requires, upon the closing of the polls at an election, that the precinct board enclose and seal in packages, and deliver to the county clerk, the affidavits of persons assisting voters, among other things

This bill would delete the reference to affidavits of persons assisting voters

Existing law requires the application of specified provisions concerning vote count program procedures to proceedings for court-ordered vote recounts

This bill would make a technical change in this provision

Existing procedures applicable to the recall of an elected state or local officer require that an answer to the recall petition filed by the officer include the preprinted name of the officer, among other things

This bill would require instead the printed name of the officer

Ch 348 (AB 708) Filante Public social services Medi-Cal

Existing law provides for various obstetric services under the Medi-Cal program, administered by the State Department of Health Services Under this program, the department may increase reimbursement rates in effect on January 1, 1989, for non-Caesarean section obstetric services by up to 18% In the event that rates for non-Caesarean section services equal or exceed rates for Caesarean section services, rates for Caesarean section services are required to be increased at the same percentage as rates for non-Caesarean section services

This bill would delete these provisions and, instead, require the department to eliminate the Medi-Cal reimbursement differential for obstetrical services by equalizing the rates of reimbursement for Caesarean section and non-Caesarean section care and delivery services The bill would provide that savings that otherwise would have accrued due to lowered rates of reimbursement for Caesarean section services would be used to fund across-the-board rate increases for all maternity care and delivery services

This bill would also require that revisions to the existing rate structure necessary to implement the provisions of the bill be adopted as emergency regulations by the department

Ch 349 (AB 714) Moore Gas producers' cooperative associations

(1) Existing law provides who may be a member or own common stock in gas producers' cooperative associations including lessors and landlords that receive as rent all or part of the gas which is produced on the leased premises

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This bill would, in addition, allow as members or stockholders any lessors, including any lessors, sublessors, or landlords that receive as royalty, overriding royalty or rent, all or part of the gas or the value thereof, which is produced on the leased premises This bill would also make technical corrections relating to those provisions

(2) Existing law provides that a gas producers' cooperative association may be formed for the purpose of, among other things, manufacturing, selling, or supplying to its members machinery, equipment, or supplies Existing law also provides that an association may engage in any activity in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment

This bill would limit these activities to those directly related to the production, transmission, storage, or marketing of gas.

(3) The existing Bank and Corporation Tax Law provides that specified cooperatives or mutual corporations are allowed special tax deductions, unless their income is principally derived from the sale in the regular course of business of tangible personal property other than water, agricultural products, or food sold at wholesale

The bill would provide for a deduction for the patronage refunds of a gas producers' cooperative association derived from specified activities

Ch 350 (AB 781) Mountjoy Contractors examination

Existing law provides that the Registrar of Contractors shall investigate, classify, and qualify applicants for contractors' licenses by written examination, as specified Existing law further provides that no examination shall be required of a qualifying individual if, within the 3-year period immediately preceding the application for licensure, the qualifying individual has either personally passed the written examination for the same classification being applied for, or has served as the qualifying individual for a licensee whose license was in good standing at any time during the 3-year period immediately preceding the application for licensure and in the same classification being applied for

This bill would revise this provision to replace the references to "the 3-year period immediately preceding the application for licensure" with references to "the 5-year period immediately preceding the application for licensure "

Ch 351 (AB 805) Peace Rangers peace officers

(1) Existing law designates various persons as peace officers, and provides that other public officers and employees, although not peace officers, may exercise the powers of arrest of a peace officer within the scope of their employment.

This bill would make it an infraction for any person, other than peace officers, as specified, employees of the Department of Forestry and Fire Protection, and employees of the Department of Parks and Recreation classified as State Park Ranger (Permanent Intermittent), to use the titles of ranger, park ranger, forest ranger, or derivations thereof The bill would specify that it does not apply to agencies of the United States government or to any local agency officially using any of these titles as of January 1, 1990

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

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

Ch 352 (AB 1089) Harvey Food and agriculture

(1) The term "person" is defined for purposes of the Food and Agricultural Code.

This bill would make a nonsubstantive revision of that definition

(2) Existing law authorizes applicants for pest control and environmentally harmful material applicator licenses to elect to be examined in various specified categories

This bill would authorize the Director of Food and Agriculture to designate subcategories within those categories The bill would also delete a provision making it unlawful to sell or deliver herbicides to a person required to have a permit unless the person signs a statement, as specified

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Ch 353 (AB 2039) Woodruff Teaching credentials

Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement in the education profession

Existing law establishes professional growth requirements that teachers are required to satisfy in order to maintain a valid teaching credential

This bill would include among the professional growth requirements, a basic course in cardiopulmonary resuscitation, which includes training in the subdiaphragmatic abdominal thrust (also known as the "Heimlich maneuver"), which is at least equivalent to the standards established for those courses by the American Heart Association or the American Red Cross.

Ch 354 (SB 1480) Keene. Healing arts

Existing law requires specified healing arts boards within the Department of Consumer Affairs to create and maintain a central file of licensees of the respective board for the purpose of maintaining a record for each licensee with respect to (a) any conviction of a crime, (b) any malpractice judgment or settlement, (c) any public complaints, and (d) any disciplinary information reported by a health facility, professional society, medical specialty society, health care service plan, or medical care foundation, as specified

Existing law provides that the contents of a central file which are not public records shall be confidential except that it may be reviewed by the licensee or his or her counsel or representative who may submit exculpatory or explanatory statements or other information It also provides that the file may be reviewed by specified law enforcement and regulatory agency personnel

This bill would provide that the licensee or his or her counsel or representative shall have the right to inspect and copy the file except for provisions that may disclose an identification source, which would be authorized to be protected, as specified It also would authorize each board to permit the inspection and copying of a file by specified law enforcement and regulatory agencies under specified circumstances, and would make other related changes

This bill would make additional changes to Section 809 05 of the Business and Professions Code as proposed by SB 1211, to be operative only if SB 1211 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 355 (AB 46) Elder. PERS. home loan and secured personal loan programs

The existing Public Employees' Retirement Law authorizes the establishment of a home loan program utilizing the retirement fund to assist currently employed members and annuitants, through financing, to obtain homes in this state, subject to specified conditions, including a maximum loan-to-value ratio of 95% for first loans and 80% for each additional loan.

This bill would require inclusion in any home loan program of a secured personal loan program to utilize the retirement fund to provide personal loans to members eligible for the home loan program of not to exceed 5% of the approved home loan and secured by the member's accumulated contributions, for making a down payment on the home to be so purchased

Ch 356 (AB 86) Tanner Local agencies. financial transactions

Existing law regulates generally the financial affairs of local agencies and specifically establishes when a local agency's obligation of contract commences with regard to financial transactions

Existing law defines a "local agency" for these purposes to mean, among other things, a city, county, city and county, including a chartered city, county, or city and county.

This bill would specifically include a redevelopment agency within the definition of a local agency for these purposes

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Ch 357 (AB 162) Felando. Crimes· burglary.

Under existing law, burglary of an inhabited dwelling house, trailer coach, or inhabited portion of a building is burglary of the 1st degree, which is a felony. All other burglaries, including burglaries of a vessel, are of the 2nd degree, and punishable either as a felony or a misdemeanor

This bill would make burglary of an inhabited vessel which is designed for habitation burglary of the 1st degree, thus, expanding the scope of an existing crime and creating a state-mandated local program

This bill also would make conforming changes

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

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

Ch 358 (AB 310) Roos Weapons.

Existing law makes it a felony or a 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 Included in this list is a "plastic firearm," as defined.

This bill would redefine the term "plastic firearm" to conform with the definition of that term as used in recently enacted federal legislation

Ch 359 (AB 319) Katz Vehicles school pupil transportation

(1) Existing law requires the Superintendent of Public Instruction to provide transportation allowances to school districts

This bill would require the superintendent on or before December 31, 1990, to develop a model contract and guide for local educational agencies contracting for home-to-school transportation services

(2) Existing law provides a procedure for giving notification of the Department of Motor Vehicles' current driving record of certain certificated drivers, including busdrivers, to the driver's employer

This bill would require employers to notify the department whenever a certificated schoolbus, school pupil activity bus, youth bus, or general public paratransit vehicle driver is dismissed for causes related to passenger safety

(3) Existing law requires various businesses to be licensed by the Department of Motor Vehicles

This bill would require private schoolbus contractors transporting school pupils under contracts with school districts to be licensed and to pay specified annual fees The bill would authorize the Commissioner of the California Highway Patrol to license the contractors, to adopt regulations, and to submit a report on the program to the Legislature on or before January 1, 1993 The bill would make it a misdemeanor to violate the license requirements or to cause the operation of the vehicle without the license, thereby imposing a state-mandated local program by creating new crimes

(4) Existing law requires the Department of the California Highway Patrol to inspect bus terminals

This bill would require the department to notify school boards of unsatisfactory terminal ratings

(5) Existing law requires schoolbus and school pupil activity busdrivers, farm labor vehicle drivers, youth busdrivers, and general public paratransit vehicle drivers to possess certificates issued by the department

This bill would require all behind-the-wheel training required to obtain the certificates to be performed by an instructor certified by the State Department of Education or by a delegated behind-the-wheel trainer, as defined.

(6) Under existing law, it is an infraction to fail to comply with the provisions of the Vehicle Code

Because failure to comply with the above provisions would be an infraction, the bill would impose a state-mandated local program by creating new crimes

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(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 360 (AB 330) Eaves County service areas

Existing law does not provide the board of supervisors with express authority to levy and collect a special tax in a county service area

This bill would provide the board of supervisors with express authority to levy and collect a special tax, as defined, in any county service area or zone within a county service area, pursuant to specified procedures, to fund any one or more authorized services

Ch 361 (AB 460) Elder Crimes robbery

Under existing law, robbery perpetrated in an inhabited dwelling house, trailer coach, or the inhabited portion of a building is robbery of the first degree

This bill would also make it first-degree robbery to commit robbery in an inhabited vessel, as defined, which is designed for habitation Thus, the bill would impose 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

Ch 362 (AB 482) Jones Income taxes bank and corporation taxes

The existing Personal Income Tax Law contains provisions relating to rules for the application of the Internal Revenue Code, limitations on casualty losses, medical expenses, and individual retirement accounts, credits for taxes paid to other states, and withholding of tax on payments made to foreign partners The existing Bank and Corporation Tax Law contains provisions relating to rules for the application of the Internal Revenue Code, trade or business expenses, depreciation of luxury autos, items of tax preference, accounting periods, water's-edge election, and penalties for underpayment of tax

This bill would make nonsubstantive technical, clarifying, and supplemental changes with respect to those provisions

Ch 363 (AB 498) Polanco Redevelopment

Existing law requires every redevelopment plan submitted by a redevelopment agency to the legislative body to be accompanied by a report containing specified findings and criteria If public improvements are to be made by the agency, existing law requires the report to contain, among other things, an explanation of why the public improvements cannot reasonably be expected to be accomplished by private enterprise acting alone

This bill would delete the precondition to the application of this requirement that public improvements are to be made by the redevelopment agency, and would, instead, require the report to contain an explanation of why the elimination of blight and the redevelopment of the project area cannot reasonably be expected to be accomplished by the private sector alone or, alternatively, by the legislative body's use of financing alternatives other than tax increment financing

This bill would also impose a state-mandated local program by requiring agencies preparing a redevelopment plan upon the effective date of the bill to prepare and submit a written response to the committee's report, within a specified time period, addressing the issues raised by the committee's report, including reasons for not adopting recommendations of the committee regarding the financial burden or detriment which the redevelopment plan will cause

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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.

The bill would become operative on the July 1 following the date on which the bill takes effect

Ch 364 (AB 577) Farr Office of Information Technology. electronic information security

Under existing law, there is within the Department of Finance the Office of Information Technology, with certain specified powers and duties

This bill would expand the duties of the office to include coordinating research and developing policies and standards for the security and confidentiality of the state's informational assets and processing capability The bill would make the office responsible for reviewing and advising on security plans, as well as reviewing and approving personal services contracts for state agencies The bill would require state agencies to report certain security-related incidents regarding electronic information, or data-processing equipment or facilities, to the office for investigation, as the office deems necessary The bill would require the office to represent the state to various other governmental entities, as well as private industry, on issues involving information security, and to prepare policies and procedures for use by state agencies as specified The bill would specify that its provisions would not apply to the California State Lottery

The bill would also make various findings and declarations in regard to the security and confidentiality of state information technology

Ch 365 (AB 619) Chacon Elections

Existing law does not provide, for purposes of provisions governing elections, rules for the counting of words

This bill would so provide These rules would not apply counting words for ballot designations

Existing law authorizes a person who will be 18 years of age at the time of the next election to register to vote

This bill would so provide, and would make related corresponding changes

Existing law specifies that all ordinances, except as specified, become effective 30 days from the date of final passage

This bill would provide that those ordinances would become effective 30 days from and after the date of final passage

Ch. 366 (AB 636) Eastin Contractors acting without a license

(1) Existing law makes it a misdemeanor for any person to act as a contractor without either being properly licensed or exempted from licensure. Existing law provides that a court shall impose upon a person who has been previously convicted of the offense a fine of not less than $100 nor more than $2,000 or imprisonment in the county jail, as specified, or both

This bill would provide, instead, that the court shall impose upon a person who has been previously convicted of the offense a fine of 20% of the price of the contract, as specified, or $4,500, whichever is greater, or imprisonment in the county jail, as specified, or both

(2) Existing law provides that a criminal complaint pursuant to the Contractors' State License Law may be brought by specified prosecutors in the municipal court of any county in the state with jurisdiction over a contractor, by reason of the contractor's act, or failure to act, within that jurisdiction, and that any penalty assessed by the court shall be paid to the office of the prosecutor bringing the complaint, but if the matter was referred to the prosecutor by the Contractors' State License Board, ½ of the penalty

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assessed shall be paid to the Contractors' State License Board.

This bill would delete the provision which provides that if the matter was referred to the prosecutor by the Contractors' State License Board, ½ of the penalty assessed shall be paid to the Contractors' State License Board

(3) Existing law provides that the failure of an unlicensed person to comply with a citation issued by the Registrar of the Contractors' State License Board after it is final is a misdemeanor which, pursuant to the Penal Code, is punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both Existing law provides that all fines collected upon a misdemeanor conviction shall be deposited with the county treasurer of the county in which the court is situated and distributed, as specified.

This bill would provide that, notwithstanding these misdemeanor fine distribution provisions or any other provision of law, any fine collected upon the conviction of an unlicensed person for failure to comply with a citation issued by the registrar shall be (a) paid to the county treasurer of the county in which the judgment was entered to be designated for use by the district attorney, if the action is brought by the district attorney, or (b) paid to the city treasurer of the city in which the judgment was entered to be designated for use by the city attorney, if the action is brought by the city attorney or city prosecutor. This bill would impose a state-mandated local program upon local governments by revising and imposing duties upon county and city treasurers with respect to the distribution of fines collected upon the conviction of an unlicensed contractor who fails to comply with a citation issued by the registrar

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 367 (AB 829) Eastin County expressway systems designation and construction Orange County Transit District

(1) Under existing law, the Department of Transportation, subject to the direction of the California Transportation Commission, has jurisdiction and control over the construction and maintenance of the state highway system County boards of supervisors may construct and maintain county highways within their jurisdiction, and may construct any highway within their jurisdiction as a freeway

This bill would authorize a board of supervisors, or the boards of supervisors of 2 or more adjacent counties, as specified, with the concurrence of affected cities, to designate a system of expressways within the county and to construct and maintain expressways, the purpose of which is to provide a level of service greater than city streets and county roads, but less than freeways

(2) Existing law defines the term "transit" for purposes of the Orange County Transit District Act of 1965

This bill would include carpools and ridesharing in private vehicles within that definition

Ch. 368 (AB 841) Frazee Contractors: compensation

Existing law generally provides that no person engaged in the business or acting in the capacity of a contractor may bring or maintain any action in any court in this state for the collection of compensation for the performance of any act or contract for which a license is required by the Contractors' State License Law without alleging and proving that he or she was a duly licensed contractor at all times during the performance of that act or contract

This bill would revise that provision to provide that (1) proof of licensure shall be required to bring or maintain any action, or recover in law or equity in any action,

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regardless of the merits of the cause of action brought by the person seeking compensation, (2) a security interest taken to secure any payment for the performance of any act or contract for which a contractor's license is required is unenforceable if the person performing the act or contract was not a duly licensed contractor at all times during the performance of the act or contract, (3) production by the person seeking compensation of a specified document shall satisfy the proof of licensure requirement, and (4) the judicial doctrine of substantial compliance shall not apply to the provision.

Ch. 369 (AB 1153) Baker State government Prison Industries Authority.

Existing law requires state agencies to make maximum utilization of the products and services produced by the Prison Industries Authority.

This bill would require specified state agencies and officers to report by January 1 of each year to the Director of General Services and to the Chairperson of the Joint Legislative Budget Committee on their use in the prior fiscal year of products and services provided by the authority and shall include comments and planned future use of these goods and services.

Ch 370 (AB 2133) Bader Hazardous substances

(1) Existing law provides that the expenses of an emergency response necessary to protect the public from a real and imminent threat to health and safety by a public agency to confine, prevent, or mitigate the release, escape, or burning of described hazardous substances are a charge against any person whose negligence causes the incident, under specified conditions.

This bill would authorize the public agencies participating in an emergency response meeting the specified requirements to designate one or more of the participating agencies to bring an action to recover the reimbursable expenses incurred by all of the designating agencies.

The bill would also permit actions to recover expenses under these provisions to be joined with other actions against responsible persons.

The bill would also provide that "mitigate" includes actions by a public agency to monitor or model ambient levels of airborne hazardous substances for the purpose of determining or assisting in the determination of whether or not to evacuate areas around the property where the incident originates, or to determine or assist in the determination of which areas around the property where the incident originates should be evacuated

(2) This bill would also incorporate additional changes in Section 13009 6 of the Health and Safety Code proposed by SB 1049, to be effective only if both bills are chaptered, and this bill is chaptered last

Ch 371 (SB 657) Stirling. Stolen property pawnbrokers and secondhand dealers

Existing law provides for the regulation of pawnbrokers and secondhand dealers Among other things, a peace officer is authorized, upon probable cause, to place a hold on property in the possession of a pawnbroker or secondhand dealer if he or she believes that the property is stolen

This bill would provide that if the alleged owner chooses not to file a criminal complaint against an identified alleged thief, he or she shall pay the pawnbroker or secondhand dealer the "out of pocket" expenses paid in the acquisition of the allegedly stolen property

Ch 372 (AB 103) Connelly Insurance unfair practices

Proposition 103, which was adopted by the electors, among other things repealed a section that prohibited insurance agents and others in the insurance business from receiving any financial benefit or other consideration for making referrals to automobile repair facilities Proposition 103 provides that its provisions may be amended by the Legislature only by a ⅔ vote, and then only in furtherance of its purpose

This bill would reenact the above-mentioned prohibition It would state legislative intent and declare that the bill is in furtherance of the purposes of Proposition 103

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

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Ch 373 (AB 229) Polanco Pharmacy medical device retailers.

Existing law provides for the licensing and regulation of medical device retailers which are described under existing law as areas, places, or premises, other than a pharmacy, from which dangerous devices are sold, fitted, or dispensed pursuant to prescription The term "dangerous device" is defined as including, among other things, hypodermic syringes and needles Existing law authorizes a medical device retailer to be supervised by an exempt person who is certified by the State Board of Pharmacy and who is required to complete 30 hours of continuing education as a condition of renewal of the certificate

This bill would. (1) state that hypodermic needles and syringes shall only be distributed, possessed, or used as authorized by specific provisions of the Pharmacy Law· (2) define the term "warehouse" as that term is used in provisions dealing with storage facilities owned by a medical device retailer, (3) require an exempt person who supervises a medical device retailer to complete 5 hours of continuing education as a condition of renewal of his or her certificate, and (4) make other technical, clarifying, and conforming changes

Existing law provides that a certificate, license, permit, or registration issued for a pharmacy or medical device retailer shall be renewed annually on or before November 1st of each year

This bill would delete the November 1st date

Ch 374 (AB 494) Wyman Criminal proceedings arraignments

Existing law authorizes a 4 year pilot project, in specified counties, for the use of 2-way television to be used in arraignments and requires annual reports to the Legislative Analyst by each county conducting a project containing certain data, as specified.

Existing law also requires the Judicial Council, among other things, to review and summarize all data submitted by the counties in those annual reports and to submit a report on the nonfiscal, policy consequences of the law along with any other recommendations to the Legislature not later than December 1 of each year.

This bill would authorize Del Norte, Kern, and Ventura Counties to participate in the pilot project, as specified.

In addition, the bill would revise the reporting provisions set forth in the second paragraph to, instead, provide that the Judicial Council shall submit a report on the nonfiscal policy consequences of the law along with any recommendations to the Legislature no later than December 1, 1991

Ch 375 (AB 953) Killea Teacher assignments and credentials

Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement in the education profession Existing law provides for the issuance of various kinds of teaching credentials by the commission, including teaching credentials authorizing single subject instruction, multiple subject instruction, specialist instruction, and instruction in designated subjects, as defined

Existing law prescribes the duties of the Commission on Teacher Credentialing and those duties, among other things, include determining the scope and authorization of credentials, to ensure competence in teaching and other educational services and to establish sanctions for the misuse of credentials and the misassignment of credential holders Existing law authorizes the commission to grant an added or supplementary authorization to a credential holder who has met the requirements and standards of the commission for the added or supplementary authorization

This bill would require the commission to exempt the holder of a teaching credential obtained prior to January 1, 1974, who adds an authorization by successfully completing a commission approved subject matter examination, from specified statutory requirements.

Existing law authorizes the holder of a multiple subject teaching credential or a standard elementary credential who has completed prescribed upper division or graduate coursework approved by the commission in any subject commonly taught in grades 6, 7, 8, and 9 to be eligible to have that subject appear on his or her credential as an

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authorization to teach that subject in departmentalized classes in those grades

This bill, notwithstanding these provisions, would authorize the holders of multiple subject teaching credentials and standard elementary credentials to be assigned with his or her consent to teach any subject in grades 1 to 6, inclusive, in a departmental setting until the Commission on Teacher Credentialing completes a study of teacher assignments in kindergarten and grades 1 to 6, inclusive, and modifications are made to the statutes as a result of the study. This bill would specify that this authorization shall only apply to the San Diego City Unified School District

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

Ch 376 (AB 1197) Hauser. Buildings abatement of unsafe or substandard conditions

Under existing law, local housing enforcement agencies are authorized to abate or have abated nuisances constituting an unsafe or substandard condition in a building utilized for human habitation Existing law includes procedures under which the determination of the condition is made through an administrative hearing process

This bill would provide, where this determination is made through specified administrative hearing procedures commenced on or after January 1, 1990, that the building owner's exclusive remedy upon appeal is an administrative mandamus proceeding pursuant to existing provisions

Ch 377 (AB 1216) Seastrand San Joaquin County San Luis Obispo County flood control and water conservation districts

(1) Under existing law, the Board of Supervisors of the San Joaquin County Flood Control and Water Conservation District is required to establish, by ordinance, a commission of not more than 13 members, to which the board may delegate any or all of its powers under the district act

This bill would delete the requirement as to the number of members which may serve on the commission

(2) Under existing law, the San Luis Obispo County Flood Control and Water Conservation District is a flood control district created by special act, consisting of all the territory of San Luis Obispo County and governed ex officio, by the Board of Supervisors of San Luis Obispo County

This bill would authorize the district to levy, in accordance with prescribed procedures, benefit assessments on a districtwide basis or within any zone or participating zone for drainage, flood control, and water conservation purposes, in any manner which reasonably reflects the benefit that will accrue to the area being assessed for the purpose of the assessment The bill would, subject to specified limitations, permit benefits to be determined on the basis of proportionate storm water runoff. The bill would permit benefit assessments to be so levied to pay for the costs and expenses of any work or improvements done pursuant to specified improvement acts

The bill would also authorize the district to borrow money, in accordance with prescribed procedures and requirements, to finance flood control or conservation projects, subject to approval of the voters by a ⅔ vote and repayment within 15 years.

Ch 378 (AB 1357) N Waters Agriculture· nursery stock

Existing law requires nursery stock sellers to be licensed by the Department of Food and Agriculture and imposes a license fee for designated licensing periods not to exceed $65, to which an acreage fee is added which may not exceed $300

This bill would increase the annual license fee to an amount not to exceed $100 and the acreage fee to an amount not to exceed $500

Ch 379 (AB 1436) Burton Transcript

Under existing law, in any case in which a death sentence may be imposed, all court proceedings, including proceedings in chambers, shall be conducted on the record with a court reporter present

This bill would require the official reporter in any case in which the death sentence may be imposed to prepare and certify a daily transcript of the proceedings

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To the extent that local government would be required to pay the added costs incurred by the official reporters daily preparation of the transcripts, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 380 (AB 1812) Sher Real property state responsibility areas disclosures boundaries

(1) Existing law requires a person selling or transferring real property consisting of not less than one nor more than 4 dwelling units to make specified disclosures The State Board of Forestry is required to determine whether wildland areas are to be classified as state responsibility areas for fire protection

This bill would, on and after July 1, 1991, require a seller of real property within an area classified as a state responsibility area by the board to disclose to any prospective purchaser that the property is in a wildland area which may contain fire risks and hazards, is subject to certain requirements for clearing around buildings and structures, and that it is not the state's responsibility to provide fire protection to buildings and structures unless the Department of Forestry and Fire Protection has entered into an agreement with a local agency or the county has assumed responsibility for fire protection The bill would authorize the sellers to make these disclosures on a designated form, as specified

(2) Existing law requires the board to classify all lands in the state for which the financial responsibility of fire prevention and suppression is primarily that of the state

The bill would require the department, on or before July 1, 1991, and every 5 years thereafter, to provide copies of maps identifying the boundaries of state responsibility lands to every county assessor containing these lands and to notify county assessors of any boundary changes in these lands

Ch 381 (AB 1823) Roos 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 establish an additional limited allowance for customers dependent on life-support equipment, for paraplegic and quadriplegic persons, and for multiple sclerosis patients

This bill would require the commission to make the limited additional allowance also available to scleroderma patients.

Ch. 382 (AB 1957) Kelley Healing arts

Existing law provides that the physician and surgeon staff of certain health facilities shall establish controls to ensure the achievement and maintenance of high standards of professional and ethical practices and require members of the staff to demonstrate their ability to perform surgical and other procedures competently and to the satisfaction of an appropriate committee or committees of the staff, as specified. The law provides that the composition of the committee or committees shall reflect the staff ratio of M D and D O physicians and surgeons

This bill would delete the requirement that the committee or committees reflect the staff ratio of M D and D O. physicians and surgeons

Ch 383 (AB 2052) Costa. Agriculture. marketing: insurance

Existing law requires the Director of Food and Agriculture to administer marketing orders and marketing programs for agricultural commodities and to administer the

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Dairy Council of California and the California Beef Council

The bill would authorize the director to purchase general liability insurance for those various activities, to be paid for by the affected marketing order or program and councils.

Ch 384 (AB 2096) Lempert Student Aid Commission: student loans.

Existing law requires the Student Aid Commission to serve as a state student loan guarantee agency and to administer the guaranteed loan program

This bill would require the commission to establish a process to ensure regular, annual credit reporting on the repayment status of borrowers whose loans are guaranteed by the commission and whose paper has matured.

Ch 385 (AB 2099) Lempert. Teacher credentials and assignments.

Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement in the education profession

Existing law provides for the issuance of various kinds of teaching credentials by the commission, including teaching credentials authorizing single subject instruction, multiple subject instruction, specialized instruction, and instruction in designated subjects

Existing law authorizes the governing board of a school district, by resolution, to authorize the holder of a multiple subject teaching credential or a standard elementary credential to teach any subject in departmentalized classes to a given class or group of pupils below grade 9 if the teacher has completed prescribed coursework requirements in each subject to be taught Existing law requires that assignment to be made with the teacher's consent and restricts these assignments to partial assignments.

This bill would delete the requirement that these assignments be restricted to partial assignments

Existing law authorizes the holders of standard secondary credentials who, prior to September 1, 1987, had taught successfully in a subject within the department of his or her academic major or minor for a minimum of 3 years, as verified by the employing school district, to receive a supplementary authorization in that subject, as specified

This bill would extend the date upon which the holders of standard secondary credentials would be authorized to receive a supplementary authorization under these provisions from September 1, 1987, to September 1, 1989

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

Ch. 386 (AB 2179) Leslie Health facilities cardiac catheterization.

Existing law establishes a pilot project, to be administered by the Office of Statewide Health Planning and Development, to test the safety and cost effectiveness of performing cardiac catheterization in mobile heart catheterization laboratories, as defined

Existing law requires that regulations adopted by the office to implement this program be emergency regulations It specifies that these regulations would remain in effect until January 1, 1989

This bill would instead provide that any regulations adopted by the office shall remain in effect until January 1, 1991

The bill would also provide that the office may approve the inpatient use of a freestanding cardiac catheterization laboratory by a general acute care hospital licensed to provide cardiac care services during that period of time when a fixed laboratory site of the hospital is not in use due to remodeling, replacement, or upgrading, if specified conditions are met

This bill would declare that its provisions would take effect immediately as an urgency statute

Ch 387 (AB 2275) N Waters Agriculture kiwifruit

Existing law prescribes the powers and duties of the California Kiwifruit Commission

This bill would specifically authorize the commission to collect, publish, and distribute crop statistic information

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Ch 388 (AB 2304) Clute School employees. credentials.

Existing law requires the Commission on Teacher Credentialing to appoint a Committee of Credentials, as specified, and authorizes the commission to assign to the committee any administrative duties it may see fit relating to the granting, issuance, and revocation of credentials and life diplomas and to the private admonition of applicants and holders of credentials

Existing law relating to the denial, suspension, revocation, or private admonition of credentials requires that at least 30 days prior to any Committee of Credentials meeting at which the application or credential of a certified employee is to be considered, the committee shall notify that employee of the specific and supplemental allegations of misconduct which are being considered Existing law requires investigations into that misconduct to be commenced within 21 days after they have been filed with the committee, and requires that a meeting or hearing be scheduled no later than 6 months thereafter

This bill would require all testimony before the committee to be given under penalty of perjury by oath or affirmation, and would authorize the chairperson of the committee to administer that oath or affirmation

Existing law specifies the minimum requirements for specialist instruction credentials, including a valid teaching credential In establishing regulations governing specialist credentials, the commission is required to emphasize supervised participation or student teaching Existing law requires teachers of early childhood education, reading specialty, mathematics specialty, special education, and the blind to hold specialist credentials

This bill would repeal those provisions

This bill would specify the minimum requirements for specialist credentials. A valid teaching credential would not be a requirement In establishing regulations governing specialist credentials, the commission would be required to ensure that specialist teachers have sufficient knowledge of the core of public school curriculum and that they have experience with nonspecial education pupils The commission would not be expressly required to emphasize supervised participation or student teaching

This bill would require teachers of bilingual education, early childhood education, and special education to hold specialist credentials

This bill would specify that all regulations governing specialist credentials in effect on December 31, 1989, would remain in effect until the commission issues regulations to implement the provisions of this bill

Existing law requires certain handicapped pupils to be taught by teachers with specialist credentials, as specified

This bill would instead require those pupils to be taught by teachers whose professional preparation and credential authorization are specific to the handicap.

Existing law authorizes a state agency which issued a license to engage in a business or profession to another person, or to regulate individuals engaging in certain businesses and professions, to voluntarily appear in any criminal proceeding against that person to furnish information, make recommendations regarding specific conditions of probation, or to provide any other assistance, if the crime charged is substantially related to the qualifications, functions, or duties of a licensee

This bill would extend this authorization to state agencies issuing licenses and regulating professions under the authority of the state education law

Existing law requires each sheriff or chief of police, upon the arrest of a school employee for certain enumerated sex offenses, to notify the Commission on Teacher Credentialing and the superintendent of schools of the school district which employs that person of that arrest, as specified

This bill would require each sheriff or chief of police to also give that notification if the employee is arrested for any other sex offense or attempted sex offense listed in a specified provision of current law This bill would impose a state-mandated local program by imposing new duties on local law enforcement agencies with respect to these arrest reports

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. 389 (SB 48) Maddy Vehicles golf carts

Existing law authorizes local authorities to permit golf carts to be used on highways adjacent to a golf course and in real estate developments, as specified.

This bill would authorize local authorities to also establish crossing zones

Ch 390 (SB 53) Rosenthal Public utilities acquisition of control

(1) Existing law prohibits a public utility from purchasing or acquiring the capital stock of any other public utility organized pursuant to the laws of this state without having been first authorized to do so by the Public Utilities Commission

This bill would also prohibit any subsidiary or affiliate of, or corporation holding a controlling interest in, the public utility from acquiring such an interest without the authorization of the Public Utilities Commission The bill would permit the commission to establish categories of stock acquisitions which it determines will not be harmful to the public interest, and would exempt purchases within those categories from these provisions

(2) Existing law exempts persons and corporations which do not transact business subject to regulation under the Public Utilities Act from the provisions of the act governing the acquisition of the capital stock of a public utility and the transfer and encumbrance of utility property, but permits the commission to apply these provisions to any public utility if the commission finds the application is required by the public interest

This bill would permit the commission to apply these provisions to any subsidiary, or affiliate of, or a corporation holding a controlling interest in, a public utility if the commission finds the application is required by the public interest

(3) Existing law provides that every public utility and every officer, agent, or employee of any public utility who violates, among other things, any provision of the Public Utilities Act, is guilty of a misdemeanor

Since a violation of its provisions would be a misdemeanor under the Public Utilities Act and as specified, the bill would impose a state-mandated local program by creating new crimes

(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 391 (SB 74) Montoya Salvageable personal property· regulatory exemption

Existing law provides for the regulation of the acquisition and disposition of salvageable personal property for charitable purposes Existing law exempts from regulation the activities of certain organizations in soliciting donations of and selling salvageable personal property where those activities are not a major part of the organization's activities and are not conducted as a continuous or permanent operation

This bill would extend the exemption from regulation to the activities of certain associations tax exempt under the Revenue and Taxation Code, whose membership is comprised of physically, mentally, or developmentally disabled persons and whose primary purpose is to provide services to persons with those disabilities

Ch 392 (SB 426) Alquist Common carriers trains brakemen

Existing law prohibits any common carrier operating more than 4 trains each way per day of 24 hours on any main railroad track or branch line in California from running any passenger, mail, or express train which is not manned by at least one conductor, one brakeman, and, among others, 2 brakemen where 4 or more cars are hauled

This bill would provide that the requirement for the employment of 2 brakemen does not apply where its application would conflict with the terms of a collective bargaining

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agreement.

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

Ch 393 (SB 512) Watson. Homeless mentally disabled persons.

Existing law establishes the Community Support System for the Homeless Mentally Disabled, to assist communities in assuring the delivery of long-range services and community support services to homeless mentally disabled and those at risk of becoming homeless

This bill would require that each service agency in the community support system advise its clients about the range of services available through the community support system in that county By requiring that each community support agency advise its clients in this manner, this bill would impose a state-mandated local program.

This bill would declare that nothing contained in these and related provisions shall prevent the provision of services to persons with a dual diagnoses, as defined

This bill would authorize counties to establish programs and services specifically targeted to meet the needs of these persons with dual diagnoses

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 394 (SB 541) Deddeh Assault and battery. parks

Under existing law, when an assault or battery is committed on school property against any person, the assault or battery is punishable by a fine not exceeding $2,000, or by imprisonment in the county jail not exceeding one year, or by both the fine and the imprisonment

This bill would extend these offenses to assaults and batteries committed on park property, as defined, thereby constituting 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 395 (SB 571) Bergeson Irvine Ranch Water District funds.

Under existing law, local agencies are not generally authorized to invest their funds in real estate.

This bill would authorize the Irvine Ranch Water District to invest or reinvest its capital facilities replacement funds in real estate located within Orange County, subject to specified limitations

This bill would make legislative findings and declarations

Ch 396 (SB 850) Dills Hospitals. safety standards

Existing law contains the Hospital Seismic Safety Act of 1983

This bill would rename that act the Alfred E Alquist Hospital Facilities Seismic Safety Act of 1983

Ch. 397 (SB 985) Beverly California Multiple-Party Accounts Law

Under existing law, credit unions and industrial loan companies are governed differently with respect to the rights among parties to joint tenancy and other multiple-party accounts than other types of financial institutions such as banks and savings associations.

The bill, operative July 1, 1990, would establish a comprehensive body of law govern-

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ing multiple-party accounts without differentiating between financial institutions. The bill would apply many of the provisions of existing law governing credit unions and industrial loan companies to other financial institutions such as banks and savings associations, including the following (1) permit a party to a multiple-party account, as defined, to unilaterally terminate the right of survivorship of the other nonconsenting parties, (2) presumption that funds in an account belong to the parties during lifetime in the same proportion as net contributions; (3) rebuttable presumption that funds of married persons on deposit in an account are community property; and (4) provision that survivorship rights to an account arising from the express terms of the account or as otherwise specified, may not be changed by will except with respect to accounts expressly described as "community property" accounts

Under existing law, if an account is established at a credit union or industrial loan company as a tenancy in common account before July 1, 1984, no right of survivorship arises Existing law provides that if this account is created after that date the account carries the right of survivorship unless there is clear and convincing evidence of a contrary intent

This bill would instead provide that there is no right of survivorship in an account expressly described in the deposit agreement as a "tenancy in common" account unless the terms of the account or deposit agreement expressly provide for survivorship

The bill also provides that a financial institution has no duty to inform depositors and others, as specified, of the enactment of this legislation

Ch 398 (SB 1382) Watson Healing arts

(1) Under existing law, any settlement, award, or judgment over specified amounts in a malpractice action against specified health care providers is required to be reported to that provider's licensing agency

This bill would require those reports with respect to malpractice actions against persons licensed pursuant to the provisions relating to marriage, family and child counselors, and social workers, as specified, with respect to settlements, awards, and judgments over $10,000. This bill would impose a state-mandated local program since a failure to comply with that requirement with respect to certain settlements or awards would be a crime punishable as specified

(2) Existing law provides that within 10 days after a judgment by a court that a person who holds a license, certificate or other similar authority from specified agencies, has committed a crime or is liable for any death or personal injury caused by his or her negligence, error, or omission in practice, or his or her rendering of unauthorized professional services, the clerk of the court shall report that fact to the appropriate licensing agency.

This bill would include licensees of the Board of Behavioral Science Examiners in that reporting requirement, thus establishing a state-mandated local program by increasing the duties of the court clerk

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be payable from the State Mandates Claims Fund

Ch 399 (SB 1462) Mello Commercial fishing. gill and trammel nets

(1) Existing law prohibits the use of set or drift gill or trammel nets, except with mesh size greater than 14 inches, as specified, in ocean waters 40 fathoms or less in depth from Point Reyes headlands in Marin County to Waddell Creek in Santa Cruz County

This bill would also prohibit the use of those nets in ocean waters 60 fathoms or less

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in depth from Pillar Point at Half Moon Bay to Waddell Creek in Santa Cruz County, as specified

Existing law makes a violation of the Fish and Game Code, generally, a misdemeanor, therefore, the bill would impose a state-mandated local program by creating a new crime in the new area

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

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

Ch 400 (SB 1568) Keene Forest practices.

Under the Z'berg-Nejedly Forest Practice Act of 1973, a person is prohibited from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection and reviewed by the Director of Forestry and Fire Protection to determine if the plan is in conformance with the act and the rules and regulations of the State Board of Forestry The act authorizes any person to commence an action against the department or the board to compel them to carry out any duty imposed on them under the act Existing law prescribes the standard for judicial review of final administrative decisions by state agencies

This bill would authorize the Director of Fish and Game or the State Water Resources Control Board to file an appeal with the State Board of Forestry on the approval of a plan by the Director of Forestry and Fire Protection under specified circumstances The bill would prohibit any further timber operations under a plan until the final determination of the appeal by the State Board of Forestry The State Board of Forestry would be required to hold a public hearing on the appeal and to approve or deny the plan, as specified

Ch 401 (AB 257) Hannigan Toll bridges

Under existing law, 3% of the revenues derived from increasing the tolls on state-owned toll bridges in the region under the jurisdiction of the Metropolitan Transportation Commission may be allocated by the commission for transportation projects designed to reduce vehicular traffic congestion on the bridges

This bill would specifically authorize the commission to allocate those revenues for bicycle facilities and the planning, construction, acquisition, and operation of rapid water transit systems

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

Ch. 402 (AB 331) Lancaster Group life insurance dependent coverage

Under existing law, certain forms of group life insurance for employees may provide coverage for dependents of insureds if 75% of the insured employees so elect Existing law limits the amount of life insurance for dependents covered by this group insurance to 50% of the amount of insurance on the life of the insured employee Existing law also specifies dollar limits for this coverage of dependents, with a $500 maximum for dependents dying under 6 months of age and $5,000 for other dependents

This bill would delete the above dollar limitations on life insurance coverage provided for dependents under group life insurance for employees, but would not affect existing law limiting maximum coverage for employees' dependents under these plans to 50% of the coverage provided the insured employee

Ch 403 (AB 941) Lempert Public officers financial disclosure statements.

The existing Political Reform Act of 1974 generally requires elected state officers, judges and commissioners of the courts, and other specified state and local officers to file statements disclosing their investments, interests in real property, and income during the filing period in accordance with specified disclosure requirements of the act A knowing and willful violation of any requirement of the act is a misdemeanor

This bill would extend these financial disclosure requirements to city and county

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treasurers and other public officials who manage public investments By changing the definition of an existing crime, 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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote

Ch 404 (AB 1193) Hughes PERS school employers-option for safety formulas

The Public Employees' Retirement Law defines "local policeman" to include certain active law enforcement employees of police departments of certain public school employers and prescribes various "safety" formulas for various nonmiscellaneous membership categories of the system

This bill would authorize school districts and community college districts to adopt and transmit, through the county superintendents of schools, a resolution to PERS to authorize their local policemen to elect to become subject to specified safety formulas 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 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 405 (AB 1366) N Waters Trial court funding

Existing law authorizes only the superior court judge in a specified county which has only one justice court judge who serves less than halftime, as determined by the Judicial Council, to sign the resolution, on behalf of the judges of the county, requesting trial court funding from the state for the 1988–89 fiscal year

This bill would revise the provision to apply to a specified county which has only one justice court judge who serves less than ⅕ time, as determined by the Judicial Council, and would eliminate the restriction in this provision limiting it to the 1988–89 fiscal year, thereby continuing this provision indefinitely

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

Ch 406 (AB 1419) Hughes County libraries.

Existing law sets forth various provisions governing the appointment and removal of employees and apprentices of county free libraries, as maintained by county boards of supervisors

This bill would repeal those provisions

Ch 407 (AB 2167) Burton. Child abuse records.

Existing law requires each county to establish and maintain a case record for each public social services case and to retain the record for 3 years

This bill would provide that a child protective agency may, but need not, retain a child abuse report or other case record material concerning a child abuse report which has been determined to be an unfounded report

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Ch 408 (SB 182) Torres. Minors.

Under existing law, the board of supervisors of a county has authority to delegate the duties of the probation officer concerning dependent children of the juvenile court to the county welfare department. These delegatable duties include allowing a social worker to take a minor into custody, without a warrant, when a minor has been declared a dependent child of the juvenile court or when the social worker has reasonable cause to believe that the minor comes within the jurisdiction of the juvenile court, under specified provisions, and the social worker has reasonable cause to believe that the minor is in immediate danger of physical or sexual abuse, among others.

This bill would specify that a social worker in a county welfare department may perform the aforementioned duties Because this bill would authorize social workers to take temporary custody of minors, thus committing county facilities for the care of those minors, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 409 (SB 367) Garamendi Drug abuse prevention

(1) Under existing law, the School-Community Primary Prevention Program, in counties which have adopted it, authorizes school and classroom-oriented drug abuse prevention programs, school- or community-based nonclassroom alternative programs, or both, and family-oriented programs, among other things Existing law requires state agencies to negotiate contracts with public agencies, including county drug offices and offices of education, which meet specified requirements, to carry out these primary prevention programs

This bill would eliminate that contract requirement

(2) Existing law requires school-community primary prevention programs to be funded with 90% state and 10% school district funds

This bill would require the programs to be funded with 90% state and 10% school district or community organization funds This bill also would provide that the 10% may be comprised of a combination of both school district and community organization funds This bill furthermore would specify that community organizations shall not be precluded from participating in the program because they do not contribute matching funds

(3) Existing law requires applications for funding of school-community primary prevention programs to be reviewed by an external review selection committee to be composed of no less than 6 members appointed by the State Department of Alcohol and Drug Programs

This bill would require half the appointees to be educators recommended by the State Department of Education and currently working in the field of public education

Ch 410 (SB 460) 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 Until July 1, 1990, the commission is directed 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, to pay for these programs On and after July 1, 1990, the commission is required

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to establish the rate recovery mechanism as a surcharge not to exceed 10¢ per month for each line of a subscriber

This bill would continue in effect until July 1, 1992, the direction to the commission to pay for the programs through the surcharge of not more than ½%.

Ch 411 (SB 469) Ayala Fuel taxes interstate agreements

Under the Motor Vehicle Fuel License Tax Law (gasoline) and the Use Fuel Tax Law (diesel), a 9¢ per gallon tax is imposed on motor vehicle fuels. The administration, collection, and enforcement of that tax is the responsibility of the State Board of Equalization

This bill would authorize the board, on behalf of the state and with the approval of the Department of Finance, to become a party to a reciprocal fuel tax agreement between this state and another jurisdiction, as defined, providing for the administration, collection, and enforcement by a party to the agreement of fuel taxes imposed by another jurisdiction, and for the forwarding of collections to the taxing jurisdiction

The bill would authorize the board to adopt and enforce regulations necessary to implement a reciprocal fuel tax agreement

Ch 412 (SB 1241) Leonard Mobilehome Residency Law rent control

Existing law provides that certain rental agreements relating to mobilehomes located in a mobilehome park, which meet specified criteria, are exempt from local measures which establish a maximum amount that a landlord may charge a tenant for rent.

This bill would provide that new construction in a mobilehome park, as defined, is also exempt from any ordinance, rule, regulation, or initiative measure adopted by any city, county, or city and county, which establishes a maximum amount that a landlord may charge a tenant for rent

Ch 413 (SB 1509) Kopp Child day care

Under the existing Child Day Care Act, the provisions do not apply to any cooperative arrangement between parents for the care of their children where no payment is involved and the arrangement meets all of specified conditions One of the conditions is that care may only be provided in the home of a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children

This bill would delete that condition

Ch 414 (AB 233) Chandler Yuba County Water Agency.

(1) Under existing law, the members of the Board of Supervisors of Yuba County serve ex officio as members of the Board of Directors of the Yuba County Water Agency and 2 additional directors are selected by an advisory council consisting of members appointed as prescribed

This bill would abolish the advisory council and would provide for the 2 additional directors to be elected by the voters of the agency, thereby imposing a state-mandated local program The bill would require one director to be elected by the voters residing north of the Yuba River and the other director to be elected by the voters residing south of the Yuba River. The bill would make related changes

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

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

Ch 415 (AB 377) Polanco Intimidation of voters.

Existing law makes it a misdemeanor for any person to engage in specified conduct within 100 feet of a polling place on election day, including circulating petitions, soliciting votes, communicating with voters regarding voter qualifications, and electioneering.

This bill would prohibit, within 100 feet of a polling place on election day, solicitating votes or speaking to a voter regarding marking his or her ballot, and placing a sign, or speaking to a voter regarding the voter's qualifications, except as specified. The bill

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would impose the punishment for a violation, at the discretion of the court, of imprisonment in the county jail or in the state prison This bill would further make conspiracy to violate these prohibitions a felony

Existing law makes it a misdemeanor for any person to knowingly challenge or cause another person to challenge a person's right to vote without probable cause or on fraudulent or spurious grounds, or engage in other acts, as specified, for the purpose of preventing a voter from voting

This bill would make conspiracy to violate these prohibitions a felony This bill would also increase the punishment for violation of these prohibitions by an individual, at the discretion of the court, to imprisonment in the county jail or in the state prison.

This bill, by enlarging the scope and increasing the penalties for a violation of existing crimes, and creating new crimes would impose additional law enforcement duties on local agencies and, thus, the bill would impose a state-mandated local program

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

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

Ch 416 (AB 393) Kelley Water agencies

(1) Under existing law, the Riverside County Flood Control and Water Conservation District is authorized to levy assessments upon property in the district to pay specified costs and expenses of the district in accordance with prescribed procedures

This bill would require assessments to be levied in accordance with specified procedures and requirements contained in the Benefit Assessment Act of 1982 and would make related changes The bill would declare these changes to be declaratory of existing law The bill would, however, require the suspension of assessment proceedings upon written protests, as specified

(2) Under existing law, the Riverside County Flood Control and Water Conservation District may issue negotiable promissory notes to finance specified administrative offices or facilities in an amount not to exceed the lesser of $2,500,000 or 1% of the assessed valuation of taxable property

This bill would increase that amount to the lesser of $4,000,000 or 1% of assessed valuation

(3) Existing law prescribes procedures for the election of directors of the Colusa Basin Drainage District

This bill would revise those procedures

(4) Existing law authorizes the Colusa Basin Drainage District to levy benefit assessments on land within the district An initial assessment of up to 10¢ per acre may be levied for formation costs, and a benefit assessment, as prescribed, may be levied for up to 5 years to finance the initial plan for the district

This bill would permit the initial per acre assessment to be levied annually, in lieu of benefit assessments pursuant to specified provisions, until the initial district plan has been approved

Ch 417 (AB 553) Moore Child abuse

Existing law requires the Department of Justice to conduct a study, in consultation with various specified interested parties, on the appropriateness of purging all unsubstantiated reports of child abuse or neglect from the index it maintains of all reports of child abuse submitted by child protective agencies The study is to include a recommendation that defines the categories of "substantiated," "unsubstantiated," and "unfounded" reports of child abuse and neglect, as specified The department is required to report the results of the study to the Legislature on or before January 1, 1990.

This bill would add teachers to the list of interested parties with whom the department must consult in conducting the study

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

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Ch 418 (AB 601) Lancaster Insurance

Existing law requires insurers to meet certain requirements as to paid in capital.

This bill would increase the paid-in capital requirements for certain types of insurers These changes would, in general, not apply to insurers admitted on December 31, 1989, except that after December 31, 1999, the changes would apply to all insurers

Ch 419 (AB 639) Quackenbush Crimes prisoners and wards fire suppression

Under existing law, any department, division, bureau, commission, or other agency of the State of California or the federal government, may use, or cause to be used, convicts confined in the state prison to perform work necessary and proper to be done by them at permanent, temporary, and mobile camps in public parks and forests Existing law also authorizes the Department of the Youth Authority to require wards who are housed in forest camps to provide labor for fire suppression efforts

This bill would authorize the Director of Corrections and the Department of the Youth Authority to allow the Director of the Department of Forestry and Fire Protection to use prisoners and wards, during declared fire emergencies, for fire protection efforts outside of the state along the borders of Oregon, Nevada, or Arizona, as specified

Ch 420 (AB 682) Epple Hazardous substance release sites. technology demonstration projects

Existing law requires the State Department of Health Services to carry out a program of full-scale demonstrations to evaluate treatment technologies for removal and remedial actions The department is required to identify, by July 1, 1988, hazardous substance release sites suited for the technology demonstration project if the sites are listed on specified lists of hazardous substance release sites for which the department has not been able to identify a responsible party or for which the responsible party is not in compliance with an order or agreement entered into by the department The department is authorized to determine not to recover from a liable person the incremental costs of using a more costly alternative treatment technology at a project site and is not required to choose the most cost-effective measure when preparing or approving a remedial action plan for a site selected for a project

This bill would delete the deadline requirements The bill would also authorize the department to identify a site as suited for a technology demonstration project if the site is listed as having a responsible party and the party is in compliance with an order or agreement issued by the department and would exclude these projects from the provisions allowing the department to not choose the most cost-effective measure

Ch 421 (AB 980) Lempert Hospitals

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons

Under existing law, the California Medical Assistance Commission is authorized to negotiate exclusive contracts with any county which seeks to provide, or arrange for the provision of, health care services under the Medi-Cal program

Existing law also authorizes 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

This bill would provide that disproportionate share hospitals which contract with a health system organized and operated by the county are included within the scope of that contract rate increase

This bill would impose a state-mandated local program by requiring county-organized health systems to provide necessary hospital utilization data for the establishment of disproportionate share hospital status This bill would also require that disproportionate share payments be made by the State Department of Health Services, 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 $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, 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 422 (AB 1068) Hauser. Counties advance state payments.

Existing law provides that upon the request by the board of supervisors of a county which has a population of 150,000 or less as of January 1, 1983, specified state departments may make advance payments to the county which are essential to the effective implementation of any particular program

This bill would extend this authority to make advance payments to all state departments, except the State Department of Social Services, as to those counties

Ch 423 (AB 1222) Costa Endangered and threatened species.

(1) Under existing law, until July 1, 1990, each state lead agency, as defined, is required to consult with the Department of Fish and Game to ensure that specified actions of that state lead agency are not likely to jeopardize the continued existence of any endangered or threatened species.

This bill would extend the termination date of those provisions to January 1, 1994

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to environmental reviews, it would make an appropriation

Ch 424 (AB 1237) Clute Public postsecondary education student residency criteria

Existing law sets forth certain criteria for the determination of whether a student is entitled to state resident status for purposes of enrollment at the University of California, the California State University, the California Community Colleges, or the California Maritime Academy

This bill would extend that residency entitlement to any student who is a graduate of any school located in California that is operated by the United States Bureau of Indian Affairs, as specified This bill would create a state-mandated local program as to community college districts that would be required to grant resident status to students who thereby qualify for that 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 425 (AB 1249) Bader Practice of medicine

Existing law provides that any regularly matriculated student undertaking a course of professional instruction in a medical school approved by the American Osteopathic Association of the Board of Osteopathic Examiners is eligible for enrollment in elective clerkships or preceptorships in any medical school or clinical training program in this state

This bill would provide that no medical school or clinical training program shall deny access to elective clerkships or preceptorships in any medical school or clinical training program in this state solely on the basis that a student is enrolled in an osteopathic medical school. The bill would authorize a district attorney to enjoin a violation of the provision

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Ch 426 (AB 1287) Quackenbush PERS. optional settlements 2 or 3—revision upon postretirement death of spouse-beneficiary

The existing Public Employees' Retirement Law authorizes a member of the Public Employees' Retirement System to elect various optional settlements which provide, upon his or her postretirement death, for specified payments or lifetime payments to beneficiaries designated by the member and authorizes a retired member, upon the occurrence of a qualifying event, to elect under specified conditions and subject to specified time limitations, to make postretirement actuarial revisions in his or her retirement allowance and related beneficiary designation revisions

This bill would authorize a retired member with an optional settlement 2 or 3 involving life contingency of the beneficiary, whose designated beneficiary-spouse predeceases the member on or after January 1, 1990, to elect, within 12 months following the spouse's death, to have paid thereafter to him or her the lifetime allowance which would be payable had the member not elected to receive an optional settlement involving a life contingency of the beneficiary This bill would provide that if a member who has retired prior to January 1, 1990, elects, on or after that date, these provisions, his or her new allowance shall be subject to an actuarial reduction

This bill would state legislative intent that it not impact employer contribution rates.

Ch 427 (AB 1329) Johnson Judges ordered, requested, and granted disability retirement fiscal year incidence report

The existing Constitution and statutes confer various powers and duties upon the Commission on Judicial Performance regarding, respectively, ordered and requested disability retirement of judges

This bill would require the commission to annually submit to the Governor and the Legislature a report on the incidence of ordered, requested, and granted disability retirements of judges

Ch 428 (AB 1388) Connelly Wheelchair lifts uniform safety standards

(1) Existing law requires the Department of the California Highway Patrol to adopt rules and regulations regarding the safe operation of specified vehicles and equipment thereon, including buses and wheelchair lifts on the buses

This bill would require a manufacturer or distributor of wheelchair lifts for buses, schoolbuses, youth buses, and general public transit vehicles, regardless of capacity, to provide to the Department of the California Highway Patrol proof of certification from an independent laboratory or registered mechanical engineer of this state that the wheelchair lift model complies with the California and any federal law and the regulations adopted pursuant thereto, prior to the distribution of the wheelchair lift model in this state.

Since the failure to comply with this requirement would constitute 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. 429 (AB 1482) Vasconcellos Employee-owned businesses

Existing law requires the Department of Commerce to maintain a centralized information system on small business and provides various sources of technical assistance and information for small businesses

This bill would require the Department of Commerce to assist other public agencies, nonprofit corporations, or foundations in the development and facilitation of employee-owned businesses, as specified

Ch 430 (AB 1553) Killea County water authorities. connection charges

(1) Under existing law, county water authorities are generally authorized to fix, revise, and collect rates or other charges for the delivery of water, use of any facilities

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or property, or provisions of services.

This bill would authorize an authority to fix and impose connection charges and capacity charges upon each public agency, the area of which is included within the authority, or impose the charges upon the ultimate users of water delivered by the authority to the public agency If the charge is imposed upon the ultimate users of water, the bill would authorize the authority to require the public agency to collect the charges, thereby imposing a state-mandated local program The public agency would be reimbursed for the cost of collection by the authority The bill would specify that the imposition of the capacity charge is subject to specified provisions of existing law relating to the imposition of public utility service charges on public 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 431 (AB 1731) Chandler Wild animals possessed or transported sanctuaries

(1) Existing law authorizes an enforcing officer to require wild animals unlawfully brought into this state, as specified, to be shipped out of the state, returned to the point of origin, or destroyed, at the expense of the owner or bailee

This bill would recast those provisions to require the unlawfully possessed or transported animals to be disposed of in accordance with specified regulations, at the option and expense of the owner or bailee If a live, nonnative wild animal is found at large, the bill would require it to be destroyed or, if captured, held for not less than 72 hours after notification of the local humane society and then disposed of in accordance with specified regulations, unless the animal is listed as an endangered or threatened species, as specified, in which case the Department of Fish and Game would be notified and would be responsible for disposition

Because existing law would make violations of the bill a misdemeanor, the bill would impose a state-mandated local program by changing the definitions of crimes

(2) Existing law generally prohibits aircraft flights below specified altitudes over specified sanctuaries and reserves

This bill would except flights for filmmaking purposes under a permit issued by the department from that prohibition

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to endangered or threatened species, 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

Ch 432 (AB 2031) Nolan. Underground storage tanks local agencies

Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation Existing law also imposes various design, installation, monitoring, and release reporting requirements with regard to underground storage tanks. Existing law requires counties to implement this program, but authorizes a city, by ordinance, to assume responsibility for implementing these provisions. Cities were required to assume this responsibility on or before January 1, 1986

This bill would require the city ordinance to comply with specified state and federal laws The bill would delete the requirement that a city assume responsibility by January 1, 1986, and would require that permit fees collected by the county be prorated between the county and the assuming city

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Ch 433 (AB 2307) Calderon Registered dispensing opticians

Existing law authorizes the Division of Allied Health Professions of the Board of Medical Quality Assurance to suspend or revoke the certificate of registration of any registered dispensing optician for, among other things, violating or attempting to violate the chapter regulating dispensing opticians or any regulation adopted under that chapter

This bill would authorize the division to, in addition, impose terms and conditions of probation as a form of disciplinary action and would authorize that disciplinary action to be taken for a violation of provisions that (1) regulate prescription lenses, in general, (2) regulate forms of public communications and specified advertisements, and (3) prohibit specified arrangements between dispensing opticians and other specified licensees

Ch 434 (AB 2323) Hannigan Residential care facilities for the elderly· administrators

Existing law requires that residential care facilities for the elderly be licensed by the State Department of Social Services.

This bill would express the findings of the Legislature concerning improvement of residential care for the elderly through certification of residential care facility for the elderly administrators

The bill would require the State Department of Social Services to perform a study to determine the appropriate state administrative structure to certify administrators of residential care facilities for the elderly The study would be required to address specified issues It would require the department to establish an advisory committee for purposes of this study, which would include representatives from residential care facilities for the elderly, consumers, and various public agencies

The bill would require a report on the finding of the study to be submitted to the Legislature on or before December 1, 1990

Existing law provides for licensing fees to be paid to the department for applications for, and renewals of, residential care facility for the elderly licenses

Existing law permits these fees, when appropriated, to be used by the department for administrative activities in support of the licensing program

This bill would create the Residential Care Facility for the Elderly Administrative Certification Fund, which would be continuously appropriated without regard to fiscal years to the department for the purpose of performing the study required by the bill It would require that up to $100,000 of the licensing fees for residential care facility licenses would be credited to this fund, and that any unexpended amounts in that fund on the date the study is submitted to the Legislature be expended in accordance with existing law

This bill would provide that its provisions would remain in effect until July 1, 1991, and as of that date would be repealed

Ch 435 (AB 2484) Lempert Department of Transportation Feederbus Demonstration Program report

(1) This bill would direct the Department of Transportation to include in the rail passenger development plan prepared for submission in 1991 an evaluation of the Feederbus Demonstration Program relating to Caltrain, initiated by the department in 1988, including specified matters The bill would direct the department to submit the evaluation to the Metropolitan Transportation Commission for its review and comments by September 1, 1990, and to include the review and comments, as specified, in submitting its evaluation and the plan to the California Transportation Commission on or before January 1, 1991 By imposing these requirements on the Metropolitan Transportation Commission, the bill would imposed 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 436 (SB 82) Robbins Endless chain schemes.

(1) Under existing law, an endless chain scheme, as defined, is unlawful, and a contract for unlawful consideration is void. A party to a contract has a right to rescind if the contract is for unlawful causes which do not appear in its terms and conditions, and the parties are not equally at fault. However, the courts have held that rescission of an unlawful contract may be granted as equity requires

This bill would specify that a participant in an endless chain scheme, as defined, may rescind the contract upon which the scheme is based and may recover all consideration paid to the operator of the scheme, less any amounts paid or consideration provided to the participant under the scheme The bill would also authorize the court to award reasonable attorney's fees to a prevailing plaintiff.

(2) Under existing law, any person who prepares or operates an endless chain scheme is guilty of a misdemeanor.

This bill would provide that the preparation or operation of an endless chain scheme constitutes a public offense punishable by imprisonment in the county jail not exceeding one year or imprisonment in state prison for 16 months, 2, or 3 years, thus creating a state-mandated local program

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

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

Ch 437 (SB 262) Garamendi Vehicle fuel license tax refunds· time of application

The existing Motor Vehicle Fuel License Tax Law imposes a tax upon the privilege of distributing and storing, as provided, motor vehicle fuel Existing law further provides for refunds for specified persons including those persons who export motor vehicle fuel for use outside of this state Existing law requires that applications for refunds based on the exportation of motor vehicle fuel from this state be filed with the Controller within 3 months after the calendar month in which the fuel is exported, and provides, as specified, that the Controller may extend for good cause the time for filing

This bill would provide that applications for refund based on exportation of fuel must be filed with the Controller within the later of 3 months after the calendar month in which the fuel is exported or 13 months from the date the fuel is purchased. This bill would delete the Controller's authority to extend for good cause the time for filing an application for refund based upon exportation

Ch 438 (SB 290) B Greene. Corporations service of process

(1) Existing law provides that if it is shown by affidavit to the satisfaction of the court that service of process against a domestic corporation cannot be served with reasonable diligence upon the designated agent or the corporation, as specified, the court may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State, or to any person employed in the Secretary of State's office, as specified, one copy of the process for each defendant to be served, together with a copy of the order authorizing the service Service in this manner is deemed complete on the 10th day after delivery of the process to the Secretary of State

This bill would provide that the court order, as specified above, may be made by a court of another state or any federal court if the suit, action, or proceeding has been filed in that court

(2) Existing law provides that a copy of the statement and designation of a corporate agent certified by the Secretary of State is sufficient evidence of the appointment of an agent for service of process

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This bill would, in addition to the above, provide that a copy of the latest statement required to be filed by a foreign corporation relating to operations and designating an agent to service of process, and so certified, is also sufficient evidence of the appointment of an agent for service of process.

(3) Existing law provides that a court may order that service of process against a foreign corporation may be made by personal delivery to the Secretary of State when the service of process cannot be made with due diligence upon the designated agent or any other person authorized to accept service of process on behalf of the corporation, as specified Upon receipt of the process, a court order, and the fee therefor, the Secretary of State is required to give notice by registered mail, with request for return receipt, to the corporation of the service of process, as specified

This bill would provide that the Secretary of State also may give the above-specified notice by certified mail and make other related and conforming changes

Ch 439 (SB 291) B Greene Fees. Secretary of State's office.

Under existing law, specified fees are established for services performed by the Secretary of State's office, including a $20 fee to file articles of incorporation or agreements of consolidation not providing for shares and $70 if providing for shares.

This bill would increase specified fees charged by the Secretary of State's office, including the fee to file articles of incorporation to $30 if the incorporation does not provide for shares and $100 if it provides for shares The bill would eliminate the reference to agreements of consolidation The bill would, in addition, increase the fee for filing an agreement of merger, a certificate of ownership, or certificate of merger from $45 to $100 for any or all of the filings for each merger transaction regardless of the number of constituent corporations

The bill would increase the filing fee of a statement and designation upon the qualification of a foreign nonprofit nonstock corporation and a foreign corporation organized for specified purposes not issuing shares from $20 to $30

The bill would increase the general fee charged for the filing of any instrument by, or on behalf of, a corporation from $15 to $30. The bill would also increase specified filing fees for nonprofit corporations from $2 50 to $5 The bill would provide that the filing fee for an amended statement and designation by a foreign association, as specified, is increased from $15 to $30

Existing law provides that a fee of $2 be paid to the Secretary of State, as specified, for each nonresident to be served in an action involving watercraft

This bill would increase this fee to $50 for each nonresident

Ch 440 (SB 317) Stirling. Corporations. nonprofit.

Existing law provides that nonprofit corporations organized under the Public Benefit Corporation Law and the Mutual Benefit Corporation Law are required to file an annual statement specifying the address of their principal office in this state, if any, and the names and addresses of specified officers, and specified information relating to their agent for service of process

This bill would provide that certain nonprofit corporations organized prior to January 1, 1971, as specified, who have never filed such a statement, are subject to suspension of their corporate powers, rights, and privileges by the Secretary of State.

This bill would also provide that a nonprofit corporation suspended under these provisions may be relieved from suspension upon the filing of the annual statement unless the corporation is held in suspension by the Franchise Tax Board, as specified

Ch 441 (SB 420) Dills California Veterans Board executive officer.

Under existing law, the California Veterans Board appoints and fixes the salary of a secretary

This bill would redesignate the secretary as the executive officer.

Ch 442 (SB 490) Doolittle Crime victim assistance verification forms

Existing law requires the State Board of Control to verify information contained in applications for crime victim assistance by sending verification forms to all hospitals,

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physicians, law enforcement officials, and other interested parties involved

This bill would provide that verification forms require sufficient information to clearly identify the victim.

This bill would require the verification form to contain a statement certifying that a signed authorization by the victim is retained in the victim's file and that this certification constitutes actual authorization for the release of information, notwithstanding any other provision of law. This bill would require each request to a physician for a copy or summary of medical records to include a copy of the signed authorization for the release of information

Ch. 443 (SB 697) Rogers Pearl Harbor Day

Existing law requires the Governor to proclaim various days of the year as days to give attention to certain persons or events

This bill would require the Governor to annually proclaim December 7 as "Pearl Harbor Day," and would make various findings and declarations in that regard

Ch 444 (SB 933) Rogers. Beverage manufacturers

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 existing law 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 The department is authorized to examine the records of any container manufacturer who supplies beverage containers to a beverage manufacturer for which the department makes a specified determination.

This bill would authorize the department to examine only the records of a container manufacturer concerning beverage container sales

Ch 445 (SB 1277) Beverly Liens.

Existing law provides that a purchase money security interest has priority over a conflicting judgment lien on the same personal property or its proceeds if the purchase money security interest is perfected at the time the judgment debtor receives possession of the personal property or within 10 days thereafter

This bill would, instead, require that the purchase money security interest be perfected at the time the judgment debtor receives possession of the personal property or within 20 days thereafter.

Under existing law a judgment creditor may by a writing release the judgment lien on all or a part of the personal property subject to the lien or may subordinate the judgment lien to a security interest or other lien or encumbrance as to all or a part of the personal property subject to the judgment lien.

This bill would, in addition, permit the judgment creditor, if the notice of judgment lien names more than one judgment debtor, to release the judgment lien on all the personal property subject to the lien of one or more but of less than all the judgment debtors

Existing law requires a statement of release or subordination of a judgment to be signed by the judgment creditor and contain a description of the property being released or the lien being subordinate, and in addition, if a subordination is being done, a description of the security interest or other lien or encumbrance to which the judgment lien is being subordinated.

This bill would also require the statement of release or subordination to include wording sufficient to indicate under which provision the release or subordination of the judgment lien is permitted such as the provisions permitting the release of the judgment lien on all the personal property subject to the lien of one or more but of less than all the judgment debtors

The bill would also provide that the filing officer shall treat the filing of a statement of release, as permitted, including the release of an attachment lien that had been filed with the Secretary of State, as certain other documents filed with respect to release of

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a security interest under a financing statement as specified.

Ch. 446 (SB 1416) Torres. Postsecondary education: standardized tests.

Existing law requires the test sponsor of standardized tests which are used for the purposes of admissions to, or class placement in, postsecondary educational institutions or their programs, or preliminary preparation for those standardized tests, to submit specified data and information to the California Postsecondary Education Commission.

This bill, in addition, would require the test sponsor of standardized tests to supply to the commission any other information mutually identified by the commission and the test sponsor that will be reasonably available and helpful in assessing the state's progress in increasing the number of Hispanic, Black, or American Indian students to enroll in the University of California or the California State University and developing strategies to expand access to college for those students.

Existing law requires the California Postsecondary Education Commission to prepare and submit an annual report regarding standardized tests of the state's test subject to the Governor, the Legislature, the governing entity of each of the 3 segments of public postsecondary education, itself, and the Superintendent of Public Instruction, as specified.

This bill would require the commission to prepare and submit by May 1, 1990, and every 2 years thereafter, a biennial report that includes the information required under existing law, as well as the number of California students, by ethnicity and gender, who participate in advance placement classes in secondary schools, and take preliminary standardized college admissions tests. This bill would require the commission to report on the progress in increasing the number of Hispanic, Black, and American Indian students who graduate from high school and who are eligible to enroll in the University of California and the California State University and to present recommendations, as specified.

Ch. 447 (SB 1596) Alquist. Regional park, regional park and open space, and regional open-space districts.

Existing law requires the board of directors of a regional park, regional park and open space, or regional open-space district to cause an audit to be rendered of the financial condition of the district within 90 days after its first meeting following the end of its fiscal year.

This bill would delete that requirement.

Ch. 448 (SB 1265) C. Green County retirement: service credit.

The existing County Employees Retirement Law of 1937 generally limits receipt of service credit to that earned by performance of regular duties. However, a provision, which only becomes operative in a county when adopted by the board of supervisors, authorizes the Orange County Transit District to extend retirement service credit on and after January 1, 1981, for the time during which a member is on leave of absence to serve as a full-time officer of a recognized employee bargaining unit if the member or the district, or both, pay specified contributions. The maximum service credit is limited to 8 years.

This bill would make that provision applicable to all authorized leaves of absence, rather than only to those on and after January 1, 1981, and to those leaves to serve as any official, rather than only a full-time official, of a recognized employee bargaining unit. This bill would require the specified contributions to be paid, instead, by the member or the recognized employee organization, or both. This bill would also increase the limitation on service credit attainable while on that leave from 8 years to 12 years.

This new authorization would impose state-reimbursable, state-mandated local negotiating costs since its exercise would be subject to negotiation under existing law relating to public 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 $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 449 (AB 280) Chandler School finance

Existing law requires the county superintendent of schools to make specified computations for each elementary school district that maintains only one school with an average daily attendance of less than 101 for purposes of the apportionment of state aid to those districts For each small school that has a specified average daily attendance of 76 or more and less than 101 and for which school 4 teachers were hired full time for more than ½ of the days schools were maintained, the county superintendent is required to compute for the district $211,700

Existing law also requires the county superintendent of schools to make a specified computation of $211,700 for each necessary small school with an average daily attendance of 76 or more and less than 101, as specified, which is in a school district with fewer than 2,501 units of second principal apportionment average daily attendance Existing law also requires the county superintendent of schools to make calculations, as specified, for necessary small high schools in school districts with fewer than 2,501 units of second principal apportionment average daily attendance

This bill would authorize a school district that qualifies under these provisions to use these funding calculations until the revenue limit per unit of average daily attendance produces state aid equal to the small school funding formula

This bill would state the intent of the Legislature to make changes in state apportionments to school districts for the entire 1989–90 fiscal year and would require the Superintendent of Public Instruction and other public officers to adjust allowance computations, apportionments, and disbursements for that fiscal year

Ch 450 (AB 757) Friedman Driving offenses intervention programs. evaluation

Under existing law, the Department of Motor Vehicles maintains records of driver's offenses reported by the courts, including violations of the prohibitions against driving 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

This bill would, additionally, require the department to establish and maintain a data and monitoring system, as specified, to evaluate the efficacy of intervention programs for persons convicted of those violations relating to alcohol and drugs, and to report thereon annually to the Legislature

The bill would declare legislative findings

Ch 451 (AB 871) Bradley Nonprofit public benefit corporations membership lists

Existing law permits a member of a nonprofit public benefit corporation to obtain from the secretary of the corporation, upon written demand and tender of a reasonable charge, a list of the names, addresses, and voting rights of those members entitled to vote for the election of directors, as specified.

This bill would require that this list of members be in alphabetical order

Ch 452 (AB 1012) Moore Public school curriculum materials historical contributions of underrepresented minorities

Existing law directs the Superintendent of Public Instruction to coordinate the development of model curriculum standards for certain courses required to be offered by school districts

This bill would additionally require the Superintendent of Public Instruction to incorporate, into the implementation element of the history-social science framework adopted by the State Board of Education relative to that model curriculum requirement, and into the implementation of certain other subject area frameworks, textbooks and in-

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structional materials listed by the State Board of Education as highlighting the contributions of minorities in the development of California and the United States. This bill would require, in addition, that the State Board of Education establish that list no later than January 1, 1991, and that, no later than April 1, 1991, the Superintendent of Public Instruction make the list available for use by school districts throughout the state, and submit the list to the Legislature.

Ch. 453 (AB 1018) Hauser. Commercial fishing: king salmon.

(1) Existing law provides for regulation of the taking of fish for commercial purposes by the Department of Fish and Game, including the taking of salmon during certain prescribed time periods under designated conditions.

This bill would authorize the Director of Fish and Game to open ocean waters of this state to the taking of king salmon commercially to harvest underutilized spring run king salmon, as specified. The bill would limit a season opening under the bill to 3 years unless approved by statute. The bill would make legislative findings and declarations in that connection.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the commission to carry out its duties under the Fish and Game Code.

Because this bill would impose additional duties on the Department of Fish and Game, thereby making the money in the fund available for a new purpose, the bill would make an appropriation.

Ch. 454 (AB 1097) Calderon. Beverage containers: recycling centers: study.

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 existing law 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. There is required to be at least one certified recycling center in a convenience zone. The department is required to submit an annual report to the Legislature concerning the implementation of the act.

This bill would require the department to submit a report to the Legislature, by October 1, 1990, concerning the effectiveness of convenience zones and certified recycling centers in encouraging recycling and the advisability of revising the act's requirements concerning convenience zones and certified recycling centers. The report would be required to include specified information and recommendations.

Ch 455 (AB 1168) Jones. Certified school employees: mental illness.

Existing law requires that, when a school district governing board suspends or transfers a certificated employee for reason of the employee's incompetence due to mental illness, the employee be offered the opportunity to be examined by a panel of 3 psychiatrists selected from a list of psychiatrists provided by the governing board.

This bill would require, instead, that the panel consist of 3 persons who are psychiatrists or psychologists, with at least one of whom being a psychiatrist, selected by the employee from a list of psychiatrists and psychologists provided by the school district governing board. This bill would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch 456 (AB 1170) N. Waters Fish· specified creeks persons under age 14

(1) Under existing law, it is a misdemeanor to fish in specified creeks if over 14 years of age, and not more than 10 fish may by taken and possessed from those creeks during one day

This bill would add Sawmill Pond, as described, to those waters and would reduce the number of fish which may be taken or possessed from those waters to 5 fish during one day, thereby imposing a state-mandated local program by creating a crime in that new area

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

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

Ch 457 (AB 1536) Bradley Vehicles· towing and storage

(1) Existing law regulates the disposition and lien satisfaction and sale of vehicles removed from highways and public and private property

This bill would provide that no cause of action for despoliation of evidence shall arise against any towing company that sells any vehicle at, or disposes of any vehicle after, a lien sale, except as specified

(2) Existing law provides that a lien for compensation for towing or storage arises on possession of a vehicle

This bill would provide that possession is deemed to arise when the vehicle is removed and is in transit

Ch 458 (AB 2414) N Waters Health residential care facilities, residential care facilities for the elderly, and child day care facilities

Under existing law, the California Community Care Facilities Act provides for the licensure and regulation of residential care facilities, the California Residential Care Facilities for the Elderly Act provides for the licensure and regulation of residential care facilities for the elderly, as defined, and the California Child Day Care Facilities Act provides for the licensure and regulation of child day care facilities Existing law provides that any person who violates either the California Community Care Facilities Act or the California Residential Care Facilities for the Elderly Act, or who willfully or repeatedly violates the California Child Day Care Facilities Act or any rule or regulation promulgated under any of the above acts, is guilty of a misdemeanor, punishable by a fine not to exceed $1,000 or by imprisonment in the county jail, or by both Existing law further provides for civil penalties and the suspension and revocation of a license for violation of the above acts

This bill would require each residential care facility, residential care facility for the elderly, and child day care facility which is licensed under one of the above acts to reveal its license number in all advertisements, publications, or announcements made with the intent to attract clients or residents, and would thereby impose a state-mandated local program by expanding the definition 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

Ch 459 (SB 531) Torres Civil rights civil penalty

Existing law provides that all persons in this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, or other specified reasons Existing law provides that whoever denies this right is liable for, among other things, a civil penalty of $10,000.

This bill would specify that the civil penalty of $10,000 is to be awarded to the person denied this right

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Ch 460 (SB 668) Ayala Agriculture· milk

Existing law authorizes the Director of Food and Agriculture to appoint a Milk Producers Security Trust Fund Board

This bill would authorize the board, with the approval of the director, to contract for the services of an accounting firm or other consultants or agencies which the board determines to be necessary

Ch 461 (SB 715) Russell Workers' compensation Uninsured Employers Fund

(1) Existing law provides that if an employer fails to pay workers' compensation to a person entitled to it or fails to furnish a bond, then an award shall be paid to the injured employee or his or her dependents by the Director of Industrial Relations from the Uninsured Employers Fund, which is continuously appropriated Existing law further provides that any claim brought against an employer under existing law may be resolved by the director by compromise and release or stipulated findings and award as long as the Workers' Compensation Appeals Board has acquired jurisdiction over the employer and the employer has been given notice, as specified, and an opportunity to object

This bill would require the employer to show good cause for the objection It would also provide that if the appeals board does not find good cause for the objection, and the compromise and release or stipulated findings and award is approved, the Uninsured Employers Fund shall have a cause of action against the employer for specified damages.

(2) Existing law provides that a findings and award which is the subject of a demand on the Uninsured Employers Fund or an approved compromise and release or stipulated findings and award entered into by the director shall constitute a liquidated claim for damages against the employer in an amount to be ascertained by the Workers' Compensation Appeals Board.

This bill would provide that a decision and order of the rehabilitation unit of the Division of Industrial Accidents which has become final shall also constitute a liquidated claim for damages

(3) Existing workers' compensation law provides that the Director of Industrial Relations shall have a lien against an employee, his or her guardian, conservator, personal representative, estate, survivors, or heirs, for any damages recovered against a third party for that party's tortious conduct, if the employee has received an award from the Uninsured Employers Fund, up to the amount of the award Existing law further provides that no judgment or settlement in an action or claim by persons specified above to recover damages for injuries, where the director has an interest, shall be satisfied without first giving the director notice and a reasonable opportunity to perfect and satisfy his or her lien

This bill would require that the director be mailed a copy of the complaint in the 3rd-party action as soon as reasonable after it is filed with the court

Ch 462 (SB 845) Rosenthal Home weatherization services

Existing law provides for any electrical or gas corporation, under the jurisdiction of the Public Utilities Commission, to institute a home insulation assistance and financing program under those requirements that the commission may impose Existing law requires the commission to allow, for ratesetting purposes, all expenses found to be reasonably related to the administration and implementation of the program

This bill would direct the commission to require an electrical or gas corporation to perform home weatherization services for low-income customers if the commission determines that a significant need for those services exists in the corporation's service territory The bill would define "weatherization" for these purposes, and make legislative findings and declarations as to low-income energy programs

Ch 463 (SB 883) Presley California Conservation Corps

(1) Under existing law, the California Conservation Corps is designated as the program recipient for any federal funds available under the American Conservation Corps.

This bill would instead designate the California Conservation Corps as the program recipient for federal funds for youth conservation corps or community service corps programs, other than the federal Job Corps The bill would authorize the corps to

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distribute any federal funds it receives to other corps programs within the state.

(2) Existing law requires persons participating in the corps program to be engaged in projects for specified purposes

This bill would include projects providing public education with regard to environmentally important lands and waters, useful and needed public works, and natural resources, as specified

Ch. 464 (SB 971) Beverly Personal property leases: statute of limitations

Under existing law, a financing statement used to indicate that a secured party may have a security interest in described collateral is required to contain certain information, and should contain additional information. Under an existing provision that will become operative on January 1, 1990, the information that a financing statement should contain includes the effective period of the financing statement

This bill would delete the provision that would state that a financing statement should include the effective period of the financing statement It would also provide that the standard form of original financing statement prescribed by the Secretary of State shall include wording to the effect that financing statements are effective, with certain exceptions, only for 5 years, as specified.

Existing provisions of the Commercial Code that regulate leases, and that will become operative on January 1, 1990, specify that leases are subject to certain other statutes and other laws. Those provisions also specify that in the case of a conflict with the provisions in the Commercial Code and any of the above-mentioned statutes, the provisions of the statute control, and that failure to comply with any applicable statute has only the effect specified therein

This bill would revise the above provisions dealing with conflicting statutes to instead refer to conflicting laws

Under existing law, an action for default under a lease contract with respect to personal property, must be commenced within 4 years after the cause of action accrued

This bill would make a technical, nonsubstantive change in these provisions.

Ch 465 (SB 1077) Bergeson Residential care facilities for the elderly

Existing law requires the State Department of Social Services to license and regulate residential care facilities for the elderly

This bill would require every residential care facility for the elderly to include its current license number in any public advertisement or correspondence

Since a violation of residential care facility for the elderly licensing and regulatory provisions is a misdemeanor, the bill would create a new crime, thus imposing additional duties upon local law enforcement agencies, and thereby constituting a state-mandated local program

Ch 466 (SB 1102) Roberti Residential care facilities

Existing law regulates residential care facilities and residential care facilities for the elderly and requires each residential care facility for the elderly to maintain a resident council consisting of the residents and which may include family members and others Existing law also requires that no licensed skilled nursing facility or intermediate care facility may prohibit the formation of a family council, as defined, requires that the family council be allowed to meet in a common meeting room of the facility, and requires the facility to provide space to display notices of meetings, minutes, and newsletters

This bill would make identical provisions for the formation of family councils at residential care facilities and residential care facilities for the elderly Since existing law makes the violation of laws relating to these facilities a misdemeanor, this bill would create a new crime 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

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

Ch 467 (SB 1233) Rogers. Personal property. theft

Existing law specifies that the statute of limitations for a cause of action in the case of theft, as defined, of any art or artifact is not deemed to have accrued until the discovery of the whereabouts of the art or artifact by the aggrieved party, his or her agent, or the law enforcement agency which originally investigated the theft.

This bill would delete the term "art or artifact" from the above provisions and apply those provisions instead to any article of historical, interpretive, scientific, or artistic significance

Ch 468 (SB 1248) Leonard Youth

Existing law authorizes, as a pilot project, a voluntary program for the establishment and administration of regional youth educational facilities under the control of the Youth Authority, as specified The authorization for the pilot project will be inoperative as of June 30, 1990, and will be repealed as of January 1, 1991

This bill would delete the limitation on the duration of the pilot project

Ch 469 (SB 1259) Bergeson Wage payments. schedule

Existing law provides that wages earned by an employee are due and payable twice each calendar month on days designated by the employer as regular paydays It also requires that wages be paid within a specified number of days after labor is performed between the 1st and 15th day, or between the 16th and the last day, inclusive, of any calendar month

Existing law also provides that this requirement shall be deemed satisfied by the payment of wages for weekly or biweekly payroll if the wages are paid not more than 7 calendar days following the close of the payroll period

This bill would include a reference to semimonthly payroll in this provision

Ch 470 (SB 1394) Garamendi Arbitration of agreements

Existing law generally provides for court proceedings to enforce arbitration agreements Existing law also provides that enforcement of a mechanic's lien does not constitute waiver of an agreement to arbitrate if in filing an action to enforce the lien the claimant applies for a stay of that action

This bill would authorize a party to an arbitration agreement to seek provisional judicial remedies, as specified, and would provide that the party's right to arbitration is not waived if the party also applies for a stay of all other proceedings pending arbitration The bill would also provide that the failure of a defendant to file a petition to compel arbitration at or before the time he or she answers the complaint constitutes a waiver of that party's right to compel arbitration

Ch. 471 (AB 112) Floyd State Athletic Commission

Existing law requires a promoter to have a licensed physician, approved by the State Athletic Commission, in attendance at every contest

This bill would require the commission to adopt regulations detailing the criteria for approval of a licensed physician for those purposes

Ch 472 (AB 247) Bronzan Taipei World Trade Center

Existing law required the California State World Trade Commission to study the feasibility and desirability of the state establishing overseas trade offices and to identify 3 or more options for establishing one or more overseas offices

This bill would require the California State World Trade Commission to conduct a study and report to the Legislature by March 31, 1990, on the desirability of establishing one or more trade showcases at trade centers in Europe and the Pacific Rim The bill would require, if the report's findings are conclusive in this regard, that there be established, on a pilot basis, a California Showcase at the Taipei World Trade Center, provided funding and resources are made available, as specified

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 473 (AB 457) Polanco State contracts. minority and women business enterprises

Existing law requires that any state governmental entity that awards contracts for professional bond services have annual statewide participation goals of not less than 15% for minority business enterprises and 5% for women business enterprises for those contracts, except as specified

Existing law also requires 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, except as specified

This bill would make it unlawful for a person to do specified prohibited acts in obtaining or attempting to obtain acceptance or certification as a minority or women business enterprise, or both, for purposes of the above provisions It would impose a state-mandated local program by imposing misdemeanor penalties for a violation of these provisions, would provide civil penalties of up to $5,000 for a 1st violation and $20,000 for additional violations, and suspension from participation in state contracts for a specified period of time, for persons who violate these provisions

This bill would also prohibit any awarding department from contracting with any person suspended from participating in state contracts during the period of suspension, and would require an awarding department to check a central listing provided by the Office of Small and Minority Business to verify that the person to whom the contract is being awarded is not under suspension for violating 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

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

Ch 474 (AB 1133) Murray Veterans provision of benefits federal reimbursement

Existing law permits the Department of Veterans Affairs to enter into an agreement with the State Department of Health Services for the purposes of obtaining federal matching funds for the Department of Veterans Affairs to contribute toward the salaries and expenses of county veteran service officers for their activities which are reasonably related to programs of the State Department of Health Services which are benefited, or realize cost avoidance, as a result of the services provided to veterans by those county officers Existing law specifies that the agreement shall provide that federal matching funds will be distributed to a county only if the funds are available and the county maintains or increases its 1986–87 fiscal year contribution to county veteran service officer funding, and specifies that all sums received pursuant to these provisions are in augmentation of state funds available for this purpose Existing law also specifies how the Department of Veterans Affairs is to disburse the funds to counties

This bill would authorize the Department of Veterans Affairs to enter into an agreement with the State Department of Social Services for the same purposes if the United States Department of Health and Human Services approves and makes available federal financial participation, as specified

The bill would delete the requirement that any agreement entered into under these provisions provide that federal matching funds be distributed to a county only if available and the county maintains or increases its 1986–87 fiscal year contribution to county veteran service officer funding and that all sums received pursuant to these provisions are in augmentation of state funds available for this purpose.

The bill would instead permit the State Department of Social Services to enter into an agreement only after the United States Department of Health and Human Services approves and makes available federal financial participation in county veteran service officer activities, as specified

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

Ch. 475 (AB 1364) N. Waters. Unemployment compensation disability benefits

Existing law permits an employing unit, as defined, not otherwise subject to unemployment compensation or disability compensation provisions, to file with the Director of Employment Development a written election to become an employer for purposes of these provisions

This bill would permit any employing unit who is an employer for purposes of unemployment compensation to file with the director a written election to cover, for purposes of disability compensation, services performed by all eligible employees who are California residents whose services are covered under the unemployment compensation laws of another state which does not have a disability insurance program, and are either a part of a labor organization, where the election is the result of a negotiated agreement between the employer and the recognized employee organization, or are not a part of a labor organization, where the election is requested by a written petition signed by a majority of the employees to be covered by the election

Ch 476 (AB 1382) Polanco Farm labor contractors

Existing law provides for the regulation and licensing of farm labor contractors, with specified civil actions and criminal penalties for violations of those provisions

This bill would make it a misdemeanor for any person to make, or cause to be made, false, fraudulent, or misleading representations that employment in the growing or producing of farm products, or an employee benefit related to that employment, will be jeopardized unless an individual or his or her family members pay a fee or other thing of value for transportation by that person to or from the business or worksite of an employer

This bill would permit any individual aggrieved by a violation of this provision to bring a civil action for injunctive relief, damages, and punitive damages, and would permit any other party to bring a civil action for injunctive relief, attorneys' fees, and costs

This bill would impose a state-mandated local cost 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 477 (AB 1875) Jones Agriculture pistachios, walnuts

(1) Existing law prescribes the powers and duties of the California Pistachio Commission

This bill would authorize the commission to administer any governmental program establishing quality standards for the pistachio industry when requested by a governmental agency.

(2) Existing law prescribes the powers and duties of the California Walnut Commission

This bill would authorize the commission during the 1989–90 marketing year to engage in domestic market activities which are otherwise authorized with regard to foreign markets

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

Ch 478 (SB 276) Royce Workers' compensation death benefits

Existing workers' compensation law limits the amount of benefits to be paid the widow or children of a deceased employee who is a member of the Public Employees' Retirement System, unless it is determined that a special death benefit under the Public Employees' Retirement System or a benefit provided in lieu thereof will not be paid to the widow or children, but if the total death allowance paid to the widow and children is less than the benefit otherwise payable under the workers' compensation law, the widow and children are entitled under that law to the difference

This bill would make this provision applicable to a surviving spouse, rather than a widow, and would provide an exception to this provision for local safety members of the Public Employees' Retirement System

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It would also make a clarifying change The bill would impose a state-mandated local program by increasing the cost of workers' compensation benefits to local entities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 479 (SB 408) Leonard Driving offenses.

(1) Existing law prohibits a person from driving a motor vehicle when the person's blood-alcohol concentration is 0 10% or more by weight, based on grams of alcohol per 100 milliliters of blood, and creates a rebuttable presumption that the person was so driving if the person's blood-alcohol concentration was 0 10% or more by weight at the time of a chemical test within 3 hours after the driving Existing law also creates a presumption that the person was driving while under the influence of an alcoholic beverage if the person's blood-alcohol concentration was 0.10% or more by weight at the time of the test.

This bill would prohibit a person from driving with 0 08% or more by weight alcohol in the person's blood, thus imposing a state-mandated local program by changing the definition of a crime, and would change both of the above presumptions to that same value

The bill would make other related changes

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

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

Ch 480 (SB 1359) Vuich Talent agencies

Existing law provides that no person shall engage in or carry on the occupation of a talent agency without first procuring a license therefor from the Labor Commissioner The license is required to be posted in a conspicuous place in the office of the licensee

This bill would also require the license number to be referred to in any advertisement for the purpose of the solicitation of talent for the talent agency

Ch 481 (AB 152) Elder Property taxation

(1) Existing law permits persons over 55 years of age to transfer the base year value of their home to a replacement home in the same county, and, until January 1, 1999, authorizes the transfer of the base year value of a person's home to a replacement home in another county, in certain circumstances, including the adoption of an ordinance by the board of supervisors of the county in which the replacement home is located, which specifies the date on and after which its provisions shall be applicable, except the date specified shall not be earlier than November 9, 1988

This bill would also, until January 1, 1999, provide that the specified applicable date of the ordinance authorizing the intercounty transfer of the base year value may be a date earlier than the date the county adopts the ordinance

(2) Existing law provides that a reduction in a property tax assessment on a local roll shall not be made without a written, verified application, filed within the period from July 2 to September 15, inclusive

This bill would provide that if taxpayers do not receive timely notice of assessments, as specified, the affected parties, or their agents, may file, as provided, applications for reductions of assessments within 60 days of the receipt of the notice of assessment or within 60 days of the mailing of the tax bill, whichever is earlier

(3) Existing law provides that a person shall not be eligible for nomination for mem-

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bership on an assessment appeals board unless that person has a minimum of 5 years' professional experience in specified professions, or is a person that the nominating member of the board of supervisors has reason to believe possesses competent knowledge of property appraisal and taxation.

This bill would provide that in counties with a population exceeding 1,000,000, a person shall not be eligible for nomination for membership on an assessment appeals board without meeting existing requirements for professional experience, but would exclude eligibility on the basis that the nominating supervisor has reason to believe a person possesses competent knowledge

Ch 482 (AB 1440) Farr Fine art demolition

Existing law establishes the rights and duties of an artist, or if the artist is deceased, his or her heir, legatee, or personal representative, with respect to the owner of a building who wishes to remove a work of fine art which is part of a building and which can be removed without substantial harm to the fine art, as specified

This bill would apply these provisions to works of fine art which can be removed from a building scheduled for demolition without substantial harm to the fine art, as specified. It would also delete "legatee" and instead add beneficiaries and devisees to these provisions.

This bill would also make a statement declaratory of legislative intent

Ch 483 (AB 1446) Eaves Telephone call identification service privacy.

(1) Existing law does not require a telephone call identification service to allow a caller to withhold the caller's identity from the recipient of the telephone call.

This bill would, with specified exceptions, direct the Public Utilities Commission to require any call identification service offered by a telephone corporation, or by any other person or corporation that makes use of the facilities of a telephone corporation, to allow the caller, at no charge, to withhold, on an individual basis, the display of the caller's telephone number from the telephone instrument of the individual receiving the call The bill would exempt "800" or "900" access code telephone service from this requirement until the commission determines the telephone corporation has the technical capability to comply

Since, under existing law, a violation of any rule or order of the commission in this regard 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 484 (SB 52) Rosenthal Public utilities acquisition of control approval of Public Utilities Commission

(1) Existing law prohibits any person or corporation from acquiring or controlling, directly or indirectly, any public utility organized and doing business in this state without first securing authorization to do so from the Public Utilities Commission

This bill would authorize the commission to define the activities that constitute acquisition or control The bill would prohibit a subsidiary or affiliate of, or corporation holding a controlling interest in, a public utility from aiding or abetting any violation of the provisions of existing law. The bill would also require the commission to consider certain criteria and to make certain findings before authorizing the acquisition or control of an electric, gas, or telephone utility having revenues in excess of a specified amount.

Since, under other provisions of law, a violation of the above provision 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

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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. 485 (SB 781) C Green PERS. disability retirement of local safety members, preretirement death benefits.

An existing provision of the Public Employees' Retirement Law, which will be repealed on January 1, 1990, requires that determinations by contracting agencies of applications of local safety members for disability retirement be made within 6 months of receipt of the request therefor from the Public Employees' Retirement System, unless the local safety member waives that requirement

This bill would delete the repealer provision, thereby continuing the law in effect indefinitely The resulting costs to local agencies would constitute state-reimbursable, state-mandated local program costs

The existing Public Employees' Retirement Law authorizes either a surviving spouse or a surviving spouse and children to elect, upon the preretirement death of a member who, at the time of death, is eligible to retire, to receive payment of, respectively, the optional settlement number 2 death benefit or the 1957 Survivor Benefit

This bill would provide for preretirement selection by a member of that system who is eligible to retire of the optional settlement number 2 death benefit for his or her surviving spouse, if payable, or the 1957 Survivor Benefit for his or her surviving spouse or if none, any eligible children

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 486 (SB 1208) Keene Fish area closure

(1) Existing law authorizes the Director of Fish and Game to close any waters or to restrict the taking of fish under a commercial fishing license in state waters of any species or subspecies of fish if the director determines that species or subspecies to be in danger of irreparable injury

This bill would authorize the director to close any waters or to restrict the taking under a commercial fishing license in state waters of any species or subspecies of fish if the State Director of Health Services determines that species or subspecies of fish is likely to pose a human health risk from high levels of toxic substances The closure or restriction would be required to be adopted by emergency regulation, as specified The closure or restriction would become inoperative when the State Director of Health Services determines the health risk no longer exists

Since a violation of the Fish and Game Code, and regulations adopted pursuant thereto, is generally a misdemeanor, the bill would impose a state-mandated local program by creating new crimes

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to commercial fishing and areas for the taking of fish, the bill would make an appropriation

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

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

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Ch. 487 (AB 740) Polanco. Health care facilities inspection. services for the mentally disordered

Existing law requires that the State Department of Health Services conduct inspections of long-term health care facilities, as specified

This bill would require that the State Department of Health Services conduct, when feasible, annual licensing inspections of licensed health care facilities providing special treatment programs for the mentally disordered, concurrently with inspections conducted by the State Department of Mental Health for the purposes of approving the special treatment program

This bill would require the State Department of Health Services survey teams conducting these licensing inspections to include at least one licensed mental health professional if the inspections are not done concurrently

This bill would require that the survey team members receive training specific to the mental health treatment needs of mentally disordered residents served in these facilities

Ch 488 (AB 1455) Pringle Residential care facilities for the elderly

Existing law permits the State Department of Social Services to contract for state, county, or other public agencies to assume specified licensing, approval, or consultation responsibilities with respect to residential care facilities for the elderly

This bill would permit the department to contract with any county to have the county assume the responsibility for the licensing and regulation of residential care facilities for the elderly serving 6 or fewer persons and would require the department to develop uniform standards concerning the responsibilities of the counties and the department and to reimburse the county for the services performed

Ch. 489 (AB 1730) Chandler Accountancy

Existing law defines the practice of public accountancy for purposes of the Accountancy Act and prohibits a person from engaging in that practice without a permit issued by the Board of Accountancy

This bill would define the term "client," as specified, for purposes of this act

This bill would also include in the definition of the practice of public accountancy a person who (1) keeps books, makes trial balances, or prepares statements, makes audits, or prepares reports as a part of bookkeeping operations for clients, (2) prepares or signs as the tax preparer, tax returns for clients, (3) prepares or provides personal financial or investment plans or services, as specified, or (4) provides management consultant services to clients The bill would provide that these added activities are "public accountancy" only when performed by a certified public accountant or public accountant and that if the above are the only services prepared by a person, he or she is not engaged in public accountancy if he or she does not hold himself or herself out as a licensee, as specified The bill would state that the above stated changes in the definition of the practice of public accountancy are declaratory of existing law

This bill would impose a state-mandated local program by adding a new crime since any violation of the Accountancy Act is a misdemeanor

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

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

Ch. 490 (AB 1842) Speier Animals veterinarian care

(1) Existing law specifies the duties and procedures, including provisions for paying the costs, with respect to actions of appropriate public officers or employees and humane societies and veterinarians when an injured dog or cat is found without its owner in a public place

This bill, in addition, would authorize a veterinarian, who treats an injured dog or cat which recovers from its injuries, to keep the animal for purposes of adoption, provided the responsible animal control agency has first been contacted and has refused to take

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possession of the animal

Moreover, whenever any animal is transferred to a veterinarian in a clinic, such as an emergency clinic which is not in continuous operation, the bill would provide that the veterinarian may, in turn, transfer the animal to an appropriate facility.

The bill also would specify that an animal control agency which takes possession of an animal shall keep records of the whereabouts of the animal for a 72-hour period from the time of possession and these records would be available to inspection by the public upon request Thus, the bill would create a state-mandated local program by requiring local animal control agencies to keep these records.

(2) Under existing law, it is a misdemeanor for any person to kill a dog or cat with the sole intent of selling or giving away the pelt of the animal, or for any person to possess, import into this state, sell, buy, give away, or accept the pelt of a dog or cat with the sole intent of selling or giving it away, or for any person to possess, import into this state, sell, buy, give away, or to accept any dog or cat with the sole intent of killing or having another person kill the dog or cat for the purpose of selling or giving away the pelt of the animal.

This bill, in addition, would make it a misdemeanor for any person to possess, import into this state, sell, buy, give away, or accept any carcass or part of any carcass of any animal traditionally or commonly kept as a pet or companion with the sole intent of using or having another person use any part of that carcass as food

The bill also would make it a misdemeanor for any person to possess, import into this state, sell, buy, give away, or accept any animal traditionally or commonly kept as a pet or companion with the sole intent of killing or having another person kill that animal for the purpose of using or having another person use any part of the animal for food

Thus, the bill would impose 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 491 (AB 2073) Friedman Service stations public restrooms

Existing law generally requires, 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, as specified Existing law provides that an intentional violation of this provision is an infraction, punishable as specified. Existing law also provides that this requirement shall not apply to service stations which are fully operational prior to January 1, 1990

This bill would, instead, provide that this requirement shall not apply to service stations which are operational prior to January 1, 1990, and which would be obligated to construct permanent restroom facilities in order to comply with the requirement

This bill would also provide that service stations shall not charge customers separately for the use of restroom facilities This bill would furthermore provide that "customer" means a person who purchases any product available for sale on the premises of the service station, including items not related to the repairing or servicing of a motor vehicle; and that the failure of an owner or manager of a service station to provide permanent public restrooms for use by its customers, as required, for 5 consecutive working days, except as specified, constitutes a rebuttable presumption affecting the burden of proof that the owner or manager has intentionally violated the provisions requiring every service station to provide permanent public restrooms for use by its customers

Because it would expand the scope of an existing infraction, this bill would create a

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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 492 (SB 675) Russell Workers' compensation: state agencies.

Existing law authorizes the Department of General Services to fix the cost or pro rata share, or in its discretion an amount it considers equivalent to the cost or pro rata share, and collect from each state agency in advance or upon any other basis that it may determine, the cost of administering the workers' compensation insurance program

This bill would transfer this authorization and responsibility from the Department of General Services to the Department of Personnel Administration

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

Ch 493 (SB 1123) C Green Real estate brokers. loan disclosures

Under existing law, real estate brokers who negotiate loans to be secured by a dwelling are required to cause certain written disclosures to be delivered to the prospective borrower before the prospective borrower becomes obligated on the loan

This bill would require a prescribed general notice on balloon payments to be included in these written disclosures

Ch 494 (AB 474) Lempert Education

Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs, including the Gifted and Talented Pupil Program The Gifted and Talented Pupil Program was repealed on June 30, 1988

This bill would reenact, until June 30, 1994, the Gifted and Talented Pupil Program and would authorize specified school districts to participate in that program.

This bill would require the State Department of Education and the Legislative Analyst to review and report upon the Gifted and Talented Pupil Program. This bill would require the State Department of Education to submit its report to the appropriate policy and fiscal committees of the Legislature on or before June 30, 1993. The bill would also require the Legislative Analyst to submit his or her report to the appropriate policy and fiscal committees of the Legislature within 90 days after receiving the State Department of Education report

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

Ch 495 (SB 1228) L. Greene. Local agency employees.

Existing law prohibits a local agency or employee from engaging in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed, except as otherwise specified

This bill would specify that nothing in this provision is intended to abridge or otherwise restrict the rights of public employees with respect to political activities, as specified

Ch 496 (SB 1557) Deddeh State government: federal selective service

Existing law does not specifically require state agencies to cooperate with the United States Selective Service System in its implementation of the federal Selective Service Act

This bill would require all state agencies to cooperate with the United States Selective Service System in publicizing the necessity of and requirements for compliance with the federal Selective Service Act This bill would also require mutual agreement by the state agency and the United States Selective Service System prior to any implementing actions and would require any implementing costs of a state agency to be reimbursed by the United States Selective Service System

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Ch 497 (AB 794) Mojonnier PERS. preretirement deaths—surviving spouses' benefits—modifications

The existing Public Employees' Retirement Law discontinues certain survivors' allowances and special death benefits paid to surviving spouses on account of preretirement deaths of the member-spouses, upon remarriage, but authorizes those spouses to elect to receive actuarially reduced allowances payable for their lifetimes

This bill would eliminate the requirements, upon remarriage, of termination or actuarial reduction, and make those unreduced allowances and benefits payable for life These provisions would be optionally applicable to contracting agencies. These provisions would also be optionally applicable to school districts and community college districts, with respect to school members This bill would also prohibit those surviving spouses who remarry on or after the operative date of the bill from adding their new spouses and stepchildren to their continued health benefits coverage

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

Ch 498 (AB 1041) La Follette. Plastic waste recycling

Existing law requires all rigid plastic containers, as defined, sold in this state on and after January 1, 1992, to be labeled with a specified code The Legislative Analyst is required to submit a report on compliance with this requirement on or before January 1, 1993. Under existing law, the California Waste Management Board is generally required to conduct studies and investigations regarding solid waste handling, but it is not expressly required to study plastics waste recycling

This bill would require the board to submit a report of specified content on the use, disposal, and recyclability of plastic materials and containers which are not subject to the California Beverage Container Recycling and Litter Reduction Act to the Governor and the Legislature on or before January 1, 1991

Ch 499 (AB 1238) Lempert Public officials financial disclosure statements

The existing Political Reform Act of 1974 requires specified state and local officers to file a statement disclosing their investments and interests in real property upon assuming office Other state and local officers who are designated employees subject to a public agency conflict of interest code are also required to file a statement disclosing these financial interests upon assuming their positions A knowing or willful violation of these requirements is a misdemeanor

This bill would require those statements filed upon a person assuming office to include disclosure of income received during the 12 months before assuming office The bill would require the statements filed by designated employees pursuant to a public agency conflict of interest code also to include disclosure of business positions held by the employees By expanding the definition of an existing crime, 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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote

Ch 500 (AB 1423) Allen. Fish and game licenses license agents

(1) 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 Under existing law, a license agent is required to add specified handling charges to the fees which are prescribed by the Fish and Game Code, or the regulations adopted pursuant thereto, for those cards, licenses, stamps, and tags, including a 50¢ charge for each deer tag application or bear tag application

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This bill would delete reference to deer or bear tag in that provision and require that the charge be for each tag application, and would, in addition, impose a charge of 50¢ for handling each state-controlled waterfowl area hunting permit and 5¢ for handling each waterfowl reservation application stamp.

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code.

Because this bill would increase revenues to the fund, it would make an appropriation

Ch 501 (AB 1429) Frazee. Housing senior citizen restrictions.

Existing law which prohibits business establishments from discriminating in the rental or sale of housing based upon age, expressly permits the establishment and preservation of defined senior citizen housing developments that are specially designed to meet the physical and social needs of senior citizens.

This bill would permit housing developments constructed before February 8, 1982, to be used as a senior citizen housing development until January 1, 2000, without being designed to meet the physical or social needs of senior citizens if they meet certain criteria

Ch 502 (AB 1457) Katz Vehicles. towing and storage copy or facsimile of original notice of parking violation.

(1) Under existing law, a peace officer or other specified city or county employee is authorized to remove a motor vehicle from a highway under enumerated circumstances

This bill would require persons operating or in charge of any storage facility where vehicles are stored to accept a valid bank credit card or cash for payment of towing and storage by the registered owner, legal owner, or the owner's agent claiming the vehicle, and to have sufficient funds on the premises to accommodate and make change in a reasonable monetary transaction A violation of the provisions of the bill would be an infraction pursuant to other provisions of existing law, thereby imposing a state-mandated local program

(2) Existing law requires the issuing agency, upon a request, as specified, to provide a person who has received a notice of delinquent parking violation, or his or her agent, a photostatic copy of the original notice of parking violation

This bill would authorize the issuing agency to provide, upon a request, either a photostatic copy or an electronically produced facsimile of the original notice of parking violation

(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 503 (AB 1474) Moore Mental health professional licensure.

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 for that purpose unless he or she possesses a currently valid license, except under specified circumstances

Existing law requires that personnel recruited for employment from outside this state who have sufficient experience to gain admission to a licensing examination shall have one year from the date of their employment in California to become licensed

Existing law provides that if the employee does not pass the examination at the earliest available date, he or she shall have a second opportunity to pass the examination, subject to the one-year limitation.

This bill would instead provide that if the employee does not pass the examination at that time, he or she shall have a second opportunity to pass the examination, at the next scheduled examination notwithstanding the one-year limitation

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Ch. 504 (AB 1710) Harris Prosecuting witnesses. support

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 persons of his or her own choosing at the preliminary hearing and at the trial

This bill also would provide that a prosecuting witness, 16 years of age or under, in prosecutions for other specified offenses, shall be entitled to the same support persons

This bill would incorporate additional changes in Section 868.5 of the Penal Code, proposed by AB 2212, to be operative only if AB 2212 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch. 505 (AB 1835) Hannigan 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 nonprofit community care facilities and nonprofit accredited community work-activity programs, as specified.

Ch. 506 (AB 2219) Tucker Medical training requirements

Existing law specifies the curriculum requirements for licensure as a physician and surgeon, and provides that clinical instruction in specified subjects shall be considered adequate if prescribed requirements relating to the instruction are met

This bill would make technical nonsubstantive changes in those provisions

Existing law provides, with respect to licensure of foreign medical school graduates, that postgraduate training substituted for undergraduate training shall be required, as specified

This bill would provide that the postgraduate training substituted for undergraduate training shall be in addition to the year of postgraduate training required under specified provisions of law

Existing law provides that the Division of Licensing of the Board of Medical Quality Assurance shall issue a physicians and surgeons certificate on reciprocity to an applicant who meets specified requirements, including a requirement that the applicant has practiced medicine, with an unrestricted license, in a state or states, or as a member of the active military, United States Public Health Services, or other federal program, for a period of at least 4 years

This bill would provide that any time spent by the applicant in an approved postgraduate training program or clinical fellowship acceptable to the division shall not be included in the calculation of that 4-year period

Existing law also requires, in this regard, that the applicant take and pass the clinical competency portion of the written examination in California, as specified

This bill would additionally authorize the applicant to take and pass in another state, commonwealth, or territory of the United States, that examination which is recognized by the division to be equivalent to that administered in this state. The bill would also provide that any application received from an applicant who has practiced medicine with an unrestricted license, in a state or states, or as a member of the active military, United States Public Health Services, or other federal program for 4 or more years shall be reviewed and processed, as specified. It would specify that any time spent by the applicant in an approved postgraduate training program or clinical fellowship acceptable to the division shall not be included in the calculation of the 4-year period, with specified exception

Ch. 507 (AB 2380) Wright Workers' compensation Uninsured Employers Fund

(1) Existing law requires the Director of Industrial Relations to require a private self-insuring employer to deposit a surety bond or other specified security approved by the director to secure incurred liabilities for the payment of workers' compensation. If

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the director approves the required security deposit, he or she issues to the insurer a certificate of consent to self-insure

This bill would authorize the director to require specified security deposits and would prescribe penalties where an employer is requesting coverage under a new or existing certificate of consent to self-insure and the employer has had a period of unlawful uninsurance, whether as an applicant in its entirety or for a subsidiary or member of a joint powers authority legally responsible for its own workers' compensation obligations.

(2) Existing law requires every private employer to secure the payment of workers' compensation by obtaining insurance or becoming self-insured Where an employer fails to secure these payments, the Director of Industrial Relations is required to issue a stop order prohibiting the use of labor by the employer and to assess monetary penalties in the amount of $100 per employee at the time the stop order is issued, and between $100 and $500 per employee at the time the appeal becomes final, to a maximum total penalty of $10,000

This bill would increase these penalties from $100 to $500 per employee at the time the stop order is issued, from between $100 to $500 to between $1,000 to $5,000 per employee at the time the appeal becomes final, and from $10,000 to $50,000 for a maximum total penalty.

This bill would provide additional funds for the Uninsured Employers Fund, a continuously appropriated fund, thereby making an appropriation

Ch 508 (AB 2416) Eastin Speed limits

Existing law generally establishes a maximum speed limit of 55 miles per hour, and prima facie limits of 15 or 25 miles per hour, and allows state or local authorities to increase or decrease those limits, as specified

This bill would allow local authorities to set a speed limit of 25 miles per hour on any street, other than a state highway, adjacent to any children's playground in a public park, but only during particular hours or days when children are expected to use the facilities

Ch 509 (AB 2501) Leslie State employees· separation from service

Existing law provides that upon separation from the state civil service an employee is entitled to a lump-sum payment as of the time of separation for any accumulated vacation, annual leave, or for any time off to which the employee is entitled

This bill would require every state department to calculate and forward to the Controller a request for payment of all undisputed amounts due pursuant to this provision within 25 days of the date of separation of the employee, unless to do so would be in conflict with the provisions of a memorandum of understanding covering employees pursuant to the state employer-employee relations law

Ch. 510 (AB 2500) W Brown Agriculture cooperative bargaining associations

Existing law governs negotiations between agricultural cooperative bargaining associations and food processors The Department of Food and Agriculture may receive complaints of unfair trade practices by bargaining associations or processors, investigate these complaints, and issue orders to either party

This bill would require the department to order conciliation, as prescribed, if the director determines, under a specified procedure, that conciliation will materially assist the parties in negotiating an agreement Refusal to submit to conciliation would be specifically included as an unfair trade practice, and any person who violates the conciliation provisions would be subject to a specified civil penalty

Ch. 511 (AB 102) Filante Health medication misuse

Existing law creates the Legislative Task Force on Medication Misuse, to be composed as specified.

Existing law specifies that, among other duties, the task force shall design a model medication program and a brochure. The program is required to seek and train volunteers to operate the program, and to finance the program and brochure through the solicitation of funding from the private sector

The bill would delete the requirement that the program seek and train volunteers to

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operate the program and finance the program and brochure through the solicitation of funding from the private sector.

Under existing law, the task force would be terminated on June 1, 1989.

The bill would delete the existing duties of the task force

The bill would require the Assembly Office of Research to investigate and report to the task force on existing medication programs, and to develop a sample brochure for review by the task force

The bill would require the task force to review findings of the Assembly Office of Research It would require the task force to review and approve the sample brochure designed by the Assembly Office of Research, and to make copies of the brochure available to interested parties, upon request

The bill would require the task force to report to the Legislature, on or before July 1, 1989, on its findings, conclusions, and recommendations relating to the need for medication education in California The bill would also extend the termination date of the task force to January 1, 1990

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

Ch 512 (AB 564) N. Waters Agriculture goat milk

(1) Existing law prescribes the standards for milk fat and solids not fat for various dairy products, and permits market goat milk to be standardized to specified percentages of contents of milk fat and solids not fat

This bill would prescribe the standards for milk fat and solids not fat for specified products made from goat milk, and would revise the percentages relating to standardized market goat milk The bill would impose labeling and advertising requirements with respect to products made from goat milk Since a violation of the provisions prescribing the standards and the labeling and advertising requirements would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

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

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

Ch 513 (AB 589) Filante Blood containers labeling

Existing law requires every person engaged in the production of blood to label each container of blood indicating whether the donor is a "volunteer donor" or "paid donor," as defined, in letters at least one inch high

This bill would remove the one inch requirement and instead require the person to label the container of blood, if the product is intended for transfusion, as either volunteer donor or paid donor, in a size no less prominent than the proper name of the product A violation of this requirement would be a misdemeanor The creation of a new 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 514 (AB 599) Roybal-Allard. Bail

Existing law, authorizes the release of any person who has been arrested for or charged with an offense other than a capital offense on his or her own recognizance by a court or magistrate who is authorized to release a defendant from custody upon the defendant giving bail, including a defendant arrested upon an out-of-county warrant, under prescribed conditions

This bill would provide that if the complaint or the out-of-county warrant arises out of a case alleging a misdemeanor offense in which the commission, attempted commission, or conspiracy to commit the offense involves the possession or use of a firearm, or in which there is a violation of any of specified offenses, the court shall apply designated

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provisions, dealing with setting, reducing, or denying bail, in considering whether to grant or deny a release on the defendant's own recognizance

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

Ch 515 (AB 642) Calderon. Victims of crime indemnification.

Existing law permits indemnification by the State Board of Control of victims of crime, for specified expenses incurred as a result of the crime Until January 1, 1990, "victim" is defined to include, among others, any member of a family of a person who sustains injury or death as a direct result of a crime when that family member has incurred emotional injury as a result of the crime

This bill would delete the termination date of the provision including family members within the definition of victim

Ch 516 (AB 705) Lancaster Credit unions

Existing law provides that a certificate to act as a credit union remains in full force and effect until suspended or revoked by the Commissioner of Corporations

This bill would provide that the certificate remains in full force and effect until surrendered and accepted by the commissioner, or until suspended or revoked by the commissioner

Existing law provides that the liquidating agent or members of a liquidating committee shall file with the commissioner a faithful performance bond in an amount to be determined by the commissioner

This bill would instead require those persons to provide the commissioner with proof of bond coverage, including fraud, dishonesty, and faithful performance coverage

Ch 517 (AB 761) Frazee Shoreline erosion control

(1) Under existing law, the Department of Boating and Waterways has specified responsibilities relating to beach and shoreline erosion control Existing law requires, with specified exceptions, revenues from state lands to be deposited in the Special Account for Capital Outlay in the General Fund after meeting other specified obligations

This bill would require the department and the San Diego Association of Governments, in consultation with the California Coastal Commission, to develop a San Diego and Orange Counties Shoreline Preservation Strategy, as specified The bill would impose a state-mandated local program by imposing new duties on the association

The bill would appropriate $130,000 from the Special Account for Capital Outlay in the General Fund to the department for purposes of the bill, with $60,000 to be allocated to the association

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 518 (AB 769) Murray Correctional facilities reception center study

Under existing law, state correctional facilities are under the jurisdiction of the Department of Corrections

This bill would require the Department of Corrections to conduct a study on the feasibility of constructing a state prison on surplus federal properties in southern California and to report its finding to the Legislature no later than January 1, 1991

Ch 519 (AB 774) Bentley Agriculture Department of Food and Agriculture

Existing law specifies procedures for refunds of any money received or collected by the Department of Food and Agriculture in the payment of any fee, assessment, or tax

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and authorizes the director to retain amounts less than $5 unless demand for a refund is made within a specified period.

This bill would increase the amount the director may retain to $10.

Ch 520 (AB 801) Frazee Advertising

Existing law makes it both a misdemeanor and subject to a civil penalty in an action brought by the state or a local jurisdiction, as specified, to advertise using the term "prize" or "gift" when untrue or misleading, to notify any person that he or she has won a prize when he or she must pay any money or purchase or rent any goods or services, or to notify any person that he or she will receive a gift, subject to certain specified conditions It is also unlawful, subject to a civil penalty in an action brought by the state or a local jurisdiction, to include prizes, gifts, money, or other items of value as an inducement to visit locations, attend sales presentations, or contact sales agents unless certain disclosures are made

This bill would make a violation of these provisions additionally subject to a civil action, brought by the recipient of the offer who is damaged by the violation against the person making the offer, for treble damages. The court would be authorized to award reasonable attorneys' fees to the prevailing party in such an action

Ch 521 (AB 840) Hill. Horseracing charity days

Existing law requires a horseracing licensee to pay charity day net proceeds to a distributing agent for distribution to beneficiaries approved by the California Horse Racing Board that meet specified qualifications

This bill would add nonprofit organizations engaged in educational work to the list of eligible beneficiaries

Ch 522 (AB 995) Bader. Milk marketing and stabilization.

Under existing law, any person who violates any provision of any milk marketing and stabilization plan or regulation is liable civilly in an amount not less than $50 and not greater than $1,000.

This bill would authorize a court to also award investigative and enforcement costs, and attorney's fees, to the Director of Food and Agriculture, and to award attorney's fees to any person successfully defending a civil action under the provision Since these amounts would be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated for purposes of these provisions, the bill would make an appropriation

Ch. 523 (AB 1004) Hannigan Surplus state property Vacaville

Existing law authorizes the Director of General Services to sell to the City of Vacaville approximately 5 acres comprising a portion of the California Medical Facility at Vacaville, to be used for animal care and shelter purposes

This bill would additionally authorize the director to lease this property to the City of Vacaville for those purposes for a period not to exceed 50 years, on specified conditions

Ch 524 (AB 1283) Quackenbush State employees overpayments

Existing law requires each state agency, at the time of payment of salary or wages, to furnish each employee with an itemized statement showing all deductions made from his or her salary or wages

This bill would require reimbursement, as specified, to the state of overpayments made to employees through cash payment, payroll deduction, or adjustment of leave credits or compensating time off This bill would provide for the withholding of moneys owing employees upon their termination prior to their full repayment of overpayments

Ch. 525 (AB 1344) Areias Credit sales· household goods and personal property as collateral

Under existing law, no consumer credit contract shall provide for a security interest in any religious books, religious artifacts, or religious materials valued at less than $500 unless the religious books, artifacts, or materials are specifically pledged as collateral

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This bill would provide that it is unlawful for any person to take a security interest in any household goods, as defined, in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes unless the person takes possession of the collateral or the purchase price of the collateral was financed through the consumer credit contract or credit obligation for which the household good is taken as collateral

This bill would require an agreement or other document creating a security interest in personal property, as specified, in connection with a consumer credit contract or other credit obligation incurred primarily for personal, family, or household purposes to contain a statement of description, reviewed, and signed by the borrower, indicating each specific item of personal property in which the security interest is taken and would provide that the security interest may only be enforced by judicial action unless the property is abandoned or freely and voluntarily surrendered by the borrower

The bill would also provide that any security interest taken in violation of these provisions is void and unenforceable and would permit any person injured by a violation to bring a civil action for the recovery of damages, equitable relief, and attorney's fees and costs

Ch 526 (AB 1417) Speier Dentistry conscious sedation

Existing law prohibits any dentist from administering or supervising the administration of general anesthesia, as defined, on an outpatient basis for dental patients, unless the dentist has a permit from the Board of Dental Examiners Existing law makes a statement of legislative findings and declarations relating to the use of conscious sedations, as defined

The bill would prohibit, on and after January 1, 1992, any dentist from administering or ordering the administration of, conscious sedation, as defined, on an outpatient basis, unless the dentist has a permit from the board The bill would specify the requirements necessary for the issuance of the permit, including educational requirements and the payment of a fee The bill would make it unprofessional conduct for (1) any dentist performing dental procedures to have more than one patient undergoing conscious sedation or general anesthesia at any given time unless each patient is continuously monitored on a one-to-one ratio by either the dentist or another licensed health professional authorized to administer conscious sedation or general anesthesia, (2) any dentist with patients recovering from conscious sedation or general anesthesia to fail to have these patients closely monitored, as specified, (3) any dentist with patients who are undergoing conscious sedation to fail to have these patients continously monitored during the dental procedure, as specified, (4) any dentist with patients undergoing conscious sedation to have dental office personnel directly involved with the care of those patients who are not certified in basic cardiac life support and recertified biennially, (5) any dentist to fail to obtain the written consent of a patient prior to administering conscious sedation, and (6) any dentist to fail to report, in writing, to the board within 7 days after the death or removal to a hospital or emergency center for medical treatment for more than 24 hours of any patient to whom conscious sedation or general anesthesia was administered

The bill would require the board, after January 1, 1990, to report to the Legislature on or before January 1 of each year on morbidity and mortality relating to conscious sedation and general anesthesia

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dentistry Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch 527 (AB 1427) Wright. Solid waste landfills closure and maintenance.

(1) Existing law requires any person operating, or applying to operate, a solid waste landfill, as defined, on or after January 1, 1988, to submit a closure plan and a postclosure maintenance plan, as specified, to the enforcement agency, as defined. Existing law requires the plans and revisions to them to be approved by the California Waste Management Board and the enforcement agency and requires the operator to submit to the board evidence of financial ability to pay the cost of closure and 15 years of postclosure

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maintenance in the form of a trust fund or equivalent financial arrangement

This bill would also require the owner to submit the plans, prepare the estimate, make the financial arrangement, make the deposits in the trust fund, submit the evidence of financial ability to the board, and maintain the records Unless approved by the board, the bill would also prohibit transfer of any obligations imposed on the owner or operator for the financial responsibility for closure and postclosure maintenance from the owner or operator to any other person, except obligations between the owner and operator, as specified

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

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

Ch. 528 (AB 1431) Eastin Legislative Counsel reports prepared by state and local agencies

(1) Under existing law, the Legislative Counsel is generally required to provide legal advice and assistance to Members of the Legislature

This bill would require the Legislative Counsel to prepare and publish monthly a report that lists all reports that state and local agencies are required or requested by law to prepare and file with the Governor or the Legislature, or both, as specified The bill would require that each report prepared by the Legislative Counsel be sent to each Member of the Legislature and that the report be available to the public It would permit the Legislative Counsel to charge a fee that does not exceed the direct cost of printing the report

(2) Existing law, applicable only to the 1983–84 fiscal year, required each state agency to include in its budget request a list of titles and brief descriptions of every state publication, as defined, produced by the agency which was legislatively mandated and which required 100 or more employee hours to produce

This bill would delete that requirement and would, instead, require each state agency that publishes or distributes a state publication, as defined, to file a copy of the publication with the Joint Committee on Rules if the agency has published or distributed more than 1000 copies of the publication in the preceding 12 months

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would impose a state-mandated local program by requiring local agencies that are required or requested by law to prepare the reports described in (1) above, to file a copy of the report with the Legislative Counsel

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 529 (AB 1549) Frizzelle Fire safety

Existing law requires any concern making, applying, or marketing a flame-retardant fabric or material which desires to have its name appear on the approved list of chemicals, chemically treated fabrics or materials, or flame-retardant applicator concerns to make application to the State Fire Marshal and to pay a registration fee. Existing law requires the State Fire Marshal to remove from the list all chemicals, chemically treated fabrics or materials, and the names of all flame-retardant applicator concerns who have not paid their renewal registration fee prior to August 1 of each year.

This bill would revise the time for payment of the renewal registration fee in order to prevent removal from the list from August 1 to May 1 of each year This bill would establish an annual registration fee renewal period, as specified, and would impose a 50% penalty if the fee is not paid within the renewal period

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Existing law also requires the State Fire Marshal to prepare and publish listings of construction materials and equipment and methods of construction and installation which are in conformity with building standards relating to fire and panic safety Any person, firm, corporation, association, or similar organization desiring listing is required to make an application accompanied by an application fee and a listing fee which are renewed annually

Existing law requires the State Fire Marshal, and permits any city or county fire department or any district providing fire protection services, to adopt a schedule of fees with respect to the administration and enforcement of laws relating to automatic fire extinguishing systems

This bill would establish annual registration fee renewal periods, as specified, for the above listings and automatic fire extinguishing systems, and would impose a 50% penalty if the fee is not paid within the renewal period

Ch 530 (AB 1563) Wyman Hunting licenses safety

(1) Under existing law, no resident hunting license may be issued, with prescribed exceptions, unless the applicant presents evidence that he or she has (a) held a hunting license issued in a prior year by this state, (b) a certificate of competence in specified subjects, (c) a certificate of completion of a course in hunter safety in another state, or (d) competence in specified subjects which the Fish and Game Commission may require

This bill would apply those provisions to any hunting license, change the designation of certificate of competence to certificate of completion in those and related provisions, and require the certificate of successful completion of a hunter safety course in another state to have affixed to it a California hunter safety instruction validation stamp The bill would authorize the Department of Fish and Game to issue, for a prescribed administrative fee, a duplicate certificate in case of loss or destruction The bill also would make related and conforming changes

(2) Existing law prohibits, for the sale of a hunter safety instruction validation stamp, the payment of prescribed compensation to a license agent for the sale of licenses, license tags, and license stamps

The bill would delete this provision

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to hunting licenses, thereby making the money in the fund available for a new purpose, the bill would make an appropriation.

Ch 531 (AB 1643) Peace Cal-Vet benefits spouse of deceased armed forces member

Under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program, the unremarried surviving spouse of a member of the armed forces who was killed in the line of duty while on active duty and who otherwise qualified as a veteran for Cal-Vet purposes is permitted to apply for Cal-Vet benefits and is entitled to the same rights, privileges, and benefits as the armed forces member would have been

This bill would extend Cal-Vet benefits to the unremarried surviving spouse of an armed forces member who was otherwise qualified and who died after discharge from active duty from injuries incurred in the line of duty while on active duty The bill would specify the documentation necessary to establish the cause of death of an armed forces member for these purposes

Ch 532 (AB 1657) Hansen Public social services Medi-Cal

Existing law, to become operative upon federal approval, provides that targeted case management, as defined, is a covered benefit under the Medi-Cal program

Existing law further authorizes the Director of Health Services to recover costs for services provided to beneficiaries under the Medi-Cal program from any person, corporation, or partnership who has a contractual or legal obligation to pay for those services.

This bill would specifically authorize the director to recover for the cost of targeted

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case management services rendered to Medi-Cal beneficiaries, from any person, corporation, or partnership who, at the time services are rendered, has a contractual or legal obligation to pay for those services

Ch 533 (AB 1786) Katz Vehicles

(1) Existing law defines the term "snowmobile" as a motor vehicle designed to travel over ice or snow on, among other things, low-pressure tires

This bill would revise that definition to delete the reference to low-pressure tires, and specify that the vehicle is commonly referred to as an over snow vehicle

(2) Existing law authorizes the Director of General Services to purchase, lease-purchase, or lease with an option to purchase real property in the San Francisco Bay area for the purpose of financing, refinancing, and acquiring office and parking facilities related thereto in order to allow full occupancy by August 30, 1991

This bill would change the full occupancy date to August 30, 1993

(3) Existing law requires renewal fees for the ensuing registration year to be paid whenever a registration transaction is filed during the 60 days immediately preceding the expiration of registration

This bill would delete that provision

(4) Existing law authorizes the Reciprocity Commission to enter into agreements or arrangements with foreign jurisdictions regarding the interstate operation of commercial vehicles, provides for proportionate fleet registration, and authorizes the state's participation in the International Registration Plan

This bill would revise and recast those provisions without substantive change

(5) Existing law requires off-highway motor vehicles to be equipped with a device which limits noise emissions, as specified, when measured from a distance of 20 inches using specified test procedures, as revised January 1988

This bill would delete that date and instead specify that the test procedures are to be as most recently revised

(6) Existing law authorizes a county and cities within the county to create a Service Authority for Freeway Emergencies for the purpose of establishing and implementing an emergency motorist aid system, including emergency call boxes and emergency mechanical service patrols on portions of the California Freeway and Expressway System located within the county in which the authority is established

This bill would make a technical change in that provision by correcting an erroneous cross reference

(7) Existing law specifies routes and parking and stopping places permitted for transporters of hazardous materials and hazardous waste Under existing law, vehicles used for the transportation of those materials are prohibited from being left unattended or parked overnight in a residence district, as defined by specified provisions of existing law Existing law also authorizes local authorities, by ordinance or resolution, to prohibit or restrict street and highway parking by certain commercial vehicles in residential districts, as defined by the local authorities in accordance with local zoning ordinances.

This bill would state that the ordinance or resolution adopted by the local authorities is applicable to vehicles transporting hazardous waste, while specifying that no ordinance or resolution may permit the parking of those vehicles which is otherwise prohibited under the Vehicle Code The bill also would state that the change is declaratory of the existing law

(8) Existing law prohibits any person from driving a motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows Existing law exempts various signs and devices from that prohibition, including direction, destination, or termini signs upon a passenger common carrier motor vehicle, under prescribed conditions

This bill would also exempt direction, destination, or termini signs upon a schoolbus under the same conditions

(9) Existing law makes it unlawful until January 1, 1990, for a vehicle owner to request, cause, or permit operation of the vehicle in violation of registration and equipment requirements or size, weight, and load restrictions or regulations or local ordinances adopted pursuant to the Vehicle Code

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This bill would delete that termination date, thereby imposing a state-mandated local program by continuing the existence of a crime

(10) The bill would provide that an allocation of $5,000 from the Aeronautics Account in the State Transportation Fund made by the Department of Transportation to the City of Madera for airport purposes during the 1979–80 fiscal year is ratified, confirmed, validated, and legally effective. The bill would make certain findings and declarations relating to that provision

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

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

Ch 534 (AB 1804) Statham AIDS education

Existing law authorizes 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.

Existing law diverts 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

This bill would, in addition, permit the levying of these fines for purposes of the AIDS education program for offenses related to possession of other specified controlled substances

Under existing law, this AIDS education program applies, 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

This bill would instead specify that the program applies, as a condition of either placement on probation or participation in a drug diversion program, to a person placed on probation or granted diversion for any of the crimes specified in existing law, as well as for possession of the specified controlled substances for which fines may be levied pursuant to the bill

Since the bill would impose additional requirements upon each county by broadening eligibility for the AIDS education program, as well as by increasing the instances for which fines may be collected for that purpose, it would impose a state-mandated local program.

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

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

Ch 535 (AB 2250) Friedman Subdivided lands time-shares rescission

Under existing law, a person who has made an offer to purchase a time-share estate or time-share use in a time-share project, as defined, has the right to rescind any contract resulting from the acceptance of the offer until midnight of the 3rd calendar day, as specified Existing law also requires the owner of a subdivision, as defined, to clearly and conspicuously disclose to all prospective purchasers of time-share interests the right of rescission and to furnish to each offeror a form for the exercise of the right of rescission

This bill would specifically provide that the purchaser may bring an action for the recovery of actual damages or other equitable relief for the violation of these provisions.

Ch 536 (AB 2320) Costa Water quality regional board compensation

Under existing law, each member of a California regional water quality control board is entitled to receive $75 for each day during which that member is engaged in the performance of official duties, subject to a maximum of $1,500 per fiscal year

This bill would increase that compensation to $100 per day, with a total maximum of

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$13,500 per fiscal year.

Ch 537 (SB 690) Dills Civil proceedings peremptory challenges.

Existing law specifies various time limitations within which a peremptory challenge for prejudice may be made in a civil proceeding with respect to an assigned judge, court commissioner, or referee Existing case law requires that a peremptory challenge to a judge who has been assigned to a case for "all purposes" must be made at the earliest reasonable opportunity when the judge's identity is known

This bill would require that a party make his or her peremptory challenge within 10 days after notice of the judge's all purpose assignment, as specified

Ch 538 (SB 1130) C Green Vehicles prohibited sound system

(1) Existing law makes it unlawful, with prescribed exceptions, to operate, or permit the operation of, any radio system intended to make sound audible outside the vehicle when the vehicle is being operated upon a highway.

This bill would make that prohibition applicable to any sound amplification system which can be heard from 50 or more feet outside the vehicle when the vehicle is being operated upon a highway

Since the violation of this provision is 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 539 (SB 1433) Presley Property taxation exemption

Existing provisions of the California Constitution exempt from property taxation property which is owned by a local government and is located within its area of jurisdiction

This bill would provide that the possessory interest of a nonprofit entity, solely owned by the City of Palm Springs, in property, located wholly within the boundaries of an Indian reservation and owned by the United States in trust for named Indian allottees, and leased to the City of Palm Springs under a master lease, as specified, and a portion of which for purposes of financing is subleased to the nonprofit entity, and subleased by that entity to the City of Palm Springs which devotes the property exclusively to convention or related public purposes shall be deemed to be property owned by the City of Palm Springs

This bill would also provide that property which is owned in fee by a nonprofit entity in which the City of Palm Springs has the sole ownership interest and leased by that nonprofit entity to the City of Palm Springs, which devotes that property exclusively to convention or related public purposes, shall be deemed to be property owned by the city

This bill would specify that it is not to be construed to exempt from ad valorem property taxation any possessory interest in otherwise tax-exempt property not devoted exclusively to convention or related public purposes, nor in any property or possessory interest in property of the City of Palm Springs located outside of its boundaries

This bill would make specified findings and declarations respecting the unique facts involved with respect to the general law city covered by these exemptions

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill

This bill would make specific statements of legislative intent

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

Ch 540 (AB 602) Lancaster Insurance filings.

Existing law authorizes the Insurance Commissioner to collect a fee from any admitted insurer that fails to timely file any statement required by the Insurance Code Existing law also authorizes the commissioner to collect a fee from workers' compensation insurers that fail to file a bond, or make an in-lieu deposit of securities.

This bill would characterize those fees as late filing fees, and make related changes

Ch 541 (AB 1101) La Follette Household solid waste

(1) Existing law requires local agencies, as specified, to determine the aspects of solid waste handling of local concern, as specified Existing law also requires each county or specified region to prepare a county or regional solid waste management plan of specified contents

This bill would require local agencies which do not directly charge a fee for solid waste collection, transportation, and disposal, or which charge a fee which equals less than 90% of the cost of providing these services, as specified, to arrange to inform all residential households, as defined, at least once every 3 months, concerning the monthly costs of solid waste handling, and the monthly volumes of solid waste produced, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 542 (AB 59) Elder STRS personal liability of board members and officers

Existing law imposes upon members of the Teachers' Retirement Board and officers, in the discharge of their duties under the State Teachers' Retirement Law, the exclusive purpose principle, specified prohibitions, and the so-called prudent expert fiduciary standard

This bill would restructure and revise those provisions and would make the personal liability provisions applicable to breaches of the prohibitions rather than to breaches of any provision of the State Teachers' Retirement Law.

The law authorizes the board to contract with or appoint one or more investment managers to manage the system's assets

This bill would provide that incorporation of the exclusive purpose principle and the so-called prudent expert fiduciary standard into the terms of a contract between the system and an investment manager shall be admissible as evidence that the board has acted with care, skill, prudence, and diligence in the selection of the investment manager

This bill would also express legislative intent and would make related and clarifying changes

Ch 543 (AB 93) Floyd Alcoholic beverages school property

Existing law, which provides exemptions from the prohibition against possessing, consuming, selling, giving, or delivering to any other person alcoholic beverages in or on any public schoolhouse, defines, for the purposes of one of those exemptions, a "performing arts facility," built on property owned by a community college district and leased to a specified nonprofit organization, as an auditorium with more than 1,000 permanent seats

This bill would, for those purposes, instead define a "performing arts facility" as an auditorium with more than 300 permanent seats

This bill would additionally exempt from the prohibition wine acquired, possessed, or

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used during an event sponsored by a community college district or an organization operated for the benefit of the community college district where the college district maintains an instructional program in viticulture on no less than 300 acres owned by the college district and an instructional program in enology, which includes sales and marketing.

Ch 544 (AB 158) Friedman Probate law

(1) Existing law requires a guardian or conservator to give a bond which, if the amount is not otherwise set by the court, is in a specified amount.

This bill would require that amount to also include the sum of annual gross payments of public entitlements

(2) Under existing law, a person who fails to survive a decedent is deemed to have predeceased the decedent for the purposes of intestate succession

This bill would provide that a person who fails to survive the decedent by 120 hours is deemed to have predeceased the decedent for the purpose of intestate succession

(3) Existing law, which will become operative on July 1, 1989, provides that if an order appointing a personal representative is reversed on appeal, the person appointed is not liable for any otherwise proper act done in good faith if entered into with a 3rd person dealing in good faith and for value

This bill would provide that if an order appointing a personal representative is reversed on appeal, the person appointed is not liable for any otherwise proper act done in good faith, nor is any transaction void by reason of the reversal if entered into with a 3rd person dealing in good faith and for value

(4) Existing law provides that persons are entitled to appointment as administrator in a specified order of priority

This bill would revise that order of priority

(5) Existing law requires the personal representative of an estate to give notice of the administration of the estate to creditors Existing law provides that if the personal representative or attorney for the personal representative in good faith fails to give the required notice, the personal representative or attorney is not liable to any person for the failure

This bill would instead provide that if the personal representative fails to give the required notice, the personal representative is not liable for the failure unless a creditor establishes that (1) the failure was in bad faith, (2) neither the creditor nor the creditor's attorney had actual knowledge of the administration of the estate before the court made an order for final distribution and payment would have been made on the creditor's claim in the course of administration if the claim had been properly filed, and (3) within 16 months after letters were first issued to a general personal representative, the creditor filed a petition requesting that the court make an order determining liability of the representative and at least 30 days before the hearing on the petition, caused notice to be served on the personal representative, as specified

(6) Existing law regulates the compensation of an agent or broker for the sale of real property Among other things, under existing law, the amount of the fee is determined by the court, as specified

This bill would provide that the estate is not liable to a broker where the broker, directly or indirectly, is the purchaser of the property, or where the broker representing the purchaser to whom the sale is confirmed has any interest in the purchaser The bill would make numerous other changes governing the compensation of agents and brokers

(7) Existing law, which will become operative on July 1, 1989, provides that an order settling an account is conclusive against all interested persons, except as specified.

This bill would delete that provision

(8) Existing statutory law does not generally deal with no contest clauses in wills except for a provision that makes a no contest clause inapplicable to a contest on a provision that benefits a witness to a will Under existing case law, a clause in a will that provides that a person who contests the will shall take nothing or a reduced share is generally enforced, but in various circumstances, the clause will not be enforced These include actions for declaratory relief as to whether a particular activity would be a

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prohibited contest of the will, contests on the grounds of forgery, and contests on the grounds of revocation of the will by a subsequent will.

This bill would provide that a no contest clause contained in an instrument is enforceable against a beneficiary who brings a contest within the terms of the no contest clause, except in specified circumstances It would provide that a no contest clause shall be strictly construed It would provide that a beneficiary may petition for construction of an instrument to determine whether an act would be a contest, and that a no contest clause is not enforceable against a beneficiary because of that petition It would provide that a no contest clause is not enforceable against a beneficiary on account of a contest brought with probable cause on the ground of forgery or revocation, or brought to contest a provision that benefits specified interested persons.

Ch 545 (AB 419) Eaves Redevelopment

Under the existing Community Redevelopment Law, territory included within a project area, with specified exceptions, is required to be a predominantly urbanized area of a community, as defined, which is a blighted area, the redevelopment of which area is necessary to effectuate the public purposes specified in the Community Redevelopment Law

This bill would make an exception to the application of this provision in the case of a project area containing privately owned land adjacent to, or in close proximity to, as defined, Norton and George Air Force Bases which are proposed to be closed by the federal government pursuant to Public Law 100-526.

The bill would permit the legislative bodies of communities as defined under the Community Redevelopment Law to form a joint powers authority for purposes of the redevelopment of territory covered by the bill It would establish exemptions, except with respect to existing nondiscrimination requirements, from the Community Redevelopment Law as necessary for the effective redevelopment of the area, including a specific exemption concerning inclusion of low- and moderate-income housing within a redevelopment area

Existing law, under specified conditions, requires redevelopment agencies to expend certain moneys derived from tax increment allocations for purposes of providing low- and moderate-income housing within a project area

This bill would permit the joint powers authority formed under its provisions to borrow these tax increment moneys for other redevelopment purposes, notwithstanding contrary restrictions for existing law, if certain conditions are met The bill also would authorize the joint powers authority to perform the functions of a local legislative body and planning commmission, except with regard to land use, planning and development decisions, in carrying out the redevelopment of the project area.

The bill would make legislative findings and declarations concerning the unique circumstances necessitating its enactment

Ch 546 (AB 435) N Waters Prisoners.

Existing law requires that a defendant be taken before the magistrate without unnecessary delay but not more than 2 days after his or her arrest, as specified

This bill would provide that the 2-day time limit shall be increased to 7 days commencing on January 1, 1990, and continuing through January 1, 1992, whenever the defendant is incarcerated in the California State Prison at Folsom

Ch 547 (AB 517) McClintock Engineering

Existing law defines the practice of civil engineering for purposes of licensing and regulation pursuant to the Professional Engineers Act and includes specified studies or activities in connection with specified fixed works Existing law generally provides that it is a misdemeanor for a person to engage in the practice of civil engineering, unless legally authorized to do so

This bill would include grading in those fixed works for purposes of the studies and activities which embrace civil engineering.

This bill would impose a state-mandated local program by expanding the scope of an existing 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. 548 (AB 592) Harvey Public employees' and annuitants' health benefits.

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.

This bill would authorize any annuitant whose allowance is not sufficient to pay his or her contributions for health benefits to retain coverage by paying the board the balance of the contributions plus the related administrative costs Annuitants would be required to pay the complementary annuitant premium quarterly in advance

This bill would authorize administrative establishment of necessary additional positions in the Public Employees' Retirement System for fiscal year 1990–91 to implement this bill and would authorize the system to charge participating annuitants a one-time setup charge and a monthly maintenance charge in amounts sufficient to ensure the ongoing support of the program

This bill would establish the Public Employees' Annuitant Premium Account within the Public Employees' Contingency Reserve Fund, consisting of the supplemental annuitant premiums, the annuitant charges, and the appropriations made by this bill, which would be continuously appropriated for payment to carriers and health benefits plans of complementary annuitant premiums

This bill would also appropriate from the Public Employees' Contingency Reserve Fund to the Public Employees' Retirement System for specified related costs $75,000 for the 1989–90 fiscal year.

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

Ch 549 (AB 613) Lancaster Private investigators

Existing law requires an applicant for a private investigator's license to have a specified amount of experience in investigation work or the equivalent thereof as determined by the Director of Consumer Affairs as a condition of licensure

This bill would delete the authority of the director to determine the equivalent for that experience, would provide that only an employer, as defined, or his or her agent may certify experience for those purposes, would require an employer to respond to a request by an employee for certification of the applicant-employee's experience within 30 days, and would specify the conditions and activities which qualify for that experience

The bill would impose a state-mandated local program by adding new crimes since any violation of the Private Investigator Act constitutes a misdemeanor

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

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

Ch. 550 (AB 724) Frazee. Telephone sales

(1) Under existing law, a salesperson who solicits purchasers on behalf of a telephonic seller, as defined, who has failed to register with the Department of Justice before doing business in this state is guilty of a misdemeanor

This bill would expand the definition of telephonic seller for these purposes, as specified, thereby imposing a state-mandated local program by expanding the definition 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

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Ch 551 (AB 632) Bradley Waste water facilities loan San Jacinto Mountains
Under existing law, the State Water Resources Control Board is authorized to make loans to local agencies to assist in the construction of waste water treatment facilities.
This bill would forgive any obligation of the San Jacinto Mountain Area Water Study Agency to repay to the state the amounts owed for interest on a specified loan made by the board to the agency to assist in a Clean Water Grant Project, and would specify that the principal payment on the unamortized portion of the loan need not commence until January 1, 1991
The bill would make legislative findings and declarations in this connection

Ch 552 (AB 822) Bader Mental health audits
Existing law provides for the manner of allocation to counties for local mental health programs, and specifies expenditures subject to payment pursuant to this procedure, including, but not limited to, salaries of personnel, and approved facilities and services provided through contract
This bill would, in addition, require that expenditures subject to payment shall include expenditures included in countywide cost allocation plans submitted in accordance with the Controller's guidelines, including, but not limited to, adjustments of prior year estimated general county overhead to actual costs, but excluding allowable costs otherwise compensated by Short-Doyle Act funding

Ch 553 (AB 882) Hannigan Courts Solano County
Existing law specifies that a regular official court reporter in Solano County shall receive a salary fixed in a specified salary grade
Existing law also provides that the parties in a civil case that lasts longer than 5 judicial days shall be charged a fee per day, in addition to any fee otherwise required, equal to the per diem rate for official reporters pro tempore for the services of an official reporter for the 6th and each successive day a reporter is required
This bill would provide that the annual salary of each regular official court reporter in Solano County shall instead be based on a 5-step plan, established as specified, and that the fee specified above shall be charged in all civil cases for the first and each successive day an official reporter is required
This bill would also impose 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.
This bill would declare that it is to take effect immediately as an urgency statute.

Ch 554 (AB 928) Epple Vehicles parking disabled persons
Under existing law, disabled persons and disabled veterans, as defined, are authorized to display distinguishing license plates which qualify them for specified parking privileges Existing law also authorizes them to display specified placards in lieu of the distinguishing license plates. Existing law provides that no disabled person or disabled veteran is eligible for more than one placard at any time
This bill would delete an obsolete provision and make other technical, nonsubstantive changes.

Ch 555 (AB 932) Baker Youth
(1) Existing law establishes the California Youth Training School, an institution for the confinement of males under the custody of the Director of Corrections and the Youth Authority
This bill would change the name of the school to the Heman G Stark Youth Training School

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(2) Under existing law, a person convicted of various offenses, including rape accomplished by force or rape accomplished through the use of an intoxicating or anesthetic substance or a controlled substance, committed when that person was 18 years of age, and who has previously been convicted of any such felony, may not be committed to the Youth Authority.

This bill would expand this provision to include, in addition to the above, the following. (1) rape where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent and this is known or reasonably should be known to the person committing the act, (2) rape where a person is at the time unconscious of the nature of the act and this is known to the accused; (3) rape where the person submits under the belief that the person committing the act is the victim's spouse and this belief is induced, as specified, by the accused, with intent to induce the belief; (4) rape where the act is accomplished against the victim's will by threatening to retaliate, as defined, in the future against the victim or any other person and there is a reasonable possibility that the perpetrator will execute the threat, and (5) rape where the act is accomplished against the victim's will by threatening to use the authority of a public official, as defined, to incarcerate, arrest or deport the victim or another and the victim has a reasonable belief that the perpetrator is a public official

Ch. 556 (AB 982) Lempert Bank and corporation taxes dissolution· minimum tax

The existing Bank and Corporation Tax Law provides that the tax for the taxable year in which a taxpayer ceases doing business, dissolves, or withdraws from this state shall be determined under specified provisions, which, among other things, impose a minimum franchise tax

This bill would provide under that law that a minimum franchise tax shall not be imposed with respect to the taxable year in which the taxpayer ceases doing business, dissolves, or withdraws if specified conditions are met

This bill would take effect immediately as a tax levy

Ch 557 (AB 1021) Hauser Fishing guides

(1) Under existing law, it is unlawful, with prescribed exception, for any person to engage in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a guide license from the Department of Fish and Game

This bill would exempt any person who is licensed in another state to provide guide service for the purposes of fishing from that licensing requirement under specified conditions

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the commission to carry out its duties under the Fish and Game Code

Because this bill would authorize the department to perform additional functions with regard to fishing guides, thereby making the money in the fund available for a new purpose, it would make an appropriation

Ch 558 (AB 1034) Bentley Wildlife

(1) Under existing law, a person bringing birds, mammals, fish, reptiles, or amphibia into this state and possessing them is required to make a declaration in the form prescribed by the Department of Fish and Game at or immediately before the time of entry unless the shipment is made by common carrier, as specified

This bill would delete the requirements for retention and filing of copies of the declaration and, instead, would require the declaration to be submitted to the department or a designated state or federal agency in the form and manner prescribed by the department

The bill would make conforming changes

(2) Under existing law, the department is authorized to issue not more than 35 experimental limited entry northern California swordfish permits to take swordfish for commercial purposes to persons who meet specified requirements, including having possessed a valid general gill net or trammel net permit, as specified, prior to March 31,

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This bill would change that requirement to, instead, require the person to possess a general gill net or trammel net permit

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would increase the revenues to the fund and impose additional duties on the department with regard to importing wildlife and issuing sportfishing licenses and certain commercial fishing permits, it would make an appropriation

(4) Under existing law, violations of the Fish and Game Code are misdemeanors. Because this bill would change the definitions of crimes, it would impose a state-mandated local program

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

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

Ch 559 (AB 1050) Sher Air pollution.

(1) Existing law requires the State Air Resources Board to classify each air basin according to whether it is or is not in attainment with state ambient air quality standards, and to identify districts in which pollutants from upwind areas contribute to a violation of the standard for ozone Existing law also requires the state board to establish, by regulation, maximum standards for the volatility of gasoline at 9 pounds per square inch Reid vapor pressure, as specified, and requires workshops and hearings on the adoption of regulations governing gasoline Reid vapor pressure to be held by specified dates.

This bill would make clarifying changes in those provisions

(2) Existing law requires calculations of planned reductions in emission levels of nonattainment pollutants to be made by air pollution control districts and air quality management districts with respect to emission levels existing on December 31, 1987

This bill would require those calculations to be made with respect to levels existing during 1987, as determined by the state board, thereby imposing a state-mandated local program

(3) Existing law requires the state board to review plans of every district in an air basin, as specified, where regional air pollution is involved

This bill would delete the condition that regional air pollution be involved before holding that review

(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 560 (AB 1052) Lempert Criminal procedure

Existing law specifies various instances when the people may appeal in a criminal case. State judicial decisions interpreting these provisions have determined that they operate as a substantive limitation on the review of trial court determinations in criminal trials, and have held in general that the people have no right to petition for writs of mandate to compel lower courts to vacate a judgment or order where there is no statutory basis for an appeal

This bill would authorize the people to obtain review of an order granting a defendant's motion for severance or discovery by petition for writ of mandate or prohibition The bill would also make a statement regarding legislative intent.

Ch 561 (AB 1074) Polanco Health facilities. marriage, child, and family counselors

(1) Under existing law, the State Department of Health Services licenses and regulates health facilities

Existing law requires that the licensure requirements for professional personnel, including psychologists, and clinical social workers, in state and other governmental health

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facilities be not less than for these professional personnel in privately owned health facilities

Existing law permits the department to grant a waiver from professional licensing requirements to persons employed in publicly operated health facilities for up to 2 years for psychologists and 3 years for clinical social workers, if these persons are gaining qualifying experience for licensure in their professions The waiver limitation is not, however, applicable to an active doctoral candidate in specified fields enrolled in an accredited university, college, or professional school, during the period in which the training is being completed

This bill would extend these provisions to include marriage, family, and child counselors, with the maximum time of waiver for these persons to be 3 years

The bill would make the waiver limitation inapplicable to an active doctoral candidate in the fields of marriage, family, and child counseling, or marital and family therapy, as specified

(2) Existing law requires the department to apply the same standards to state and other governmental health facilities that it licenses as it applies to health facilities in private ownership

This bill would specify that this requirement includes standards specifying the level of training and supervision of all unlicensed practitioners

(3) Since a violation of health care facility licensing provisions is a misdemeanor, and since the bill would contain new provisions affecting licensure and regulation of these facilities, the bill creates new crimes, thereby imposing additional costs upon local law enforcement agencies, and 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 562 (AB 1147) Baker Transportation reports

(1) Existing law requires operators receiving local transportation funds under the Mills-Alquist-Deddeh Act to prepare and submit annual reports to the Controller and to transportation planning agencies within 90 days of the end of the fiscal year

This bill would require each operator to annually report to the Controller on the extent to which it has contracted with the Prison Industries Authority, as specified By imposing this requirement on local agencies, 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 563 (AB 1248) Hauser Cal-Vet lower income veterans, disposition of forfeitures, and leasing or letting of reverted property

Under the Veterans' Farm and Home Purchase Act of 1974, the Department of Veterans Affairs administers a program of farm and home purchase benefits to qualifying veterans known as the "Cal-Vet" program

(1) Under that program, if a purchaser fails to comply with any term of the purchaser's Cal-Vet contract, the department may cancel the contract, the purchaser forfeits all rights thereunder, and the department may consider that all payments which were made under the contract are rental paid for occupancy, or may, in its discretion, pay any net gain to the purchaser in default

This bill would permit the department, in lieu of paying any net gain to the purchaser in default, to utilize amounts representing the net gain for the fiscal year, after deducting any losses on sales of forfeited properties during the fiscal year, for purposes of assistance to lower income veterans, as specified, pursuant to provisions which permit the department to postpone the payment of principal on the purchaser's contract for

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not more than 5 years or postpone, upon terms that the department determines to be proper, the payment of all or any part of a contract installment By authorizing these additional uses of Cal-Vet proceeds, the bill would make an appropriation

(2) Except for special provisions regarding the disposition of an Indian veteran's forfeited interest in a Cal-Vet property situated on a leasehold interest in allotment trust land or tribal trust land, the department may sell or otherwise dispose of a forfeited property to any person and upon any terms and conditions it determines to be proper

This bill would require the department, when it elects to sell a forfeited Cal-Vet property, other than a property situated on allotment trust land or tribal trust land, to notify every city, county, city and county, housing authority, and public housing finance agency in the region where the property is situated and would specify what the notice is to contain The bill would direct the department to give 1st preference to a veteran who qualifies for Cal-Vet, 2nd preference to any other member of the armed forces or veteran, 3rd preference to a first-time home buyer, and 4th preference to any other person

(3) Whenever a Cal-Vet property has reverted to the department, the department may lease or let the property on any terms

This bill would authorize the department, in leasing or letting any reverted property, to give 1st priority to public or private organizations serving homeless veterans and 2nd priority to a public housing authority for leasing or letting to persons of low income, as defined

Ch 564 (AB 1378) Costa Fish and game studies and reports.

(1) Existing law requires the Department of Fish and Game to conduct various studies and, in some cases, report the results to the Fish and Game Commission or the Legislature Some of these studies and reports have been completed, and the provisions of law relating thereto are obsolete

This bill would delete those obsolete provisions of law

(2) Existing law prohibits the offering of any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby, where the total value of the prizes or other inducements exceeds $200 generally, except under a permit issued by the department authorizing a prize or inducement for the taking of any game fish which the department finds would not be a detriment to the resource

This bill would revise and recast those provisions to make the prohibition apply to the offering of any prize or other inducement as a reward for the taking of those animals in an individual contest, tournament, or derby, unless the total value of the prizes or inducements are less than $500 The bill would authorize the department to issue annual permits which cover all contests, tournaments, or derbies in a calendar year where, on each occasion, the number of participants would not exceed 50 and the total value of all prizes or inducements would not exceed $1,000, and event permits that cover each contest, tournament, or derby where either the number of participants exceeds 50 or the total value of all prizes or inducements exceeds $1,000 The bill would require the annual permits to be subject to specified terms and conditions

Since the violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department under its provisions, thereby making the money in the fund available for a new purpose, 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 565 (AB 1451) Speier Residential care facilities for the elderly

Existing law requires the State Department of Social Services to notify affected placement agencies and the office of the State Long-Term Care Ombudsman when it substantiates that any of specified violations of laws relating to residential care facilities for the elderly have occurred and permits the department to transmit a copy to the state ombudsman and any local ombudsman of all notices sent to a facility by the department as a result of various substantiated complaints.

This bill would require a facility to post every substantiated complaint or substantiated citation against the facility in a conspicuous place for 6 months This bill would also require the facility to inform a designated responsible 3rd party, as defined, in writing, that substantiated complaints and citations are available for view at the facility and at the district office of the department. Since the violation of laws relating to residential care facilities for the elderly is a misdemeanor, this bill would create a new crime and thereby impose a state-mandated local program upon local officials required to enforce the law and prosecute violations.

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

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

Ch. 566 (AB 1544) Cortese. Supercomputer center: study deadline

Existing law requires the Department of Commerce to contract for the preparation of a study regarding the supercomputer needs of the state and the establishment of a supercomputer center in coordination with the Technology Center of Silicon Valley and the San Diego Supercomputer Center The department is required to submit the completed study to the Legislature no later than September 30, 1989

This bill would extend the deadline for submission of the completed study to June 30, 1990

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

Ch 567 (AB 1591) Condit Controlled substances anabolic steroids.

The California Uniform Controlled Substances Act imposes special limitations on the prescription and use of drugs and provides for 5 schedules of controlled substances In addition, the act, among other things, prescribes punishment in a county jail, as specified, for the unlawful possession of specified controlled substances.

This bill would revise the list of anabolic steroids which are listed in Schedule III of the act, and also add chorionic gonadotropin as a Schedule III substance, thus creating a state-mandated local program by expanding the application of existing criminal 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 568 (AB 1614) McClintock Prison terms.

(1) Existing law makes it a public offense punishable by imprisonment in the county jail not to exceed one year or in a state prison not to exceed one year and one day for any person committed, as specified, to a state hospital or other mental health facility to escape from or to escape while being conveyed to or from the hospital or facility

This bill would specify that the state prison term of one year and one day is a determinate term

(2) Existing law requires the Board of Prison Terms to determine what the length of time of imprisonment shall be with respect to inmates who committed an offense prior to July 1, 1977

This bill would make technical, conforming changes in that provision.

(3) Existing law provides that every person who escapes from, or who escapes while

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being conveyed to or from, a state hospital or facility, is punishable by imprisonment in the county jail not to exceed one year or in the state prison not to exceed one year and one day

This bill would designate the term of imprisonment in the state prison as a determinate term of one year and one day.

Ch 569 (AB 1713) Katz Juvenile court law.

(1) Existing law the Arnold-Kennick Juvenile Court Law, specifies the purposes of the juvenile court law to include, among other things, the protection and safety of the public and each minor and the preservation of the minor's family ties whenever possible

This bill would revise those purposes by adding the reunification of a minor with his or her family as a primary objective and by adding that if a minor has been removed from the custody of his or her parents, family reunification and family preservation are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct, as specified.

(2) Under Section 656 2 of the Welfare and Institutions Code, in any case in which a minor is alleged to have committed an act which would have been a felony if committed by an adult, the probation officer is required to obtain a statement from the victim, and other persons, as specified, to be included in a social study made by the probation officer and submitted to the court, as specified The probation officer is also required to provide the victim with information, in the form of written material prepared by the Judicial Council, concerning the victim's right to certain civil damages and the victim's opportunity to be compensated from the restitution fund In addition, persons from whom the probation officer is required to obtain the above-described statement, have the right to attend the disposition hearing and, subject to the court's discretion, to express their views concerning the offense and disposition of the case

This bill would repeal and add the above statutory provisions The bill would also include a legislative declaration that Section 656.2 has been in continual existence since January 1, 1982

(3) Under existing law, the juvenile court is required to consider the social study of a minor made by a probation officer before determining the appropriate disposition of a minor found to be a dependent child or a ward of the juvenile court Under existing law, the contents of a social study of a minor found to be a dependent child are specified to include a discussion of certain factors, but the contents of a social study of a minor found to be a ward are not specified

This bill would require the social study of a minor found to be a ward of the juvenile court in a case where foster care placement is being considered, or has been made, to include, but not be limited to, certain of the factual material required in a social study of a minor declared a dependent child, thereby creating a state-mandated local program by increasing the level of service required by probation officers

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

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

Ch 570 (AB 1819) Woodruff Water districts consolidation

(1) Under existing law, the Bighorn Mountains Water Agency is created and governed under the Bighorn Mountains Water Agency Law, a special act of the Legislature Under existing law, county water districts may be organized under the County Water District Law, a general district act

This bill would permit the consolidation of the Bighorn Mountains Water Agency and

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the Desert View Water District, a county water district, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, even though they are not organized pursuant to the same principal act The bill would prescribe requirements for the board of directors of the successor district and would prescribe related matters, thereby imposing a state-mandated local program The bill would require the board of directors of the successor district to operate under the Bighorn Mountains Water Agency Law and would prescribe related powers The bill would authorize the consolidated district to change the name of the agency, in accordance with prescribed procedures

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

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

Ch 571 (AB 1878) Hauser Common interest developments community association

Under existing law, a common interest development is to be managed by an association which may be incorporated or unincorporated

This bill would specify that the association may be referred to as a community association

Ch 572 (AB 1985) Ferguson Crimes· restitution

Existing law provides that if 2 or more persons assemble for the purpose of disturbing the public peace, or committing an unlawful act, and do not disperse on being desired or commanded to do so by a public officer, the persons so offending are severally guilty of a misdemeanor

This bill, in addition, would provide that any person who, as a result of violating this provision, personally causes damage to real or personal property, which is either publicly or privately owned, shall make restitution, as specified, for the damage he or she caused, including, but not limited to, the costs of cleaning up, repairing, replacing, or restoring the property It would also require that the burden of proof on the issue of whether any defendant or defendants personally caused any property damage rests with the prosecuting agency or claimant, as specified

Ch 573 (AB 2069) Costa Water agencies

(1) Under existing law, the Fresno Metropolitan Flood Control District is created and governed by special act of the Legislature and consists of specified territory within Fresno County

This bill would authorize the district to enact ordinances The bill would authorize an increase in the permitted compensation of members of the board of directors, as specified

The bill would delete obsolete provisions and make other technical changes in the district act

(2) Under existing law (Chapter 836 of the Statutes of 1988), the Solano County Flood Control and Water Conservation District is created and governed by special act of the Legislature

This bill would repeal the act creating the district, and would, by special act generally the same as the repealed act, create the Solano County Water Agency as successor to the district

Ch 574 (AB 2095) Lempert Guaranteed student loan defaults amnesty program

Under existing law, the Student Aid Commission administers the State Guaranteed Loan Program, a student loan program for postsecondary students

This bill would direct the Student Aid Commission, with the cooperation of lenders and credit reporting agencies, pursuant to specified findings of the Legislature, to develop and implement a program that would attempt to contact borrowers who are in default, as defined, on guaranteed student loans to establish compliance with the loans through repayment plans negotiated with the commission, as specified The bill would

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specify that the amnesty period for this purpose may not exceed 180 days. This bill would require the commission to consult with lenders and credit reporting agencies to develop guidelines and procedures for the reporting of specified information to consumer credit reporting agencies

The bill would require that, as to any borrower on a guaranteed student loan who complies with a revised repayment plan for a period of 12 months following the establishment of the plan, or who provides full repayment of the loan, the Student Aid Commission report that information in order to restore the borrower's eligibility for student financial assistance and services from institutions of higher education, as specified.

The bill would repeal the above provisions as of January 1, 1992

The bill would appropriate $75,000 from the State Guaranteed Loan Reserve Fund to the Student Aid Commission to fund the purposes of the bill

Ch 575 (AB 2153) Harvey. Vehicles length and weight limitations

Existing law provides that no combination of motor vehicles coupled together may exceed a length of 65 feet

This bill would exempt from that length limitation a tow truck in combination with a disabled or abandoned vehicle, or a disabled or abandoned combination of vehicles, when operating under a permit, as specified

Ch 576 (AB 2303) Cortese Health public water systems

Under existing law, the State Department of Health Services, or in the case of public water systems which have less than 200 connections, the local health officer, is required to administer provisions relating to public water systems, including the issuance of permits for the operation of these systems

Existing law specifies grounds for the denial of a permit to a public water system

This bill would, in addition, require, commencing July 1, 1990, a system seeking an initial permit, or seeking a permit due to a change in ownership, to demonstrate financial responsibility as a condition of receiving the permit

The bill would make legislative findings and declarations that the purpose of delaying the operative date of the requirements of this bill until July 1, 1990, is to provide the State Department of Health Services sufficient time to develop financial responsibility criteria for the administration of the bill

Since the bill would impose additional requirements upon local health officers who are required to implement certain of these permit provisions, the bill would create a state-mandated local program

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

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

Ch 577 (AB 2342) Kelley Structural pest control

Existing law provides that a registered structural pest control company, restricted as specified, may enter into a contract for the eradication of pests or organisms, as specified, after an inspection has been made

This bill would prohibit such a registered structural pest control company from commencing any work on a contract, or signing, issuing, or delivering documents expressing an opinion or statement relating to the control of pests or organisms, as specified, until an inspection has been made. This bill would impose a state-mandated local program by adding a new crime since a violation of provisions regulating structural pest control constitutes a misdemeanor

Existing law makes it unlawful to engage or offer to engage in the practice of structural pest control unless licensed to perform those activities Existing law provides that a registered structural pest control company may authorize an officer, partner, or employee to submit bids after an inspection by a person licensed under provisions regulating structural pest control

This bill would provide that the provisions prohibiting a person from engaging in the

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practice of structural pest control unless licensed shall not prohibit an unlicensed employee of a structural pest control company from quoting prices in response to a request for a price quotation

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

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

Ch 578 (AB 2344) Kelley Water quality control plans

Under existing law, the State Water Resources Control Board may adopt water quality control plans for waters for which water quality standards are required by the Federal Water Pollution Control Act, which, when adopted, supersede any regional water quality control plans for the same waters to the extent of any conflict

This bill would require the state board, prior to adopting a water quality control plan, to consider all relevant management agency agreements which are intended to protect a specific beneficial use of water

Ch 579 (AB 2462) Baker Rail transit systems parking facilities

(1) Under existing law, there is no express requirement that public rail transit systems provide adequate motor vehicle parking facilities to serve the system's passengers

This bill would impose a state-mandated local program by requiring any public entity, which plans the development of, or which operates, a rail transit system, with respect to any current or future system, to (a) develop motor vehicle parking facilities to serve the system's passengers at stations planned to be park and ride facilities, and (b) expand private enterprise participation in the development of the system's air space and publicly owned assets to provide those parking facilities

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 580 (AB 2523) Costa Malaga County Water District

(1) Under existing law, county water districts are not generally authorized to undertake groundwater management activities and to levy groundwater extraction charges

This bill would authorize the Malaga County Water District in Fresno County to undertake specified groundwater management activities and, for that purpose, to levy and collect groundwater extraction charges in accordance with prescribed procedures and requirements The bill would require the district to prepare a biennial report on district water supplies and to conduct specified hearings, thereby imposing a state-mandated local program

The bill would also authorize the Malaga County Water District to carry on technical investigations, as specified, and to regulate the discharge of pollutants into the district's facilities, as prescribed, and to exercise specified related powers

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

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

Ch 581 (SB 354) Morgan Income taxes bank and corporation taxes

The existing Personal Income Tax Law imposes a tax, as specified, on the taxable income of nonresidents and part-year residents

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The existing Personal Income Tax Law and Bank and Corporation Tax Law allow a deduction for net operating losses

The existing Bank and Corporation Tax Law contains various provisions governing the treatment of "S corporations"

This bill would make nonsubstantive, technical and clarifying changes to all of those provisions

The existing Bank and Corporation Tax Law provides that a qualified taxpayer, as defined in a specified section of that law, may elect to take a net operating loss in accordance with specified provisions of the Internal Revenue Code, except as provided. However, those provisions of the Bank and Corporation Tax Law which defined a qualified taxpayer were repealed on January 1, 1989.

This bill would reinstate those repealed provisions

This bill would take effect immediately as a tax levy

Ch 582 (SB 246) Stirling. Attorneys.

Existing law provides a procedure for the superior court to assume jurisdiction over an attorney's law practice when he or she dies, resigns, becomes an inactive member of the State Bar, is disbarred, or is suspended from the active practice of law, as specified.

This bill would provide that notice of the cessation of law practice, and copies of any application filed or order issued by the superior court under these provisions shall be served upon or provided to the office of the Chief Trial Counsel of the State Bar, as specified.

This bill would also authorize the State Bar to intervene and assume primary responsibility for conducting an action in these proceedings

Existing law also provides a procedure for the superior court to assume jurisdiction over an attorney engaged in the practice of law in this state, who has, for any reason, including, but not limited to, excessive use of alcohol or drugs, physical or mental illness, or other infirmity or other cause, become incapable of devoting the time and attention to his or her law practice, as specified. The assumption of jurisdiction may be requested by a client, the State Bar, or an interested person or entity, subsequent to a finding by a local administrative committee of probable cause to believe that the jurisdictional facts have occurred.

This bill would revise this procedure (1) to provide that only the State Bar may apply to the court for assumption of jurisdiction over the law practice of an attorney where the attorney does not consent, and (2) eliminate the initial determination of probable cause by a local administrative committee

This bill would also provide that the Chief Trial Counsel of the State Bar may appoint examiners, as specified, in an investigation or formal proceedings under these provisions.

This bill would also make conforming and related changes to these provisions

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

Ch. 583 (SB 579) Beverly Industrial loan companies account guarantees.

Existing law requires every industrial loan company, other than a premium finance agency, to guarantee payment of their thrift obligations up to $50,000 through membership in the Thrift Guaranty Corporation of California Existing law, however, prohibits industrial loan companies from advertising these guarantees or membership in the corporation, except under specified conditions. Existing law also authorizes an industrial loan company to withdraw its account balance from the corporation upon winding up its business, as specified, and authorizes prescribed distribution of the corporation's net assets to members upon dissolution of the corporation, subject to the approval of the Commissioner of Corporations

This bill authorizes industrial loan companies to participate as members of the Federal Deposit Insurance Corporation in lieu of membership in the Thrift Guaranty Corporation of California and makes related changes. The bill would delete all authority of industrial loan companies to advertise membership in, or guarantees through, the corporation. The bill would authorize the Guaranty Corporation to dissolve under specified conditions, and would preclude any member from receiving a return of its account balance or assessments paid to the corporation except upon liquidation of the corpora-

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tion. The bill would specify a formula for distributing the assets of the Guaranty Corporation to its members upon liquidation

This bill would incorporate additional changes in Section 18415 of the Financial Code, proposed by AB 987, to be operative only if AB 987 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last.

Ch. 584 (SB 630) Morgan. Telecommunications

Existing law creates within the Department of General Services an advisory board on telecommunications systems technology to advise the Director of General Services on new technology, implementation, and uses of telecommunications for state government, among other things

Existing law provides for the repeal on January 1, 1990, of the statutory authority for the telecommunications advisory board within the department

This bill would extend this repeal date to January 1, 1993.

Ch 585 (SB 729) Mello Monterey Peninsula Water Management District

Under existing law, the Monterey Peninsula Water Management District Law is authorized to establish zones and to undertake various works and projects for the supply of water in accordance with prescribed procedures

This bill would generally authorize the district to proceed with a work or project, as described, excluding dams, to provide additional water to the district during any sudden or unexpected emergency in which the use of district water is restricted by a specified ordinance and the improvement is required to prevent the actual or the threatened loss or damage to life, property, or essential public services, subject to the approval of the voters at a special election within the district The bill would specify related matters

The bill would revise requirements relating to the adoption of resolutions for the purpose of authorizing zone projects and works and the conduct of zone elections

The bill would authorize the call of a special bond election by resolution, rather than by ordinance, and would make related and clarifying changes

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

Ch 586 (SB 749) Royce Hemodialysis

Existing law provides for the licensure of home health agencies and chronic dialysis clinics by the State Department of Health Services

Existing law prohibits any person or entity from providing chronic dialysis services unless provided under the direction of a licensed dialysis clinic or general acute care hospital.

This bill would provide for the licensure of home dialysis agencies, as defined, by the department, and would permit chronic dialysis services to be provided by a licensed home dialysis agency The bill would only allow dialysis in homes, as defined, where the dialysis was provided by at least one staff person per patient It would prohibit any person, political subdivision of the state, or governmental agency from providing home dialysis services unless a license has been obtained to operate a home dialysis agency, except that it would allow a person, political subdivision, or governmental agency which was operating a home dialysis agency as of January 1, 1990, to continue to operate a home dialysis agency, as specified

This bill would specify the criteria for an applicant to qualify for licensure of a home dialysis agency, including being of good moral character and having a governing body which includes specified health care personnel, would authorize the department to periodically inspect a home dialysis agency, and would require a home dialysis agency to maintain specified records and establish certain policies and procedures related to patient care and emergencies This bill also would impose specified responsibilities on a nursing director of a home dialysis agency, including assuring adequate training of qualified registered nurses, qualified licensed nurses, and qualified hemodialysis technicians

This bill would require a home dialysis agency, at a minimum, to provide nursing services, nutritional counseling, and medical social services, as defined This bill would specify certain requirements to be satisfied prior to the performance of the first home

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dialysis for a patient, including performing an assessment of the patient's home to ensure a safe physical environment for the performance of dialysis and obtaining specified orders from a patient's physician and surgeon

The bill would authorize a qualified registered nurse, as defined, a qualified licensed nurse, as defined and a qualified hemodialysis technician, as defined, to provide home dialysis treatments to patients if specified requirements are met, including the completion of a specified training program by qualified licensed nurses and qualified hemodialysis technicians The bill would prohibit a qualified hemodialysis technician from performing certain tasks, including administering blood and blood products, and would limit the medications that may be administered by a qualified hemodialysis technician

This bill would permit specified laboratory tests to be performed in a patient's home by a qualified registered nurse, qualified licensed nurse, or qualified hemodialysis technician and would impose requirements regarding the maintenance, calibration, and quality control of laboratory equipment used for that purpose This bill also would impose specific requirements on other laboratory services This bill furthermore would impose specific requirements regarding the maintenance of supplies at a patient's home, the maintenance of home dialysis equipment, the analysis of water used for home dialysis treatments, and the removal and disposal of infectious waste

This bill would require a home dialysis agency to provide to each patient a statement of the patient's rights and responsibilities, as specified It would require a home dialysis agency or a licensed dialysis clinic, at the first treatment session, to provide an end stage renal disease patient with information concerning other modalities of care

This bill would authorize the department to adopt, amend, or repeal reasonable rules and regulations as may be necessary or proper to carry out the intent of the home dialysis agency licensing provisions and to enable the department to exercise the powers and perform the duties conferred upon it by those provisions. This bill also would authorize the department to cancel, suspend, or revoke a license to operate a home dialysis agency as well as reinstate a license that has been canceled, suspended, or revoked, as specified Furthermore, this bill would authorize the department to bring an action to enjoin the provision of home dialysis services without a license or the threatened provision of a home dialysis services without a license, as specified

This bill would provide that any person who violates any provision of the home dialysis agency licensing law or any rule or regulation promulgated under that law is guilty of a misdemeanor, punishable as specified, thereby imposing 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 587 (SB 763) C Green Commercial fishing

(1) Existing law provides for the regulation of taking and possessing of fish for commercial purposes, including requirements for fishing logs

This bill would authorize the Fish and Game Commission to require the owner and operator of a commercial fishing vessel, the holder of a commerical fishing permit, and the owner and licenseholder of a commercial passenger fishing boat to keep and submit a complete and accurate record of fishing activities in a form prescribed by the Department of Fish and Game. The bill would authorize the revocation or suspension of those licenses for failure to keep and submit those records

The bill would make other conforming changes

Since the failure to comply with the regulations adopted pursuant to these provisions would constitute a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

(2) Existing law prescribes the minimum length for angel shark taken for commercial purposes by either the total length or by a prescribed alternate length and authorizes not more than 10% of a load to be less than the minimum size

This bill would change the method of determining the alternate length, would make

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corresponding changes to the allowable minimum alternate length, and would, instead, authorize not more than 10% of a load to be not more than ½ inch less than the minimum size

Since the violation of the minimum length provisions would constitute a misdemeanor, the bill would impose a state-mandated local program by changing the definition of a crime

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the commission and department to carry out their duties under the Fish and Game Code

Because this bill would impose additional duties on the commission and department with regard to commercial fishing, thereby making the money in the fund available for a new purpose, 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.

Ch. 588 (SB 771) Nielsen Alcoholic beverages.

Existing law makes it unlawful to label wine with the words "California central coast counties dry wine" unless the wine is produced from grapes grown within specified counties. Federal law provides for the designation of viticultural areas

This bill would require any wine labeled with a viticultural area appellation of origin established pursuant to federal law, other than the viticultural area "Napa Valley," which is located entirely within the County of Napa to bear the designation "Napa Valley" on the label in conjunction with the area designation of the wine, as specified. The requirement would apply to all wines bottled on and after January 1, 1990.

This bill would impose a state-mandated local program by adding a new crime since a violation of the Alcoholic Beverage Control Act is a misdemeanor

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

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

Ch 589 (SB 1014) Russell State-mandated local programs

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the administration of a State Mandates Apportionment System. Under this system, the amount of reimbursement for certain mandated costs is computed by averaging the approved reimbursement claims for these costs for a 3-year base period and adjusting this amount by a deflator to reflect changes in the prices of goods and services to governmental agencies

This bill would provide that for programs approved by the Commission on State Mandates for inclusion in the system on or after January 1, 1988, the amount of reimbursement for each year succeeding the 3-year base period shall also be adjusted according to any changes in workload, as defined. The bill would also specify that the deflator shall be applied separately to each year's costs for the 3 years which comprise the base period for a state-mandated program

Existing law provides that the commission shall not find costs mandated by the state in any claim submitted by a local agency or school district if the commission finds, among other things, that the statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts

This bill would, in addition, provide that the commission shall not find costs mandated by the state in any claim submitted by a local agency or school district if the commission finds that the statute or executive order includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost

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of the state mandate

Existing statutory provisions provide that if a local agency or school district submits an otherwise valid claim for reimbursement to the Controller after the specified deadline, the Controller shall pay the claim in an amount equal to 80% of the amount which would have been allowed had the claim been timely filed

This bill would require instead that the Controller reduce a late claim by 10%, provided that the amount of the reduction does not exceed $1,000

This bill would also repeal obsolete definitions contained in the Revenue and Taxation Code.

Ch 590 (SB 1203) Vuich Escrow Agent's Fidelity Corporation

(1) Existing law defines "monthly average escrow liability" for purposes of provisions governing the Escrow Agent's Fidelity Corporation

This bill would revise that definition of "monthly average escrow liability."

(2) Existing law requires the corporation to provide a credit against future assessments for the amount of a member's account balance that exceeds the $3,000 membership fee times the number of the member's licensed locations

This bill would limit the maximum amount to be so credited in any year to $400 per licensed location

(3) Existing law requires the corporation's annual assessment for its operations fund to be made by October 1 and to be based on a pro rata share determined as of July 31

This bill would, instead, require the assessment to be made by October 15 and to be based on a pro rata share determined as of June 30

(4) Existing law authorizes the corporation, with the consent of the Commissioner of Corporations, to examine or investigate members' business practices in handling and processing trust obligations, and requires the costs and expenses of these examinations and investigations to be paid by the Fidelity Corporation

This bill would extend these provisions to authorize these examinations or investigations of members' failure to pay assessments to the corporation, and would require the specified examinations and investigations to be paid to the Fidelity Corporation by the licensee or person examined The bill would authorize the Fidelity Corporation to maintain an action for recovery of these costs

Ch 591 (SB 1424) Mello Highways parking and improvements

Under the Parking and Business Improvement Area Law of 1979, a parking and business improvement area may be established to impose assessments or charges on the basis of estimated benefit to businesses within the area

This bill would repeal that law and enact the Parking and Business Improvement Area Law of 1989, and prescribe the procedures, powers, and duties of parking and business improvement areas

Ch. 592 (SB 1530) Roberti Legislative funds

(1) Existing law exempts claims for expenditures of legislative funds from a statutory requirement that claims, in general, be audited by the Controller prior to payment, although the Controller currently audits these claims pursuant to the authority vested in him or her by the California Constitution

This bill would require these legislative claims to be presented to the Controller in accordance with rules and regulations adopted by the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee, in cooperation with the Controller, and would require the audit and recordkeeping of these claims of the committees in accordance with rules and regulations adopted by the Controller in cooperation with the committees All rules and regulations would be adopted by January 31, 1990, would not be subject to review or approval by the Office of Administrative Law, and would be published in the Assembly and Senate Journals and made available to the public Records of claims kept by the Controller would be open to inspection by the public as permitted by the California Public Records Act This bill would make other conforming changes

(2) Existing law requires the Assembly Committee on Rules, the Senate Committee

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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 to be reported, and would require that the report be made available to the public.

(3) Existing law requires the Assembly and Senate and Joint Rules Committees to provide the Director of Finance with an itemized statement of proposed expenditures from the Assembly Contingent Fund, the Senate Contingent Fund, and the Contingent Funds of the Assembly and Senate for inclusion in the Governor's Budget for the ensuing fiscal year

This bill would require that the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee provide these itemized statements. This bill would expand the list of proposed expenditure categories to be included in the itemized statement

(4) 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, expenditures for legislative printing, and expenditures for reimbursement of Members of the Legislature, as specified Existing law further requires yearly audit reports to the Legislature.

This bill would expand the list of expenditure categories to be audited and would require that the reports be made available to the public

(5) Existing law does not prohibit the expenditure of funds from the Assembly Contingent Fund, the Senate Contingent Fund, the Contingent Funds of the Assembly and Senate for purposes of purchasing goods for resale

This bill would prohibit these expenditures, except for goods manufactured by any other entity of government in the state, and would provide that any reference in law to the Senate Contingent Fund, the Assembly Contingent Fund, or the Contingent Funds of the Assembly and Senate would be deemed to refer, respectively, to the Senate Operating Fund, the Assembly Operating Fund, and the Operating Funds of the Assembly and Senate

Ch 593 (SB 1546) Roberti Postsecondary education student records.

Existing law relating to the privacy of student records maintained by public and private colleges and universities imposes various restrictions applicable to the release and inspection of those records Existing law enumerates the rights of students with respect to the inspection, release, and correction of those students' records.

Under existing law, a college or university is not authorized to permit access to students' records by any person without the written consent of the student or under judicial order, except that access may be permitted to specified persons, officials, agencies, and organizations under certain circumstances.

This bill would require that whenever information is included in any student record concerning any disciplinary action taken by a community college, college, or university in connection with any alleged sexual assault or physical abuse, including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, threats of sexual assault, or any conduct that threatens the health and safety of the alleged victim, the alleged victim of that sexual assault would be required to be informed within 3 days of the results of any disciplinary action and the results of any appeal This bill would also require that the alleged victims of these sexual assaults or physical abuse be permitted access to student record information concerning that disciplinary action and would specify that access to that information shall be in the form of the 3-day notice to the alleged victim of the results of that disciplinary action and the results of any appeal. The alleged victim would be required to keep the results of these disciplinary actions and appeals confidential. The notification requirements imposed by this bill on community colleges 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 $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 594 (SB 1578) Doolittle. Interstate highway law enforcement

(1) Under the Uniform Act on Fresh Pursuit, any peace officer of another state who enters this state in fresh pursuit of a person to arrest the person for a felony, has the same authority to arrest and hold the person in custody as peace officers of this state

This bill would authorize the Commissioner of the California Highway Patrol to enter into agreements with Oregon, Nevada, and Arizona agencies for reciprocal law enforcement services in areas adjacent to the borders of this state and each adjoining state The law enforcement officers of those states would be designated as peace officers of this state, and the bill also would specifically exclude those persons from provisions regarding workers' compensation coverage

(2) Existing law establishes various categories of peace officers and specifies their powers

This bill would authorize persons appointed or deputized as special agents of the Department of Justice to be peace officers for the duration of specific assignments.

Ch 595 (SB 1650) Roberti. California State World Trade Commission.

Existing law creates in the Governor's office a California State World Trade Commission to encourage international trade and development It limits the membership of the commission to 11 members, with 7 appointed by the Governor, 2 by the Speaker of the Assembly, and 2 by the Senate President pro Tempore

This bill would increase the commission membership to 15 members, with the Governor appointing 2 additional members, and the Speaker of the Assembly and the President pro Tempore each appointing an additional member

Ch 596 (AB 104) Floyd Polling places.

Existing law does not require the state to make facilities available for use as polling places

This bill would require that, upon request by the city or county elections official, state-owned buildings, parking lots, and other facilities be made available free of charge for use as polling places, except that the Department of General Services may exclude the use of state facilities at which access to confidential materials cannot reasonably be safeguarded, which are inaccessible to the public, the use of which would disrupt state business, or which are otherwise impractical for use as polling places

Ch. 597 (AB 188) La Follette Hazardous materials training facility

Existing law requires 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 Existing law provides that this requirement is 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 this requirement.

This bill would additionally provide that that requirement is operative only to the extent that funds are donated by private donors, contributed by local agencies, or provided by other funding sources for that matching purpose and would specify that the donations may be in the form of money, for deposit as prescribed, in-kind services, or equipment.

Ch. 598 (AB 512) Johnston. Title insurance.

Existing law prohibits the furnishing of a title report without charge, as specified.

This bill would make that prohibition applicable with respect to a preliminary report rather than a title report.

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Existing law prohibits, with certain exceptions, a title insurance company, controlled escrow company, or underwritten title company from disbursing funds from an escrow account with respect to a draft, other than a share draft, received and submitted for collection until all items deposited have become available for withdrawal as a matter of right, as defined, from the financial institution, as defined, to which the draft has been submitted for collection. Existing law prohibits any of the aforementioned institutions from disbursing funds in an escrow account until items or drafts in an amount sufficient to fund disbursements have been received and deposited in the account or submitted for collection

This bill would delete that latter prohibition and instead prohibit a title insurance company, controlled escrow company, or underwritten title company from disbursing funds, as specified It also would revise the first mentioned provision to delete the requirement that the withdrawal must be available as a matter of right, and, as specified It also would make related definitional changes

Ch 599 (AB 567) Areias Travel promoters

Existing law requires travel promoters to maintain trust accounts and deposit specified funds, received for transportation into these accounts The law authorizes a travel promoter, in lieu of that trust account, to file an adequate bond with the Secretary of State prior to the advertisement of air or sea transportation by the travel promoter

This bill would require the bond to be filed with the office of the Attorney General rather than with the Secretary of State

Existing law requires a travel promoter to register with the Attorney General prior to doing business in this state

This bill would exempt a person who is an officially appointed agent of an air carrier that operates under a certificate of convenience and necessity, as specified, and a person who (1) has a written contract with an officially appointed agent of an air or ocean carrier to act on that agent's behalf in offering or selling air or sea transportation or related goods or services, (2) acts only on behalf of an agent, as specified, in the offer or sale to a passenger of air or sea transportation and related goods or services, (3) provides air or sea transportation that is provided by the air or ocean carrier, (4) receives no consideration from the passenger, and (5) requires the passenger to pay all consideration for air or sea transportation and other services directly to the air or ocean carrier or to the agent

Ch 600 (AB 648) D Brown Unemployment insurance

The existing Personal Income Tax Law authorizes the imposition of a specified penalty if any person or entity fails to report amounts paid as remuneration for personal services

This bill would authorize the imposition of the same penalty under the Unemployment Insurance Code, but would not permit the imposition of the penalty under both laws at the same time

The Unemployment Insurance Code contains references to provisions of the Revenue and Taxation Code that have been repealed

This bill would make nonsubstantive changes by deleting those references to the repealed provisions

This bill would make other technical changes relating to unemployment insurance reporting and deductions

Ch 601 (AB 676) Filante Guide dogs

Existing law authorizes the State Board of Guide Dogs for the Blind to make rules and regulations as are reasonably necessary to, among other things, govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.

This bill would authorize the board to authorize those schools or instructors employed by those schools to provide home training in the use of guide dogs.

Ch 602 (AB 694) Cortese Local government financing negotiated property tax revenue exchanges

Existing law requires the auditor in each county to adjust the property tax revenue

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allocations of local agencies whose service area or service responsibility is altered by a jurisdictional change, other than a city incorporation or a district formation, in accordance with a procedure which provides for the negotiated exchange of property tax revenues between the affected local agencies and the approval of that exchange by each county and each city within which the local agencies are located.

This bill would confirm, validate, and declare legally effective any actions previously taken by a city, county, special district, or local agency formation commission, including the governing body or any officer thereof, to implement the above negotiated exchange provisions

This bill would express the Legislature's intent regarding the purpose of the bill

Ch. 603 (AB 783) N. Waters. Child Abuse Prevention Coordinating Council Act.

The Child Abuse Prevention Coordinating Council Act, which act remained in effect until June 30, 1989, required each county to establish councils to coordinate community efforts to prevent and to respond to child abuse, and required each county to provide funding for the establishment of these councils through county children's trust funds, or if one has not been established in each county, to seek funding from the State Children's Trust Fund

This existing law constituted a state-mandated local program

This bill would reenact the Child Abuse Prevention Coordinating Council Act, 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

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

Ch 604 (AB 784) Killea Drinking water

Under the existing Sherman Food, Drug and Cosmetic Law, the State Department of Health Services is required to adopt regulations to ensure that all bottled water, vended water, water from water haulers, water from retail water treatment plants, and water from private water sources which is sold or otherwise distributed in this state is pure, wholesome, potable, and contains no inorganic chemicals or organic chemicals, including pesticides and plasticizers in concentrations which may have an adverse effect on public health and safety A violation of that law or regulation adopted pursuant to that law is a misdemeanor

Existing law defines "bottled water" to mean certain water which is placed in bottles or other containers for specified purposes

This bill would, instead, define "bottled water" to mean that certain water which is placed in a sealed container at a water-bottling plant to be used for those specified purposes The bill would except from this definition water packaged with the approval of the State Department of Health Services for use in a public emergency

This bill would also define "vended water" and would revise the definitions of "water-vending machine," "water hauler," and "private water source" for purposes of regulation under that law

Existing law defines a "retail water treatment plant" to mean, in relevant part, any place where water is processed or treated in any manner and is sold or given away at the treatment plant in customer's containers for specified purposes

This bill would rename that plant to be a "retail water facility" and would revise its definition to mean any commercial establishment where vended water is sold and placed in customer's containers or placed in containers sold or given to customers who come to the establishment to obtain water

Existing law requires the department to charge and collect specified annual fees for enumerated license categories in conjunction with the processing, distribution, or retail sale of bottled water

This bill would increase those fees in specified amounts, would add an annual license fee of $310 for bottled water distributors, and would recast the titles of the various license

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categories

This bill would substantially revise the statutory standards and the regulations which the department is required to adopt in accordance with those standards concerning bottled and vended water, including regulations governing quality standards By expanding the facilities subject to the Sherman Food, Drug and Cosmetic Law and establishing these revised mandatory health standards, the bill would create new crimes, 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 605 (AB 818) Areias Highways bridges safety

Under existing law, the Department of Transportation is responsible for construction and maintenance of the state highway system, including bridges Counties and cities are responsible for construction and maintenance of county roads and city streets

This bill would require every owner or operator of a highway bridge open to the public, other than one owned or operated by any federal or state agency, city, or county, to notify the city or county, or both, by January 1, 1991, in which the bridge is situated of its existence, date of construction, and length and width

The bill would direct the department to prepare and submit to the Governor and Legislature by January 1, 1991, a report on its comprehensive bridge management and inspection program, including a comprehensive review of that program; the status, progress, and results of its bridge management system development project, a review of the status and condition of publicly owned, operated, or maintained bridges, the development of a comprehensive plan of bridge maintenance, improvement, and repair needs, and the feasibility and cost effectiveness of bridge structural failure detection and warning devices, as specified

Ch. 606 (AB 1188) Leslie Health. community care facilities, child day care facilities, residential care facilities for the elderly

(1) Existing law provides for the issuance of licenses and special permits to operate community care and child day care facilities by the State Department of Social Services

This bill would add to the existing requirements that prior to the issuance of a new license or special permit, the applicant would be required to attend a specified orientation given by the department

(2) Under existing law, the department is required to cease further review for a specified period of time of an application to operate either a community care or child day care facility in circumstances where the applicant within the past year had been denied a license to operate a community care, child day care, or other specified facility and the denial was upheld after an opportunity for hearing

This bill would in addition require the department to cease further review of an application for one year from a specified event in cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition The bill also would permit the department to continue reviewing an application of an applicant who received a denial if it has determined that the reasons for the denial were due to circumstances and conditions which either have been corrected or are no longer in existence

(3) Under existing law, a license to operate a community care or child day care facility is forfeited by operation of law upon the occurrence of specified events, including the death of the licensee Existing law also provides that when a licensee dies and a family member desires to continue operation of the facility, the department is permitted to issue a "cease and desist" order against the continued operation of the facility only in certain circumstances, as specified, and requires the family member to present fingerprints and submit a partially completed application, within certain time periods or be cited as an unlicensed facility, as specified

This bill would delete the above provisions applicable when a licensee dies and instead

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would require the department to expedite an application submitted by an adult relative who notified the department of his or her desire to continue operation of the facility. The bill also would require the department to promulgate regulations for expediting the applications

(4) Existing law requires the department to develop and adopt a separate license application form for state and local public agencies

This bill would delete the above requirement

(5) Existing law permits the department to deny an application for, or suspend or revoke, any license or special permit for a community care facility upon specified grounds, including when a licensee of any facility, or the person providing direct care or supervision, knowingly allows any child to have illegal drugs or alcohol on the licensed premises

This bill would delete the qualifying phrase "on the licensed premises."

(6) Existing law contains provisions to minimize the transfer trauma of residents or clients of community care facilities who need to be transferred in order to protect their health or safety, including requiring the department to consult with physicians and surgeons about the necessity of immediately removing clients from a facility in any case the department alleges that the clients or residents are in need of, but not receiving, proper medical attention

This bill would revise the above requirements to provide that the department is required to consult with physicians and surgeons about when the client or resident should be removed and how transfer trauma can be minimized in any case where the department alleges that a client or resident has a health condition or health conditions which cannot be cared for within the limits of the license or special permit of the facility or requires inpatient care in certain health facilities. The bill also would make related changes. The bill further would impose specified duties on the licensee or holder of a special permit in those cases. Since any person who violates the California Community Care Facilities Act or willfully or repeatedly violates the California Child Day Care Act is guilty of a misdemeanor, and this bill would impose additional duties on licensees under both acts, it would create a state-mandated local program by changing the definition of crimes.

(7) Existing law provides for licenses, registrations, and special permits for community care facilities.

This bill would delete certain provisions applicable to registrations that provide for denials, revocations, or suspensions of registrations.

(8) Under existing law, the California Uniform Retail Food Facilities Law, contains several requirements regarding food facilities and food establishments.

This bill would exempt child day care facilities, community care facilities, and residential care facilities for the elderly from that law, and would require the State Department of Social Services, in cooperation with the State Department of Health Services, to develop proposed food preparation provisions for child day care facilities, community care facilities, and residential care facilities for the elderly which would carry out the intent of that law to ensure the health and safety of individuals and also which would not adversely affect those facilities which are safely operated. The bill would require the State Department of Social Services to consult with the State Department of Education in developing proposed food preparation provisions for child day care facilities. The bill would require the State Department of Social Services to submit a recommendation of the proposed food preparation provisions to the Legislature no later than January 1, 1991.

This bill would contain findings by the Legislature and statements of legislative intent regarding the above.

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

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

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Ch. 607 (AB 1281) Quackenbush. Dentistry. delinquency fees.

(1) Existing law relating to the licensure and regulation of dentists provides that an expired license may be renewed at any time within 5 years after its expiration upon filing an application for renewal and paying the renewal fee in effect on the last renewal date.

This bill would instead provide that an expired license may be renewed at any time within 5 years after its expiration upon filing an application for renewal and paying all accrued renewal and delinquency fees

(2) Existing law relating to the licensure and regulation of dentists provides that a license which is not renewed within 5 years after its expiration may not be renewed, restored, or reissued thereafter, but the holder of the license may apply for and obtain a new license if, among other things, the holder pays all of the fees which would be required of the holder if he or she were then applying for the license for the first time.

This bill would provide that in order to obtain a new license the holder shall pay, in addition, all renewal and delinquency fees which have accrued since the date on which he or she last renewed his or her license

(3) Existing law relating to the licensure and regulation of dentists provides that the delinquency fee shall not exceed $25.

This bill would provide that the delinquency fee shall be 50% of the renewal fee, as specified, but not less than $25 nor more than $150

(4) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dentistry Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 608 (SB 1423) Mello Courts Monterey and Santa Cruz Counties

(1) Existing law establishes 9 municipal court judgeships in Monterey County, and authorizes a 10th municipal court judge upon the adoption of a specified resolution by the board of supervisors That resolution has been adopted.

This bill would make a technical, nonsubstantive change by recognizing the creation of the 10th municipal court judge for Monterey County.

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

This bill would revise the number, compensation, and classification of municipal court personnel in Monterey County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program

(3) Existing law authorizes 5 municipal court judges for Santa Cruz County upon the adoption of a specified resolution by the board of supervisors That resolution has been adopted.

This bill would make a technical, nonsubstantive change by recognizing the existence of the fifth judgeship

(4) Existing law provides for the number, compensation, and classification of the municipal court personnel in Santa Cruz County.

This bill would revise the number, compensation, and classification of municipal court personnel in Santa Cruz County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch 609 (AB 1761) Woodruff Credential preparation programs student work with at-risk pupils

Under existing law, professional preparation programs for the education of teachers are available at all California public institutions of higher learning

This bill would declare that the Legislature encourages any public or private institution of higher education that conducts any program of professional preparation for a teaching or services credential to operate and supervise, within that program, a field experience program under which students would work with truant, habitual truant, or

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other at-risk pupils who are enrolled in public schools, as specified, and to grant up to 3 semester units, or the equivalent, for that participation.

Existing law requires a candidate for a credential, prior to admission to student teaching under any professional preparation program approved by the Commission on Teacher Credentialing, to obtain a certificate of clearance from the commission in verification of the candidate's personal identification and health status

This bill would also require that the certificate of clearance be obtained as a prerequisite to student participation in a field experience program, as described above

Ch 610 (AB 1800) Moore Birth certificates deletion of racial slurs

Existing law requires that the State Registrar of Vital Statistics establish new birth certificates for various reasons, including, but not limited to, reflecting the acknowledgment or adjudication of parentage, reflecting change of surname, and sex change

This bill would provide a remedy for correction of birth certificates which contain entries regarding race or color which, in the opinion of the registrant, constitute racial slurs or are otherwise offensive

This bill would authorize any person who was born in this state and whose birth is registered in this state to apply to the State Registrar for the establishment and issuance of a new birth certificate and the sealing of the original if the person certifies that the entry or entries in the original birth certificate regarding race or color contain a term or terms which in the opinion of the registrant, constitute racial slurs or are otherwise offensive

This bill would require that the application identify the offensive terms to be deleted and indicate the proper entries for race or color to be substituted, and would require that the entries for race and color in the new certificate conform to the application.

This bill would require that the determination as to whether the entries to be deleted are offensive be left to the judgment of the applicant, and that the State Registrar give deference to that determination

This bill would require that the State Registrar establish a new birth certificate for the person, upon receipt of the application and payment of the required fee

This bill would prohibit any reference in the new birth certificate from in any way indicating, that it is not the original birth certificate of the registrant, and would require that the new birth certificate be the only birth certificate open to public inspection, and that it supplant any birth certificate previously registered for the registrant

This bill would require that the State Registrar transmit a certified copy of a birth certificate newly established under this bill to the registrant without additional charge

This bill would require that when a new birth certificate is established pursuant to this bill, the State Registrar inform the local registrar and the county recorder whose records contain copies of the original certificate, and would require that the local registrar or county recorder forward the copies to the State Registrar for filing with the original certificate, if practical, or if not practical, would require that he or she effectually seal a cover over the copy in a manner as not to deface or destroy the copy and forward a verified statement of his or her action to the State Registrar By requiring that the local registrar and the county registrar forward or seal copies, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 611 (AB 1829) Murray State contracts preferences disabled veterans

The Small Business Procurement and Contract Act provides for a small business preference in construction and the procurement of goods where responsibility and

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quality are equal The act provides that the preference shall be 5% of the lowest responsible bidder meeting specifications but shall not exceed $50,000, and places limits on the combined cost of preferences granted under state law

This bill would provide that in the case of a precise tie between lowest responsible bids from a disabled veteran-owned small business, as defined, and a small business not so owned, the contract shall be awarded to the disabled veteran-owned business

Ch 612 (AB 1838) Sher Development projects

Existing law requires any public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application Existing law permits the applicant to submit the additional material to the public agency and requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of the record submitted and provides for an appeal process from the public agency's determination

These provisions of existing law would be repealed by their own terms on January 1, 1991

This bill would impose a state-mandated local program by deleting that date of repeal

This bill would also permit a public agency to charge a reasonable fee to provide the service required by 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 613 (AB 1866) Farr Tenancies remedies against public entity

Under existing law, specified remedies available to a lessor against a lessee for breach of the lease do not apply to a lease or agreement for a lease of real property either between a public entity and a nonprofit corporation, as specified, for the purpose of acquiring, constructing, or improving the property or a building or other facility thereon, or between a public entity and another public entity unless the lease or agreement specifically provides that these remedies are applicable

This bill would provide that a public entity lessee in a contract for a capital lease, as defined, of real property involving the payment of rents of $1,000,000 or more may elect to waive specified remedies for the breach of a lease and instead of those remedies, contract for any other remedy permitted by law

Ch 614 (AB 2109) Speier School pupils nutrition

Existing law provides that a nutritionally adequate lunch for needy pupils in kindergarten and grades 1 to 12, inclusive, is one that meets ⅓ of the daily allowance established by the National Research Council. Existing law specifies that special school nutrition supplements provided to pregnant or lactating students who are needy include protein and grain components with the servings of food from the grain group, preferably being whole grains

This bill would specify that the servings from the grain group be preferably whole and nutritious grains.

This bill would specify that a nutritionally adequate lunch is one that qualifies for reimbursement under the federal child nutrition regulations, meets ⅓ of the Recommended Dietary Allowance established by the National Research Council in effect on January 1, 1990

This bill would require the State Department of Education to develop and maintain mandatory nutrition guidelines for school lunches and breakfasts, and for all food and beverages sold on public school campuses and would require these guidelines to consider specified recommendations

Existing law authorizes any child nutrition entity to apply to the State Department of Education for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided to pupils each schoolday Existing law

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defines "a nutritionally adequate breakfast or lunch" as a breakfast or lunch that qualifies for reimbursement under the federal child nutrition program regulations

This bill would define "a nutritionally adequate breakfast" as one that qualifies for reimbursement under the federal child nutrition program regulations This bill would define "a nutritionally adequate lunch" as one that qualifies for reimbursement under the federal child nutrition program regulations and meets ⅓ of the Recommended Dietary Allowance established by the National Research Council in effect on January 1, 1990

Ch 615 (AB 2222) Sher Peace officers complaints

Existing law generally prohibits the disclosure of peace officer personnel records and citizen complaint records

This bill would authorize a department or an agency which employs peace officers to disseminate data regarding the number, type, or disposition of complaints, as described, made against its officers if the disclosed information is in a form which does not identify the individuals involved The bill would further state that nothing contained in the existing prohibition prohibits a department or agency from informing the complaining party of the disposition of the complaint

The bill would provide that a notification informing the complaining party of the disposition of his or her complaint shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding, as specified

The bill would also specify that its provisions shall not affect specific other statutory rights of discovery or disclosure

Ch 616 (AB 2350) Frizzelle Fire protection

Existing law does not authorize the State Fire Marshal to establish a schedule of fees for the inspection, approval, and listing of testing laboratories

This bill would provide that the State Fire Marshal is authorized to establish a schedule of fees for the inspection, approval, and listing of testing laboratories which test consumer products for fire safety that are regulated by the State Fire Marshal It would also authorize the State Fire Marshal to charge the testing laboratories fees to cover the costs of the program, as specified

Ch 617 (AB 2493) Campbell Water districts initiative measures

Existing law provides a procedure for the enactment of district initiative measures Among other things, it requires that when a petition is submitted to the voters, the district clerk must transmit a copy of the measure to the county counsel or to the district attorney if there is no county counsel, as specified, for preparation of an impartial analysis of the measure

This bill would impose a state-mandated local program by enacting a procedure applicable specifically to water districts It would require that the measure be transmitted to the legal counsel for the water district, as defined, for preparation of the analysis, subject to review and revision by the county counsel, or to the county counsel, as defined, if there is no legal counsel for the water district

This bill would provide that if there is no legal counsel for the water district, or if the legal counsel for the water district and the county counsel so agree, the county counsel shall prepare the impartial analysis

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

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

Ch 618 (SB 918) Vuich Kings River Green Belt

Existing law requires money in the State Beach, Park, Recreational, and Historical Facilities Fund to be expended only for the purposes of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, and requires any property acquired with any state grant funds to be used only for the purpose for which the state

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grant funds were requested and prohibits any other use except by specific act of the Legislature.

This bill would authorize the County of Fresno to grant approximately 1 88 acres acquired with state grant money under that act to the Chowchumni Cultural Association, Inc for the purpose of maintaining it as an Indian burial site, and would provide that the property would revert to the county if it ceases to be maintained as an Indian burial site The bill would state findings and declarations of the Legislature with respect to the transfer authorized by the act

Ch 619 (SB 112) Bergeson Validations

This bill would enact the Second Validating Act of 1989, 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 620 (SB 119) Presley. Public property

Existing law requires a state or local governmental agency which receives state surplus property at less than fair market value to pay all net management and administrative costs incurred by the Department of General Services

This bill would repeal this provision, and would instead require any person, as defined, or public agency which receives any state surplus real property to pay interim management and administrative costs incurred by the state, as specified It would exempt from this requirement transfers of surplus state property authorized on or before January 1, 1989

Existing law provides for the acquisition by the state of the Jones Ranch in Mendocino County and imposes various powers and duties on the State Coastal Conservancy with regard to provisions concerning this acquisition These provisions do 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 to all of the ranch in trust

This bill would revise this condition to permit the owner of the Jones Ranch to transfer title to the ranch in trust, less any part of it the sale of which was determined by the owner to be necessary to satisfy an existing encumbrance that would otherwise impair the owner's ability to transfer title in trust

Existing law requires that any facility to be developed on certain lands acquired by the Department of Parks and Recreation at the Fan Pacific project be constructed in accordance with a development plan approved by the Director of Parks and Recreation

This bill would authorize, subject to this requirement, the term of any concession contract on those lands to be for a period not to exceed 66 years, subject to specified conditions.

This bill would authorize the Department of Parks and Recreation to enter into an operating agreement with a qualified nonprofit organization for the California Citrus State Historic Parks for specified administrative purposes

This bill would authorize the Director of General Services, with the approval of the directors of specified state agencies, to sell, exchange, or lease certain parcels of state real property, and subject to specified conditions It would require that the net proceeds of moneys received from the disposition of parcels pursuant to this bill be deposited in the General Fund, except as specified

This bill would repeal the authority of the Director of General Services to exchange or lease specified parcels of state real property It would authorize the Director of Transportation, pursuant to Section 9 of Article XIX of the California Constitution, to transfer to the Department of Parks and Recreation specified parcels of real property It would authorize the Director of Transportation to transfer to the State Coastal Conservancy specified parcels of real property subject to specified conditions

This bill would authorize the termination of public recreational uses on specified land in Palm Desert Community Center Park on specified conditions

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Ch 621 (SB 506) C. Green. Natural disaster assistance

Existing law requires the Controller to establish 4 special accounts in the Natural Disaster Assistance Fund, including the Earthquake Emergency Investigations Account, into which shall be paid all moneys appropriated by the Legislature to the Seismic Safety Commission for allocation for the purpose of enabling immediate investigation of damaging earthquakes.

Under existing law, funds in the account revert to the General Fund unless they are encumbered within 3 years of their appropriation.

This bill would provide that funds in the account would be available for expenditure without regard to fiscal years, thus appropriating funds in the account which would otherwise revert to the General Fund.

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

Ch. 622 (SB 840) Dills Vehicle dealers bonds. advertising

(1) Existing law requires an applicant for a vehicle dealer's license to procure and file with the Department of Motor Vehicles a bond executed by an admitted surety insurer in the amount of $5,000.

This bill would raise the amount of the dealer's bond to $10,000 However, the bill would permit certain dealers whose licenses were issued before July 1, 1990, to continue to conduct business with their current bond until the expiration of their license in 1990 or 1991

(2) Under existing law, it is unlawful for a lessor-retailer or a dealer to advertise the total price of a vehicle without including all costs, with specified exceptions such as a dealer preparatory charge not to exceed $25

This bill would increase the amount of that charge to $35.

Ch 623 (SB 979) Beverly Members of the Legislature salary

Existing law provides that the annual salary of each Member of the Legislature is $40,816

This bill would increase the annual salary of each Member of the Legislature to $44,898

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

Ch 624 (SB 1062) Mello Crimes parole. notices

(1) Existing law requires probation departments to inform each witness involved in the conviction of a defendant of a violent offense, as defined, who was threatened by the defendant following the defendant's arrest, and each victim or next of kin of the victim of that offense, of their right to receive notice regarding the defendant's scheduled release from confinement

This bill would, instead, provide that the county district attorney, probation department, and victim-witness coordinator shall confer and establish an annual policy within existing resources to decide which of their agencies shall inform these persons of the right to request and receive notice of the defendant's scheduled release from confinement. The bill would also specify that if these agencies cannot reach an agreement, the presiding judge shall designate the county agency or department. Thus, the bill would impose a state-mandated local program by increasing the responsibilities of local agencies

(2) Existing law, until January 1, 1990, provides for the payment by a prisoner of the costs of parole supervision by the county board of parole commissioners if it is determined that the person has the ability to pay all or part of those costs

This bill would delete the scheduled January 1, 1990, termination date of these provisions

(3) Under existing law, the county board of parole commissioners consists of the sheriff or the director of a county department of corrections in a county where there is such a department, the probation officer, and a member of the public.

This bill would authorize the presiding judge if any, or, if none, the senior judge of

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the superior court in Contra Costa County to appoint an alternate for the public member of the county board of parole commissioners and would make related changes. Thus, the bill would impose a state-mandated local program by increasing the responsibilities of local agencies

(4) Under existing law, the California Public Records Act provides that the public records, as defined, of state and local agencies, including the Department of the Youth Authority, are open to inspection, except as specified Existing law requires certain information in the possession of the Department of the Youth Authority concerning specified persons committed to its jurisdiction by a court of criminal jurisdiction to be disclosed to any member of the public upon request

This bill would provide that those disclosure provisions also apply to persons committed to the Department of Corrections who are subsequently transferred to the Department of the Youth Authority The bill would also expand the list of information which is subject to disclosure to include the date the person is scheduled to be released, as specified

(5) The bill also would, with respect to any persons committed or transferred to the Department of the Youth Authority who have committed specified crimes, require the Director of the Youth Authority to provide, upon request, that information to the victim or the victim's next of kin, unless, with respect to persons committed by a juvenile court, the court has ordered confidentiality. Before the director is required to disclose this information, the victim or next of kin would be required to be identified by the court or probation department in the offender's commitment documents The bill would also require the director to inform the victim or the victim's next of kin of his or her right to request and receive that information and information regarding the right of the victim or the victim's next of kin to attend the offender's parole hearing

(6) 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, and the district attorney, having jurisdiction over the community wherein the person is to be paroled or rereleased after parole revocation Existing law also requires 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, and other specified related information

This bill would provide that those notice requirements apply to the Department of the Youth Authority as well, with respect to any such persons confined in the department, as specified.

(7) The bill would make other technical, nonsubstantive changes.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would declare that the act mandates a new program or higher level of service on local government and would provide that reimbursement for the costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

Ch 625 (AB 39) Hansen Criminal procedure mental health commitments

(1) Under existing law, when a person accused of a crime is found mentally incompetent to stand trial in criminal proceedings, or after trial upon a finding of not guilty by reason of insanity or after a juvenile court hearing where a minor was found to be insane at the time the offense was committed, the court is required, prior to ordering the person so found to be confined in a state hospital or other treatment facility or placed on outpatient status, to order the community program director or a designee to evaluate the person and to submit a written recommendation to the court, as specified Upon

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specified court orders of commitment to a state hospital or other treatment facility, existing law requires a copy of the commitment order, the person's arrest report, and the report of the community program director to be sent with the person to the state hospital or other treatment facility

This bill would recast these provisions and require that the court shall provide copies of the above and additional documents which shall be taken with the person when he or she is committed to a state hospital or other treatment facility under any of the above circumstances Thus, as the bill would impose increased duties on court personnel, it would establish a state-mandated local program

This bill would provide that the courts may obtain reimbursement from the State Department of Mental Health, as specified, for incremental costs incurred as a result of those requirements

(2) To the extent that moneys appropriated to the State Department of Mental Health from the General Fund would be made available to the courts for the reimbursement of expenses incurred under this act, the bill would make an appropriation.

Ch 626 (AB 40) Eastin Environmental impact report regional transportation

(1) Under the California Environmental Quality Act, an environmental impact report is an informational document which, when required for a project by the act, is required to be considered by every public agency prior to its approval or disapproval of a project The state guidelines generally require the lead agency to consider all individual and cumulative environmental effects of a project in determining the project's significant effects on the environment for purposes of the environmental impact report and specifically designate causing an increase in traffic, as specified, a significant effect required to be included in the report

This bill would, for a project of statewide, regional, or areawide significance, require the lead agency to consult, as specified, with transportation planning agencies and public agencies with transportation facilities, as defined, within their jurisdictions which could be affected by the project

The lead agency would be required to notify and provide environmental documents to those agencies which provide information to the lead agency

The bill would require information resulting from specified reporting or monitoring programs to be submitted to the transportation planning agency in the region and would require that agency to adopt guidelines for that purpose, 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 627 (AB 456) Hansen Water waste discharge permit fees

(1) Under existing law, each person for whom waste discharge requirements have been prescribed by a California regional water quality control board is required to submit an annual fee not to exceed $10,000, according to a reasonable fee schedule established by the State Water Resources Control Board, and each new report of a waste discharge is required to be accompanied by a fee equal to the annual fee The total revenue collected each year through annual and filing fees is required to be set at an amount equal to the reimbursement levels set forth in the Budget Act for this activity, and the state board is required to automatically adjust the fees each year to conform to those levels

This bill would create the Waste Discharge Permit Fund and require the annual and filing fees to be deposited in that fund, to be available upon appropriation by the Legislature for purposes of carrying out the water quality control laws The bill would require the fees to be set at an amount equal to the revenue levels, rather than reimbursement levels, set forth in the Budget Act for this activity and would authorize the state board to further adjust the annual and filing fees to compensate for over or under collection of revenue during the preceeding year

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The bill would make it a misdemeanor to fail to pay a fee when so requested by a regional board, thereby imposing a state-mandated local program, and would make any such person subject to the imposition of civil liability as prescribed

The bill would incorporate changes to Section 13260 of the Water Code proposed by AB 1413, which would become operative only if both bills are enacted.

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

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

Ch 628 (AB 821) Bader Developmental disabilities habilitation services

Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities, including specified supported employment services, as defined The department's habilitation services and vocational rehabilitation programs may mutually serve individuals whose individual written rehabilitation program provides for placement into supported employment In addition, the hourly wages set for supported employment clients may be set at a higher rate when necessary because of the nature and severity of the disabilities of the clients served These provisions become inoperative on October 1, 1990, and are repealed as of January 1, 1991

This bill would provide that the department's habilitation services and vocational rehabilitation programs may, in addition, serve clients participating in vocational rehabilitation extended evaluation services. The bill would also provide that hourly wages may additionally be set at a higher rate when necessary because of unique local needs, contingent upon review and approval by the Department of Finance It would extend the inoperative date to October 1, 1992, and the repeal date to January 1, 1993

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

Ch 629 (AB 1798) Moore Transportation Rate Fund use

Under existing law, revenue derived from the regulation of specified transportation agencies in the state subject to the jurisdiction of the Public Utilities Commission are required to pay a specified fee which is deposited in the Transportation Rate Fund. The money in the fund is continuously appropriated to the commission for the regulation of those agencies.

This bill would make the money in the fund available for new purposes relating to the regulation of highway carriers, thereby making an appropriation

Ch 630 (AB 2184) Eaves. Transportation public transit.

(1) Under the Mills-Alquist-Deddeh Act, transportation planning agencies, county transportation commissions, and transit development boards are required to designate an entity to conduct a triennial audit of their activities and the activities of transit operators which receive allocations under that act An operator is not eligible for an allocation under the act until the transmittal of reports of its performance audit to the entity which determines its allocation, the transportation planning agency, and to the Director of Transportation

This bill would impose a state mandated local program by requiring the transportation planning agency, county transportation commission, or transit development board, as the case may be, to certify in writing to the director that the performance audit of operators in its area of jurisdiction has been completed

The bill would eliminate the eligibility requirement that reports of the operator's performance audit be transmitted to the director, and would delete the requirement that the director compile those reports and make them available to the public The bill would impose a state-mandated local program by requiring the transportation planning agency, county transportation commission, or transit development board, as the case may be, to make those reports available to the public

(2) Under the act, a county in which there is no countywide transit district may file a claim to fund construction and maintenance of multimodal transportation terminals

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This bill would also authorize such a claim to be filed by a city in the county

(3) Existing law does not authorize a transit operator to exchange state funds allocated to it pursuant to a specified provision for funds allocated to another operator under the Mills-Alquist-Deddeh Act

This bill would authorize such an exchange

(4) Under the act, up to 2% of the money in the local transportation fund is required to be allocated to the county transportation commissions in Riverside and San Bernardino Counties

This bill would, instead, require that 3% be allocated to the county transportation commissions in those 2 counties The bill would require that ½ of the amount allocated to the commission in Riverside County be allocated for transportation planning studies within the western Riverside County and Coachella Valley areas, as determined by the commission

(5) Under the act, an operator in a county which had less than 500,000 population, as determined by the 1970 federal census, and more than 500,000 population, as determined by the 1980 federal census, is required to maintain a ratio of fare revenues to operating cost of at least ⅕ if serving an urbanized area or 1/10 if serving a nonurbanized area to be eligible for an allocation

This bill would make this population requirement apply with respect to either the 1980 or 1990 federal census

(6) Under the act, in order to be eligible for funds, an operator is required to maintain a specified ratio of fare revenues to operating cost Until January 1, 1991, liability and casualty insurance premiums, and payments in settlement of claims against an operator, are excluded from operating costs in calculating an operator's compliance with the prescribed ratio

This bill would extend that exclusion to January 1, 1995

(7) Chapter 543 of the Statutes of 1988 repealed a provision which, among other things, authorized capital acquisitions made by an operator from funds allocated to it under the act to be transferred to another claimant if the acquiring operator ceased operations

This bill would reinstate that provision

(8) The bill would make other clarifying changes

(9) The bill would incorporate additional changes in Section 99207 of the Public Utilities Code, proposed by SB 1, to be operative only if SB 1 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

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

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

Ch 631 (AB 2267) Connelly Disability insurance

Existing law imposes various requirements for long-term care insurance Among other things, it requires that an outline of coverage be provided to applicants, and regulates certain advertising practices in connection with that insurance

This bill would provide for long-term care insurance that all insurers, brokers, agents, and others engaged in the business of insurance, owe a policyholder a duty of honesty, and a duty of good faith and fair dealing

The bill would provide for that insurance that no insurer, broker, agent, or other person shall cause a policyholder to replace a long-term care insurance policy unnecessarily The bill would provide that an agent who makes contact with a consumer, as a result of acquiring the consumer's name from a lead generating device shall disclose that fact in the initial contact with the customer

Existing law requires life insurers to maintain records pertaining to the activities of its life agents for inspection and examination of the Insurance Commissioner

This bill would also require life, life and disability, and disability insurers to maintain records concerning agents

Existing law requires the insurer to maintain a copy of the insurance application, other

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than for group insurance.

This bill would require the insurer to maintain the original application, and would eliminate the exemption for group insurance The bill would also require the insurer to maintain a copy of a comparison of existing accident, sickness, and long-term care coverage and proposed coverage, and copies of correspondence between the agent and the policyholder.

Existing law requires life agents to preserve and maintain the above-mentioned records until transmitted to the insurer

This bill would require life, disability, and other agents and insurers to preserve and maintain the applicable records for 5 years

Ch. 632 (AB 2386) Lancaster. Front axle weight limits. exemptions ground clearance.

Existing law exempts specified vehicles from front axle weight limits prescribed generally for vehicles on a highway

This bill would also exempt tow trucks with 26,000 pounds or more gross vehicle weight.

Ch. 633 (AB 2409) N Waters Hazardous substances.

The Filante-Johnston Hazardous Substance Cleanup Financing Authority Act establishes the Hazardous Substance Cleanup Financing Authority to provide industry within the State of California with an alternative method for financing the removal of hazardous substances Existing law permits the authority to issue bonds and requires the proceeds of those bonds to be deposited into the Hazardous Substance Cleanup Financing Authority Fund The money in the fund is continuously appropriated to finance projects, which are defined as meaning any land buildings, or improvements designed or developed to promote the removal of, and remedial actions to, hazardous substance release.

This bill would revise the definition of project, for these purposes, to include the removal or abatement of asbestos-containing material in specified nonprofit educational entities and public and private nonprofit child care centers

Since this bill would create additional purposes for which the continuously appropriated fund could be used, it would make an appropriation

Appropriation yes

Ch 634 (SB 87) Garamendi. Taxes cigarette and tobacco products

The Tobacco Tax and Health Protection Act of 1988 (Proposition 99), which was adopted by the voters at the general election held on November 8, 1988, imposed a tax on the distribution of cigarettes in addition to the tax imposed pursuant to the Cigarette Tax Law as of the effective date of the adoption of Proposition 99, and imposed a tax on the distribution of certain tobacco products pursuant to a specified formula.

This bill would revise provisions of the Cigarette Tax Law to conform to the adoption of the Tobacco Tax and Health Protection Act of 1988 (Proposition 99), by renaming that law the Cigarette and Tobacco Products Tax Law and by providing that reporting and tax collection requirements applicable to distributors of cigarettes shall also apply to distributors of tobacco products.

The bill would also, in certain circumstances, exempt the distribution of tobacco products from the tax imposed pursuant to the adoption of Proposition 99

The Tobacco Tax and Health Protection Act of 1988, an initiative measure, requires that amendments to the act must be consistent with the act's purposes, and requires a ⅘ vote of both houses of the Legislature

This bill, which would declare that it is consistent with the purposes of the act, would therefore require a ⅘ vote.

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

Ch. 635 (SB 310) Seymour Driving offenses

(1) Existing law requires a court, upon motion of the prosecution and declaration by the court that the vehicle driven by any person is a nuisance, to order the forfeiture and

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sale of the vehicle, but only if (1) the person is convicted of a felony violation of driving under the influence of an alcoholic beverage, any drug, or both, or driving with an excessive blood-alcohol concentration, and who caused bodily injury to another, as specified, (2) if the person has been previously convicted of one or more separate violations of driving under the influence, of driving with an excessive blood-alcohol concentration, of driving while addicted to any drug, or of vehicluar manslaughter involving alcohol, as specified, within the previous 5 years, and (3) if the person is the registered owner of the vehicle. A vehicle declared a nuisance under those provisions is required to be sold by the sheriff of the county or the chief of police of the city in which the violation occurred, as specified

This bill would impose a state-mandated local program by making that provision apply to misdemeanor violations of those offenses if there were 2 or more separate offenses, as specified, in the previous 7 years, to violations causing bodily injury if there were one or more separate offenses, as specified, in the previous 7 years, and to violations which are gross vehicular manslaughter while intoxicated or vehicular manslaughter involving alcohol, as specified. The bill would require notice of the motion to the defendant and hearing by the court with jurisdiction over the offense, as specified.

The bill would, if a vehicle is forfeited for a misdemeanor violation, as specified, require the proceeds of sale, if any, to be used by a city or county for specified substance abuse programs

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

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

Ch. 636 (SB 884) Morgan Family law. custody and visitation proceedings counseling.

(1) Existing law authorizes the court to appoint counsel to represent the interest of a minor child in proceedings under the Family Law Act where the custody or visitation of the child is in issue Existing law authorizes the court to assess the cost of this counsel to the parties to the proceeding as the court deems just.

This bill would specify the obligations of counsel appointed as described above The bill would specify that counsel is to have prescribed access to prescribed public and private records of the child

(2) 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 any proceeding in which custody or visitation with a minor child is at issue, the court may require the parents of the child who are involved in the dispute and the minor child to participate in specified outpatient counseling with a licensed mental health professional, or through other community programs or services, for not more than 6 months if the court finds the dispute, as specified, poses a substantial danger to the best interests of the child and that the counseling is in the best interests of the minor child The court would be required to set forth in its findings, among other things, that the financial burden created by the court order does not otherwise jeopardize a party's other financial obligations The bill would specify that the court shall not order the parties to return to court after the counseling is completed

The bill would permit the court to fix the cost and order the cost of the services to be paid by the parties in the proportions as the court deems reasonable.

The bill would also provide that in any proceeding in which counseling has been ordered where there has been a history of domestic violence, as defined, between the parties and 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 mental health professional, or attend other community programs or services, separately at separate times. This latter provision would be operative until January 1, 1992

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Ch 637 (AB 735) Polanco Schoolsites use beyond instructional day.

Existing law does not require the State Department of Education to conduct an assessment of the use of schoolsites before and after the regular instructional day

This bill, subject to the appropriation or funding for that purpose, would require that the department, in consultation with the Office of Criminal Justice Planning, conduct this assessment and would require that the study be focused on the usage of schoolsites to reduce juvenile delinquency and gang activities, and that the study identify before and after school programs which have been successful in reducing and preventing juvenile delinquency and gang activities and would analyze the level of coordination with other local public and nonprofit private agencies This bill would require the department to submit a report to the Legislature, on or before July 1, 1991, that would include recommendations for legislation

The bill would declare the Legislature's intention regarding funding for the assessment and report

Ch 638 (AB 633) Mountjoy Nomination documents registration documents [3]

Existing law requires the county clerk, in reviewing an affidavit of registration that fails to state the affiant's occupation, to presume that the affiant is unemployed or has no occupation, but that the missing information shall not affect the validity of the affidavit It also requires the county clerk to apply a rebuttable presumption that, if no occupation is shown, the affiant has declined to state his or her occupation

This bill would delete the provision requiring the clerk to presume that the affiant is unemployed or has no occupation

This bill would require the application of additional rebuttable presumptions, including that if no execution date is shown it shall be presumed that the affidavit was executed on or before the 29th day prior to the election provided the affidavit is received by the county clerk within specified time periods, and that if no state of birth within the United States is designated, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace is designated in a term recognizable as designating the United States

Existing law provides that nomination papers for candidates for elective office shall be filed with the county clerk not more than 129 nor less than 64 days before the election and shall be left with the county clerk for examination no earlier than 148 and no later than 88 days before the election

This bill would delete the provision requiring that the papers be filed with the county clerk not more than 129 nor less than 64 days before the election It would require that the papers be delivered to the county elections official for examination at the time specified by law

This bill would impose a state-mandated local program by providing that for offices for which no filing fee is required, nomination papers shall be delivered to the county elections official for examination no earlier than 193 days and no later than 88 days before the election

This bill would impose a state-mandated local program by requiring the county elections official to forward to the Secretary of State all nomination documents which are required to be filed with the Secretary of State

Existing law specifies the format of the nomination paper which is required to be filed

This bill would make various changes in this format

Existing law specifies the items of information which must be contained in the declaration of candidacy filed by each candidate It requires that the candidate specify his or her election precinct

This bill would delete this requirement

AB 986 of the 1989–90 Regular Session would add Section 15105 to the Elections Code and would require county elections officials to place an exact copy of the source code for all ballot tally software programs in an escrow facility approved by the Secretary of State prior to its use

This bill would appropriate $99,000 to the Secretary of State for purposes of Section 15105, to become operative only if AB 986 is chaptered

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 639 (SB 1121) Hart Family law· child support· wage assignments.

Existing law, in certain cases, provides for the assignment of an obligor's wages for the payment of court-ordered child support

This bill would specify that certain provisions do not operate to limit the provisions under which, on and after January 1, 1987, a court generally is required to order either or both parents to assign their wages for the payment of court-ordered child support, but rather add to those provisions by providing general authority for an order assigning wages or salary in any proceeding where the court has ordered either or both parents to pay support, and under any circumstance The bill would make related changes.

This bill would incorporate additional changes in Section 4701 of the Civil Code, proposed by AB 1904, to be operative only if AB 1904 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch. 640 (SB 1316) Seymour Real estate brokers

Existing law requires a real estate broker to retain for 3 years copies of specified documents, including, among others, all listings, deposit receipts, canceled checks, and trust records After notice, these books and accounts and records shall, under existing law, be made available for examination and inspection by the Commissioner of Real Estate or his or her designated representative, as specified

This bill would also provide that these documents are to be made available for copying as well as examination and inspection.

Under existing law, an application for a real estate broker's license or a real estate salesperson license must be made in writing to the commissioner and be accompanied by the real estate broker license examination fee or real estate salesperson license examination fee, respectively

This bill would instead specify that the application for the real estate broker license examination or real estate salesperson license examination must be in writing to the commissioner and would specify that the commissioner may prescribe the format and content of the broker or salesperson examination application The bill would also specify that the application for the broker examination or salesperson examination must be accompanied by the real estate broker or salesperson license examination fee.

Under existing law, a real estate salesperson may be issued a restricted license, as specified, which may be restricted to, among other things, employment by a particular real estate broker A restricted license may be suspended without a hearing, as specified

This bill would provide that a salesperson license may be restricted if a salesperson licensee or applicant has not complied with specified educational requirements within 18 months after the issuance of the license The bill would also provide that a restricted salesperson license containing a condition requiring compliance with these educational requirements shall be automically suspended upon the licensee's failure to comply with the condition which shall not be lifted until the suspended licensee has submitted the required evidence of course completion and the commissioner has given written notice to the licensee of the lifting of the suspension

Existing law specifies that certain designated employees of the Department of Real Estate, although not peace officers, are authorized to exercise the power of arrest and the power to serve warrants, as specified, with respect to the laws governing subdivided lands

This bill would additionally permit these designated employees to exercise the power of arrest and the power to serve warrants, as specified, with respect to the Real Estate Law.

This bill incorporates changes in Section 830.11 of the Penal Code proposed by SB 1667, to be operative only if SB 1667 is also chaptered and this bill is chaptered last

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Ch 641 (AB 908) Killea Structural pest control

Existing law provides that no unlicensed individual in the employ of a registered company shall apply any insecticide, pesticide, rodenticide, fumigant, or allied chemicals or substances, as specified, unless that individual has successfully passed an examination conducted by the Structural Pest Control Board.

This bill would authorize an individual for 30 days from the date of hire to apply such chemicals for the purposes of training under the direct supervision of a licensee employed by a company, as specified

Existing law requires, prior to the application of any chemical substance included in Branch 2 or Branch 3 by any unlicensed individual in the employ of a registered company, that the board ascertain by written examination that the individual has sufficient knowledge in pesticide equipment, pesticide mixing and formulation, pesticide application procedures, and pesticide label directions

This bill would provide that passage of the written examination authorizes an individual to apply any chemical substance in Branch 2 or Branch 3 for a period not to exceed 3 years, at which time he or she shall again apply and successfully pass the written examination It would also require that individuals who have already successfully passed the written examination by January 1, 1990, again successfully pass that examination by January 1, 1991, in order to allow the individual to apply certain chemical substances, as specified

The bill would also make an appropriation in that additional examination requirements would result in additional revenue derived from examination fees which would be deposited into the Structural Pest Control Fund which is continuously appropriated.

This bill would incorporate additional changes in Sections 8551 5 and 8564 5 of the Business and Professions Code, proposed by AB 1682, to be operative only if AB 1682 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 642 (AB 1413) Tanner Hazardous wastes. mining wastes

(1) Existing law exempts geothermal waste resulting from drilling for geothermal resources from the provisions regulating hazardous waste

This bill would additionally exempt from those provisions wastes from the extraction, beneficiation, or processing of ores and minerals, as defined, that are not subject to regulation under specified provisions of the federal Resource Conservation and Recovery Act of 1976, except that the bill would not exempt these wastes which would be classified as hazardous wastes from the provisions regulating the discharge of hazardous waste into surface impoundments

(2) Under existing law, the Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board to classify wastes and disposal sites to ensure protection of water quality The California regional water quality control boards are required to issue waste discharge requirements A person is required to file a report of a discharge containing specified information and is guilty of a misdemeanor for failure to file a report when requested by the regional board Each person for whom waste discharge requirements have been prescribed is required to submit an annual fee not to exceed $10,000

This bill would define the term "mining waste" for purposes of the act, and would require the state board to adopt policies, standards, and regulations for discharges of mining waste, including regulations requiring that waste discharge requirements issued for discharges of mining waste include monitoring requirements consistent with the policies adopted by the state board The bill would require a person discharging mining waste to submit a report before discharging the waste, thereby imposing a state-mandated local program by creating a new crime, since the failure to submit this report would be a crime pursuant to other provisions of law The bill would require a regional board, before issuing or revising waste discharge requirements for a discharge of mining waste, to make a specified determination

The bill would require each person for whom waste discharge requirements for the discharge of mining waste have been prescribed to pay an additional annual fee, as specified, to the state board beginning in 1990 and ending in 1993 The total amount of

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these fees would be limited to a specified annual and cumulative amount The bill would repeal this provision on January 1, 1994

The bill would require the state board to submit a report to the Legislature by January 1, 1991, concerning the availability of a test for the acid-forming potential of mining waste.

The bill would incorporate changes to Section 13260 of the Water Code proposed by AB 456, which would become operative only if both bills are enacted

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

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

Ch 643 (AB 697) Roybal-Allard Earthquake safety public schools

Existing law directs the State Department of Education to prepare a report containing recommendations for compliance with specified methods for earthquake preparedness of the public schools, which report is to be submitted to the Legislature no later than June 30, 1989

This bill would make the Department of Education in consultation with, but not limited to, the Seismic Safety Commission, the State Architect, and the Office of Emergency Services, the lead agency designated to develop plans and procedures to coordinate earthquake awareness, disaster planning, and preparedness and hazard reduction programs for public schools The bill would require the department to develop certain training programs in this connection

Ch 644 (AB 725) Hill Horseracing

(1) Existing law limits any license for horseracing to any association other than a fair to one type of racing, except that the California Horse Racing Board may allow the entering of thoroughbred horses in quarter horse races, as specified, and may license an Appaloosa invitational meeting where all breeds may participate.

This bill would authorize the board to allow associations licensed to conduct quarter horse meetings to include Appaloosa races and Arabian races with the consent of the quarter horse horsemen's organization

(2) Existing law prohibits any horserace authorized by the board to be commenced after midnight

This bill would permit the last scheduled race of any racing day to be commenced after midnight

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

Ch 645 (AB 1150) Tucker Respiratory care

(1) Existing law authorizes the settings in which the practice of respiratory care may be practiced under the supervision of a medical director in accordance with a prescription of a physician and surgeon

This bill would revise and expand those settings and would specify that the care shall be in accordance with respiratory care protocols, as specified

(2) Existing law authorizes the Respiratory Care Examining Committee to conduct examinations under a uniform examination system and to make arrangements with any organization furnishing that system

This bill would require any organization conducting the examination for the committee to provide the committee with pass-fail statistics for each approved respiratory care training program

(3) Existing law authorizes respiratory care services to be rendered by a student enrolled in an approved respiratory therapy training program when those services are incidental to his or her course of study

This bill would provide that a student rendering respiratory care services shall be under the direct supervision of a licensed respiratory care practitioner, as specified

(4) The bill would make other technical, nonsubstantive changes and would delete an obsolete provision of law.

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(5) This bill would impose a state-mandated local program by adding new crimes since a violation of the Respiratory Care Act constitutes a misdemeanor

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

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

Ch. 646 (AB 1214) Katz Insurance· appointment of agents.

Under existing law, a person licensed as a life agent is authorized to transact insurance on behalf of an insurer by the filing of a notice of appointment with the Insurance Commissioner. Existing law provides that the authority to transact insurance is effective as of the date that the notice of appointment is signed, and applies to transactions occurring after that date.

This bill would, with certain exceptions, provide that a licensed life agent may present a proposal for insurance to a prospective policyholder on behalf of an insurer for which the agent is not specifically appointed, and transmit an application to that insurer. It would provide that if a policy is issued pursuant to that application, the insurer is considered to have authorized the life agent to act on its behalf, and that the insurer is required to forward a notice of appointment to the Insurance Commissioner.

Ch 647 (AB 1227) Hauser School facilities funding needs prison construction.

Under existing law, school district governing boards are authorized to levy developer fees for the construction and reconstruction of school facilities against specified residential, commercial, and industrial construction, not including the state construction of prisons

This bill would direct the Department of Corrections to conduct a study, as specified, of the impact of new prisons upon the school facilities of the public school system in the area of those prison sites The bill would require the department to focus on 2 locations, as specified, and to submit the study to the Legislature no later than July 1, 1991.

Ch. 648 (AB 1320) Jones Agriculture pest abatement

(1) Existing law authorizes the Director of Food and Agriculture to adopt regulations to establish cotton host-free periods or districts for particular pests, and makes any violation an infraction subject to specified fines

This bill would make violations subject to civil penalties, rather than an infraction, and authorize the director and county agricultural commission to request the Attorney General, the district attorney, or the county counsel to seek court injunctions or other appropriate actions to restrain violation of cotton pest provisions The bill would also authorize commissioners to abate any cotton plant not in compliance with any cotton plowdown order, require producers to pay 150% of all costs associated with abatement, and require any money collected for violation of cotton pest provisions to be allocated to the commissioner in the county where the action is brought

(2) Under existing law, federal, state, and county officials not employed in a department of agriculture are exempt until January 1, 1990, 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 extend the exemption from the license requirement to July 1, 1991

(3) Under existing law, the Director of Food and Agriculture is authorized, until January 1, 1990, to adopt alternative minimum criteria for an agricultural pest control adviser license.

This bill would extend that authorization until July 1, 1991, and would make the provision inoperative on July 1, 1991, and would repeal it as of January 1, 1992.

Ch 649 (AB 1510) Calderon Property taxation assessment of condominiums.

Existing property tax law provides for the separate assessment of the individual units of a condominium project whenever real property has been divided into condominiums and prescribes the extent of the lien created by the taxes due on the individual units.

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This bill would repeal existing provisions and authorize the assessor to separately assess individual units shown on the condominium plan of a proposed condominium project when specified documents are recorded, unless the record owner of the real property records with the condominium plan a request that the property be assessed as an entire parcel This bill would prescribe the extent of the lien created by the taxes due on each separate assessment

This bill would provide that the above provisions become operative on January 1, 1990, and apply to condominium projects for which a condominium plan is recorded after that date

Ch 650 (AB 1937) Leslie Postretirement employment of PERS retirees

The existing Public Employees' Retirement Law generally prohibits employment of a retired person by the state, a school employer, or a contracting agency unless the person is reinstated, with specified exceptions One existing exception is for a retired person appointed because he or she has skills needed in performing work of limited duration and that service may not exceed 90 working days or 720 hours in any calendar year

This bill would expand the maximum calendar-year reemployment periods to 120 working days or 960 hours

Ch 651 (AB 2061) Felando Dentistry general anesthesia

Existing law provides for the examination and licensure of dentists and the regulation of dentists who administer, or directly supervise the administration of, general anesthesia on an outpatient basis for dental patients, as specified

This bill would revise those provisions, among other things, to (1) provide that no dentist shall administer, or order the administration of, general anesthesia on an outpatient basis for dental patients unless the dentist possesses a current license in good standing to practice dentistry in this state and a valid general anesthesia permit issued by the Board of Dental Examiners, (2) provide that no dentist shall order the administration of general anesthesia unless the dentist is physically within the dental office at the time of the administration, (3) require an application for a permit to include documentation that the applicant has successfully completed specified advanced training and that specified equipment and drugs are on the dental office premises, (4) provide for an onsite inspection and evaluation at least once every 6 years, as specified, and provide for the automatic denial, revocation, or suspension of a general anesthesia permit, if a dentist either refuses to submit to, or fails, an onsite inspection and evaluation, (5) increase the maximum fee for a general anesthesia permit from $50 to $250, and an onsite inspection from $150 to $350, which fees would be deposited in the State Dentistry Fund; (6) provide that a violation of the provisions regulating the administration of general anesthesia constitutes unprofessional conduct, and (7) provide that a general anesthesia permittee shall complete 15 hours of specified courses of study as a condition of permit renewal The bill would provide that the board may contract with public or private organizations to perform onsite inspections and may permit the contractors to collect and retain the fee for onsite inspections The bill would also make conforming changes

Existing provisions of the Business and Professions Code continuously appropriate the moneys in the State Dentistry Fund Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation

Ch 652 (AB 2119) Filante Physicians and surgeons

(1) Existing law authorizes the issuance of a certificate of registration to engage in the practice of medicine to a person meeting specified requirements and who, among other things, is offered a full-time faculty position by the dean of an approved medical school in this state Existing law provides that the certificate of registration shall be valid for one year after its issuance and during that year authorizes the Division of Licensing of the Board of Medical Quality Assurance to require the person to take the written examination required for the issuance of a physician's and surgeon's certificate and if the registrant does not pass the examination the certificate shall be effective for the one-year period and may be renewed for a period not to exceed one year, at the discretion of the

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division, if the certificate will lapse before the examination may be retaken. Existing law also provides that if the registrant is a graduate of a foreign medical school, he or she is required to meet other specified requirements, including taking the written examination that is required of other applicants for a physician's and surgeon's certificate and the division is authorized to waive the examination in certain circumstances

This bill would provide that if the registrant is not required to take the examination or has passed the examination, the registration may be renewed annually at the discretion of the division for a total period of 5 years and allows the division to condition any renewal on passing that written examination

This bill would also provide that as a condition to waiving any examination the division may require an applicant to pass the clinical examination required for other applicants for a physician's and surgeon's certificate.

(2) Existing law provides for the issuance of a certificate of registration to engage in the practice of medicine to the extent the practice is a part of a person's duties in connection with an academic position in a medical school when the person is a physician who is a graduate of a foreign medical school, is a clearly outstanding physician in fields of medicine and surgery and has been offered a full-time academic position in a medical school in this state and there is a great need to fill that position

This bill would delete that provision

(3) This bill would make other technical, nonsubstantive changes

Ch 653 (AB 2272) Mojonnier Cosmetology

(1) Under existing law, the definition of the practice of cosmetology and of a manicurist includes engaging in acts, including, among other things, the massaging, cleansing, treating, or beautifying the hands or feet of any person

This bill would delete the treating of the hands or feet of any person from those definitions

(2) Existing law requires an application for examination or licensure filed with the Board of Cosmetology to be accompanied with 2 photographs of the applicant, as specified

This bill would require, instead, an applicant to present satisfactory proof of identification, as specified, as a condition of admittance to an examination facility

(3) Existing law authorizes a revoked cosmetology license to be reinstated if, among other things, the licensee pays the delinquency fee, if any, accrued at the time of the revocation of the license

This bill would require the payment of the delinquency fee in effect at the time of reinstatement

(4) Existing provisions of the Cosmetology Act utilizes the term "cosmetological" in various references

This bill would substitute the term "cosmetology" for the term "cosmetological" wherever the latter term is used in the act

(5) The bill would make other technical, nonsubstantive changes

Ch 654 (SB 228) Garamendi Fiscal procedures Board of Equalization

Under existing law, the fee imposed on every operator of a solid waste landfill required to have a solid waste facilities permit is based on the amount of solid waste handled at each disposal site so that the total receipts of approximately $20,000,000 are collected each year

This bill would instead specify that the fee shall be based on the amount of solid waste disposed at each disposal site so that the total receipts of approximately $20,000,000 are collected each year

Under existing Sales and Use Tax Law, a purchaser certifying he or she is entitled to a refund or credit against his or her income tax for the federal excise tax paid on diesel and certain nongas aircraft fuels is required to do so in a form prescribed by the Board of Equalization, and is subject to certain penalties if he or she uses the diesel fuel in a manner which does not entitle the purchaser to the credit or refund

This bill would include the use of nongas aircraft fuels within the scope of those penalties

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Under the Harris-Katz Taxpayers' Bill of Rights governing the assessment, audit, and collection of those taxes administered by the State Board of Equalization, a taxpayer may not be suspended for failure to comply with provisions of law relating to the sales tax unless the board has mailed a notice preliminary to suspension which indicates that the taxpayer will be suspended by a certain date. The Harris-Katz Taxpayers' Bill of Rights also requires that the notice preliminary to suspension shall be mailed to the taxpayer at least 60 days before the date of suspension

This bill would recast the above requirements and would specify that those requirements also apply to revocations of the taxpayer's permit.

Under existing law, any violation of various specified provisions of the law relating to certain taxes is a felony when the tax liability exceeds a specified amount Existing law also provides that the determination shall be approved by the administrator of the excise taxes or that person's supervisor

This bill would instead specify that the determination shall be approved by the Deputy Director, Business Taxes, of the State Board of Equalization, or that person's designee

This bill would also make various technical revisions to provisions relating to duties of the State Board of Equalization in the administration of taxes

Ch 655 (SB 764) C Green Commercial fishing set nets

(1) Existing law regulates the use of any set net or set line for commercial purposes Existing law also defines "set line" for purposes of the Fish and Game Code and provides that nets or lines anchored at each end, as specified, is a set net or set line Under existing law, set nets and set lines are required to be marked at either end with a buoy displaying above its waterline, as prescribed, the California Fish and Game number of the vessel from which that net is being fished

This bill would require that marking at both ends of set nets and set lines and, in addition, would require that each piece or panel of set net be permanently marked along the corkline of the net, as prescribed The bill would require a person to report to the Department of Fish and Game, in a prescribed manner, designated information if the person is unable to recover a set net or portion thereof. The bill would, on and after August 15, 1990, require that set nets be constructed with prescribed lines Since failure to comply with these requirements would be a crime, the bill would impose a state-mandated local program by creating new crimes

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the commission to carry out its duties under the Fish and Game Code

Because this bill would impose additional duties on the department with regard to commercial fishing, thereby making the money in the fund available for a new purpose, it would make an appropriation

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

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

Ch 656 (SB 789) Davis Flag of the United States right to display

Existing law requires the prominent display of the Flag of the United States and the Flag of California during business hours upon or in front of specified state buildings and grounds, and generally regulates the display of the flags

This bill would prohibit any person, private entity, or governmental agency from adopting rules, regulations, or ordinances, or from entering into any agreement or covenant, which prevents any person or private entity which would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display

This bill would provide that its provisions shall not be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public's health, safety, or order. It would provide that no restric-

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tions solely to promote aesthetic considerations may be imposed

Ch 657 (SB 803) B Greene Collection of wages

Existing law authorizes the Labor Commissioner to collect unpaid wages or benefits on behalf of a worker upon determination that wages or monetary benefits are due and unpaid to any worker in the state. It requires the Labor Commissioner to act as trustee of the collected unpaid wages or benefits, to deposit them into the Industrial Relations Unpaid Fund, and to make a diligent search to locate any worker for whom unpaid wages or benefits have been collected

This bill would until January 1, 1995, require the Labor Commissioner to annually publicize the existence of this fund, including an address and telephone number where any worker may inquire whether wages and benefits are being held for the worker

This bill would provide that the costs of publicizing the existence of the Industrial Relations Unpaid Wage Fund shall be paid from the fund

Ch 658 (SB 807) Mello Specialized transportation unmet transit needs

(1) Under the Mills-Alquist-Deddeh Act, a transportation planning agency, prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities for pedestrians or bicycles, is required, among other things, to identify the transit needs which have been considered as part of the transportation planning process, including specified matters

This bill would specifically direct the transportation planning agency to consult with the social services transportation advisory council, thereby imposing a state-mandated local program

(2) Under existing law, transportation planning agencies and county transportation commissions are required to submit reports to the Director of Transportation regarding public and private social service transportation services in their respective geographic areas

This bill would require the director, by July 1, 1990, and biennially thereafter, to submit to the Legislature a summary of those reports

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

The 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 659 (SB 896) Mello Environmental quality

Existing law requires state and local lead agencies to prepare an environmental impact report under the California Environmental Quality Act on any project they propose to carry out or approve which may have a significant effect on the environment unless the project has been exempted from the act

This bill would provide that the selection of a location for a particular campus and the approval of a long range development plan are subject to the act and require preparation of an environmental impact report, as specified

The bill would provide that the approval of a project on a particular campus or medical center of public higher education is subject to the act and may be addressed in a tiered environmental analysis based upon a long range development plan environmental impact report The bill would specify that compliance with these provisions satisfies the obligations of public higher education pursuant to the act to consider the environmental impact of academic and enrollment plans, as specified

Ch 660 (SB 1073) C Green Crimes vandalism

(1) Under existing law, upon a showing of authenticity, a writing may be admitted into evidence at a trial

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This bill would provide that for purposes of those provisions, a writing includes any graffiti consisting of written words, insignia, symbols, or any other markings which convey a particular meaning The bill would also provide that any such writing, or a photograph thereof, may be admitted into evidence in an action for vandalism, for the purpose of proving that the writing was made by the defendant The bill would specify that the admissibility of any fact offered to prove that the writing was made by the defendant shall, upon motion of the defendant, be ruled upon outside of the presence of the jury and would expressly specify that the admissibility is subject to other specified evidentiary rules

(2) Existing law provides that any person who is convicted of vandalism shall be punished by imprisonment in state prison or county jail, or by a fine, or by both the fine and imprisonment, as specified.

This bill would provide that upon conviction of any person for acts of vandalism consisting of writing graffiti, the court may, in addition to any punishment imposed under the above provisions, order the defendant to either clean up and repair the damaged property himself or herself, or to pay for someone else to do so.

Ch 661 (SB 1116) Maddy. Medi-Cal: Santa Barbara County Special Health Care Authority.

Under existing law, the Santa Barbara County Special Health Care Authority is a county-operated pilot program contracting with the State Department of Health Services for the provision of Medi-Cal services to qualifying individuals

This bill would authorize the Santa Barbara County Special Health Care Authority to arrange with out-of-county Selective Provider Contracting Program hospitals that have negotiated hospital contracts and per diem rates through the California Medical Assistance Commission, to provide medically justified emergency services or to provide specialized hospital services not available within Santa Barbara County to Medi-Cal beneficiaries who reside in Santa Barbara County or for whose care Santa Barbara County is liable, subject to specified conditions The bill would exempt certain records maintained by the authority concerning negotiated rates from the Public Records Act, and would require the authority to establish guidelines ensuring the confidentiality of the rates and submit the guidelines to the State Department of Health Services for approval

Ch 662 (SB 1157) Bergeson San Luis Rey Municipal Water District: standby charges

Under existing law, specified municipal water districts are authorized to levy an annual standby assessment or availability charge within any improvement district thereof not to exceed $30 per acre or parcel less than an acre, but the proceeds from any such charge in excess of $10 is required to be used only for the purposes of the improvement district

This bill would, until January 1, 2000, authorize the San Luis Rey Municipal Water District to levy a similar charge within any improvement district

Ch 663 (SB 1212) Keene Industrial loan companies capitalization

Existing law, the Industrial Loan Law, does not define "capital" for purposes of that law

This bill would define "capital" as capital stock, as defined, primary capital to the extent not included in capital stock, and secondary capital, as defined

Under existing law, no person may acquire 10% or more of the capital stock of an industrial loan company or a holding company, as specified, without the written consent of the Commissioner of Corporations However, existing law does not require this prior written consent if the offer and sale of the capital stock of the holding company is exempt from qualification under the Corporate Securities Law of 1968, as specified.

This bill would instead require that prior to any person acquiring in the aggregate 10% or more of the capital stock or of the capital of an industrial loan company, or prior to any person acquiring additional capital stock or capital which would result in an aggregate acquisition of 10% or more of the capital stock or of the capital, the person seeking

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the acquisition shall make written application to the commissioner requesting written consent for the acquisition The bill would prohibit any person from acquiring in the aggregate 10% or more of the capital stock, as defined, or the capital that has voting power or control over the management of a holding company, or the capital that has potential voting power or potential control over the management of a holding company, through purchase, foreclosure pursuant to a pledge or hypothecation, or other devices without the written consent of the commissioner, as specified. The bill would require the commissioner to consent or deny the application in writing within 60 days of the filing of a completed application.

The bill would also provide that it is unlawful for any company, as defined, to offer or sell any security, as specified, in an issuer transaction unless the sale has been qualified under specified provisions of the Corporate Securities Law of 1968. Since the willful violation of the Industrial Loan Law is a misdemeanor, this bill creates a new crime and thereby establishes a state-mandated local program

The bill would specify that the security and transaction exemptions from qualification in the Corporate Securities Law of 1968 shall not apply to the offer or sale of any security or to any security of a company in an issuer transaction. The bill would also give the commissioner additional authority with respect to the qualification of securities by these companies including, among other powers, the authority to issue a stop order denying effectiveness to any qualification of the securities under specified provisions of the Corporate Securities Law of 1968 with respect to qualification by coordination or notification

Existing law grants industrial loan companies the general powers granted by the General Corporation Law subject to the supervision and control of the commissioner

This bill would additionally specify that the powers of an industrial loan company are subject to conditions imposed by the commissioner

Under existing law, the commissioner has the power under specified provisions of the Industrial Loan Law to regulate industrial loan companies through the promulgation of regulations.

This bill would instead provide that the commissioner may regulate these companies by rule or order

This bill would authorize the commissioner to assess industrial loan companies an additional $179,000 pursuant to existing authority to assess administrative costs for the purposes of 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

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

Ch 664 (SB 1258) Bergeson. Development agreements

Existing law generally authorizes any city, county, or city and county to enter into a development agreement for the development of real property with any person who has a legal or equitable interest in the property Existing law makes the agreement binding upon all successors in interest to the parties to the agreement Existing law makes a development agreement entered into by a county prior to the incorporation of a new city which comprises territory subject to that agreement valid for the duration of the agreement or 8 years from the effective date of the incorporation, provided that the longer period does not exceed 15 years from the effective date of incorporation

This bill would make development agreements involving territory within an area newly annexed to a city valid only for the same time limits.

Existing law makes these provisions applicable to development agreements meeting certain requirements One of these requirements is that the county enter into the agreement with the applicant prior to the date of the election on the question of incorporation

This bill would revise that condition to require that the county enter into the agreement with the applicant prior to the date of the election on the question of incorporation or annexation, or, when there is an annexation without an election, as specified, prior

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to the date the conducting authority orders the annexation

This bill would also add the requirement that the annexation proposal is initiated by the city but that if initiated by a petitioner other than the city the development agreement is valid unless the city adopts specified findings.

Ch 665 (SB 1572) Leonard. Local transportation authorities contracts

Existing law authorizes the county board of supervisors of any county to establish a local transportation authority. A local transportation authority may, upon voter approval, impose a transactions and use tax and issue bonds for transportation projects in the county Existing law authorizes a local transportation authority to contract with various public agencies and persons.

This bill would specifically authorize a local transportation authority to contract with private entities for specified services

Ch 666 (SB 1659) Boatwright Public utilities private energy producers

(1) Existing law requires the Public Utilities Commission to approve and establish equitable charges to be paid by an electrical corporation which purchases electricity or electrical generating capacity, or both, from any private energy producer, as specified, and the commission may specify the prices, terms, and conditions for that purchase or sale.

This bill would require the commission to establish requirements for the administration of power purchase contracts between electrical corporations and private energy producers The requirements would at a minimum, with respect to projects which have not received all regulatory permits, except as specified, prohibit payments by an electrical corporation to a private energy producer to defer the construction of a private energy project unless the private energy producer agrees to repay all deferral payments charged to ratepayers in the event the project is not constructed and operating by the time the deferral period expires

Since, under existing law, violations of the commission's orders are a misdemeanor, this bill would impose a state-mandated local program by creating a new crime

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

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

Ch 667 (AB 47) Bader Portable classrooms

Existing law authorizes the State Allocation Board to administer a program that provides for the lease of portable classrooms to certain school districts and county superintendents of schools

This bill would authorize the board to contract for the purchase or other acquisition of portable classrooms for this purpose without the approval of any other state agency

This bill would also authorize any school district, or combination of school districts or county superintendents of schools under a joint powers agreement, to apply revenues resulting from the levying of a developer fee by the participating school district or districts to the purchase of portable classrooms, as specified This bill would specify that the portable classrooms would be owned by the state and leased to the purchaser or purchasers, pursuant to which the purchase price would apply as a rent credit

This bill would also provide for a delay in the payment by a school district of the local matching share required pursuant to its application for project funding under the Greene Act, where the developer fee revenues otherwise applicable to that matching share requirement have been committed by the district for the purchase of portable classrooms pursuant to this bill

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

Ch 668 (AB 341) Hannigan. University of California Center for Cooperatives.

Existing law requests the University of California to establish the California Center for Cooperatives and to consider locating the center on the campus of the University of

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California, Davis. Existing law also declares the intent of the Legislature, subject to the availability of funds, that qualified institutions, organizations, and individuals, as specified, be eligible to participate in a competitive grant program. Existing law also requests the University of California to submit a progress report by March 15, 1990, and a final report evaluating the effectiveness of the center in meeting legislative intent on or before January 1, 1995.

The bill would request the University of California to establish the Center for Cooperatives, instead of the California Center for Cooperatives and would make conforming changes throughout the law This bill would declare the intent of the Legislature that qualified institutions of higher education, rather than qualified institutions be among the entities eligible to participate in a competitive grant program. This bill would also declare the intent of the Legislature that the center be funded by a variety of sources, including endowments, as well as grants, received from private foundations, government agencies, and other public or private sources. This bill would also request the University of California to submit its final report on or before January 1, 1992, rather than January 1, 1995.

Ch. 669 (AB 559) Hauser Bodega Bay Fisherman's Memorial.

Under existing law, the Department of Parks and Recreation has control of the state park system and is required to administer, protect, develop, and interpret property under its jurisdiction for the use and enjoyment of the public.

This bill would require the department to identify a site on its lands at the head of Bodega Bay, as specified, for the Bodega Bay Fisherman's Memorial, to be constructed and maintained solely through private contributions of funds, materials, and labor. The bill would require the department to be responsible for the interpretation, as specified, of the memorial after its completion

Ch. 670 (AB 743) Chandler. Courts.

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

This bill would reduce the fee for reporting testimony and proceedings in contested cases in Yuba County to $55 per day, or any fractional part thereof The bill would also authorize the board of supervisors to prescribe a higher rate of compensation for superior court reporters.

(2) Under existing law, the fee for reporting testimony and proceedings in contested cases in Colusa 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 Colusa County to $125 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

(3) This bill makes additional changes in Section 69948 of the Government Code proposed by AB 1745, to be operative only if AB 1745 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

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

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

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

Ch 671 (AB 1183) N Waters Local agency reorganization Calaveras and Monterey Counties.

The Cortese-Knox Local Government Reorganization Act of 1985 establishes procedures for the reorganization of entities of local government Existing law also requires that a statement and map or plat shall be filed with the State Board of Equalization on or before January 1 for the creation of, or change in, the boundaries of a city, district, or zone to be effective for assessment or taxation purposes

This bill, based upon specified legislative findings and declarations, would provide

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that, notwithstanding the filing requirements, the approval of particular reorganizations to form county services areas in Calaveras County and Monterey County shall be effective for assessment and taxation purposes for fiscal year 1989–90 if the required statements and maps are filed with the State Board of Equalization on or before June 12, 1989.

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

Ch 672 (AB 1372) Hauser Insurance insolvency

Under existing law, a court may authorize the Insurance Commissioner to take possession of an insurer found to be in a condition that will be hazardous to its policyholders, creditors, or the public Under existing law, if the commissioner does so, the commissioner may, as conservator or liquidator, collect all moneys due to the insurer

This bill would provide, for any proceeding under those provisions, that no agent shall be liable to the liquidator or conservator for unearned premiums uncollected by the agent or unearned commissions uncollected by the agent arising from an insolvency of an insurer

Ch 673 (AB 1432) Seastrand Licenses and license tags. fees

(1) Under existing law, a duplicate license or license tag may be issued to a person If the Department of Fish and Game has no copy of the unexpired license, the person is required to pay the full fees or, for commercial fish business licenses, 20% of the full fee if the department has a copy of the unexpired license

This bill would instead require the payment of a fee determined by the department in an amount to pay the costs of issuing the duplicate license or license tag, not to exceed the fee for issuing the original license or tag

(2) Existing law requires the payment of fees for the issuance of commercial fishing licenses or stamps, commercial boat registrations, or commercial fishing permits, the revenue from which are deposited in the Fish and Game Preservation Fund and continuously appropriated to the department and the commission for specified purposes

This bill would authorize the department to refund those fees, with a deduction for the cost of issuing the refund, to the estate of the deceased holder of the license, stamp, registration, or permit, if specified proof is provided by the estate in regards to the time sequence of the death and the opening dates of the fishing seasons, thereby making an appropriation

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would increase the revenues to the fund and impose additional duties on the department with regard to licensing, the bill would make an appropriation

Ch 674 (AB 1501) Quackenbush Private patrol operators.

Existing law provides for the regulation of private patrol operators and their employees who are known as security guards

This bill would specify that any employee of a business or public agency who performs the functions of a private patrol operator comes within the definition of a security guard

Existing provisions of the Penal Code exempt certain uniformed security guards from prohibitions relating to the carrying of concealed weapons, loaded firearms and batons. Existing law prohibits any person authorized by the law regulating security guards to use or wear a badge, to wear a patch other than one that reads "private security" of a design approved by the Director of Consumer Affairs, as specified

This bill would enact a provision in the law regulating security guards that would specify that a private patrol operator licensee or officer, director, partner or manager of such a licensee, or person required to be registered as a security guard shall be prohibited from using or wearing a baton or exposed firearm unless he or she is in uniform, as specified, and would require any such person using or wearing a baton or exposed firearm to wear the patch, as specified

Existing law requires a uniformed employee of a private patrol operator to carry a registration card and a firearm permit when carrying a firearm on duty

This bill would require any person required to be registered as a security guard to carry that registration card or a temporary registration card, while on duty, or a firearm

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permit when carrying a firearm on duty

This bill would impose a state-mandated local program since a violation of the Private Investigator Act is a misdemeanor

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

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

Ch. 675 (AB 1554) Wyman. Care facilities.

Existing law provides for the regulation and licensing of community care facilities and residential care facilities for the elderly by the State Department of Social Services. Various categories of facilities provide different levels of care, supervision, and other services to individuals on a daytime or residential basis. Existing law gives the district attorney, upon application by the department or its authorized representative, jurisdiction to institute and conduct the prosecution of any action for violation of laws relating to these facilities within his or her county

This bill would additionally give jurisdiction to city attorneys in cities in which the city attorney has jurisdiction to prosecute misdemeanors, to institute and conduct the prosecution of these violations. By authorizing the city attorney to prosecute these offenses this bill would impose the duty on local government to pay for the prosecution of these offenses, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 676 (AB 1573) Jones. Agriculture: tomatoes

Existing law prescribes the standards for tomatoes for canning or dehydration purposes, provides for the adoption of rules and regulations by the Director of Food and Agriculture, and establishes the Canning Tomato Advisory Committee

This bill would revise various provisions by changing the term "canning purposes" to "processing purposes," provide that specified provisions shall not be enforced by the director during the period that a marketing order or commission covering the same subject is in effect, change the name of the committee to the Processing Tomato Advisory Committee, and make related changes

Ch. 677 (AB 1744) Friedman. Special education pupils in health and foster care facilities

Under existing law, an individual with exceptional needs is entitled to appropriate educational services from his or her school district of residence Existing law also provides that any individual with exceptional needs who is placed in a specified hospital, health facility, or foster care facility is the educational responsibility of the school district, special education local plan area, or county office of education in which the hospital or facility is located.

This bill would require that, prior to the discharge of a child with exceptional needs who has an active individualized education program from any of these facilities, the operator of the hospital or medical facility, or the agency that placed the child in the foster care facility, at least 10 days prior to the discharge of the child, shall notify in writing the local educational agency in which the special education program for the child is being provided, and the receiving special educational local plan area where the child is being transferred, of the impending discharge

The bill would require, as part of this written notification, that the receiving special

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education local plan area be provided with a copy of the child's individualized education program, the identity of the individual responsible for representing the interests of the child for educational and related services for the impending placement, and other relevant information about the child that will be useful in implementing the child's individualized education program in the receiving special education local plan area

The bill would require that, once the handicapped child has been discharged, it be the responsibility of the receiving local educational agency to ensure that the child receives an appropriate educational placement that commences without delay upon his or her discharge

The bill would specify that responsibility for the provision of special education rests with the school district of residence of the parent or guardian of the child unless the child is placed in another of the facilities referred to above, in which case the responsibility for special education rests with the school district in which the facility is located

The bill would require that special education local plan area directors document instances where the bill's notification procedures are not being adhered to and report these instances to the Superintendent of Public Instruction

Since the bill would impose new duties upon local agencies, it would create a state-mandated local program

The bill would require the State Department of Education to submit a report to the Legislature on any problems with the implementation of the bill on or before July 1, 1991

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 678 (AB 1854) Speier Courts transcripts.

(1) Existing law requires the Judicial Council to establish a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording as a means of producing a verbatim record of proceedings in up to 11 superior court departments selected from specified counties Existing law also requires the Judicial Council to adopt rules and specifications for audio and video recording, as specified

Under existing law, this demonstration project terminates in each county on or after January 1, 1991, but not later than January 1, 1992 The Judicial Council is also required to report to the Legislature on this project on or before January 1, 1989, as specified.

This bill would require the Judicial Council to select the counties for the demonstration project in up to 75 superior court departments. It also would require that Alameda, Los Angeles, Orange, Sacramento, San Mateo, Santa Cruz, and Solano Counties be among those selected, thus imposing a state-mandated local program by requiring a higher level of local service

This bill also would extend the termination dates for the project to January 1, 1994. It would require the Judicial Council to adopt standards for the training of personnel and maintenance of equipment for audio and video recording. In addition, the bill would change existing provisions of law to require that no presently employed court reporter, rather than no presently employed permanent court reporter, shall have his or her hours of employment reduced as a result of the demonstration project nor shall that person be required to prepare a transcript of a proceeding in a court of the demonstration project It also would extend the date that the Judicial Council is required to report to the Legislature to on or before January 1, 1992.

(2) Existing law authorizes civil actions and misdemeanor criminal proceedings in municipal or justice courts to be electronically recorded, as specified, whenever a court reporter is unavailable

This bill would expand that provision to apply to all actions or proceedings in munici-

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pal or justice courts in which a court reporter is unavailable, subject to the availability of approved equipment and equipment monitors

The bill also would provide that a transcript derived from an electronic recording may be utilized whenever a transcript of court proceedings is required, and would require the court to assign available reporters first to report preliminary hearings and then to other proceedings

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 679 (AB 2144) Floyd California National Guard service temporary reemployment benefits.

Under existing law, a member of the California National Guard who is called to temporary emergency duty has reemployment rights with his or her private employer after release from service, as specified

This bill would extend reemployment rights to a person who leaves a part-time position with a private employer if application is made within 5 days of release from service

Ch 680 (SB 16) Lockyer Public records voter information confidentiality

Existing provisions of the California Public Records Act require each state and local agency, as defined, to make their records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law

This bill would provide that, for purposes of the act, the home address, telephone number, occupation, and precinct number of active or retired judges, court commissioners, district attorneys, public defenders, peace officers, and the spouses and children of peace officers who live with those peace officers, as specified, which appears on any voter registration affidavit is confidential, and shall not be disclosed to any person, except as specified, if confidentiality is requested at the time of voter registration or reregistration It would require a person who requests confidentiality to attest under penalty of perjury on a specified registration form prescribed by the Secretary of State that he or she is entitled to confidential treatment

Existing law requires the county clerk to cause to be printed a voter registration index, within specified time periods, which contains the name, address, residence telephone number if furnished, and political affiliation of registered voters It requires the clerk to provide copies of the index to candidates, campaign committees, officeholders, central committees, and measure proponents among others, upon request

This bill would impose a state-mandated local program by requiring that the home address, telephone number, occupation, and precinct number of a voter who registers or reregisters to vote by means of the registration form prescribed by the Secretary of State be replaced by the word "confidential" on every computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the clerk's office It would permit disclosure of this information to candidates, campaign committees, officeholders, and others pursuant to law if the request is made in writing, in cases where the person's vote is challenged, or where a person becomes a candidate for elective office, as specified.

This bill would prohibit an action for negligent disclosure of the confidential information, except in the case of gross negligence or willfulness, against any governmental entity, officer, or employee

The California Constitution requires the state to reimburse local agencies and school 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 681 (SB 223) Mello Public social services elder abuse.

Under existing law, any elder or dependent adult care custodian, health care practitioner, or employee of a county adult protective services agency or a local law enforcement agency who in his or her professional capacity observes or knows of an incident of abuse to an elder or a dependent adult, is required, among other things, to prepare and send a written report to the Department of Aging long-term care ombudsman coordinator or a law enforcement or other appropriate agency.

This bill would specify information which should be included in the report submitted to the ombudsman coordinator or agency concerning the incident of abuse.

The bill would also make various technical changes.

The bill would become operative July 1, 1990.

Ch 682 (SB 238) Morgan Child care teacher's aides

Existing law establishes the education and experience qualifications for teachers in child day care centers

This bill would state the findings and declarations of the Legislature concerning the shortage of child day care center staff

This bill would require the State Department of Social Services to develop guidelines and procedures to permit an aide to assist a fully qualified teacher in the supervision of up to 18 preschool age children, as defined, if the aide completes at least 2 accredited postsecondary semester units or equivalent quarter units of early childhood education or child development per semester or quarter commencing the 1st semester or quarter following initial employment and continuing until 6 units have been completed

The bill would further require the department to immediately prepare proposed regulations for a public hearing and report to the Legislature no later than June 1, 1990, on the status of the development of the proposed regulations, as specified.

This bill would require the Legislative Analyst to evaluate the effects of the new guidelines and procedures and report to the Legislature by December 30, 1992

These provisions would be repealed June 30, 1993

Ch. 683 (SB 275) Campbell Securities· exemptions from qualification

(1) Under the existing General Corporation Law, a corporation and any of its subsidiaries are prohibited from making any distribution to the corporation's shareholders except upon meeting specified asset requirements

This bill would additionally provide an exemption for corporations that, immediately after the distribution, are registered under the Corporate Securities Act of 1968 as broker-dealers and comply with specified state and federal regulations concerning net capital requirements

(2) Under existing law, it is a crime for any person to offer or sell in this state any security in a nonissuer transaction, unless the sale or security is either qualified or exempted Existing law exempts specified securities from qualification with respect to the offer or sale of the securities in any nonissuer transaction if the security meets specified criteria and a notice has been filed with the Commissioner of Corporations setting forth specified information including the name of the issuer and a description of each security of the issuer which is to be exempted. Under existing law, that notice may be filed by the issuer, a broker-dealer, or the holder or beneficiary of the security

This bill would permit the notice to be filed by the National Association of Securities Dealers, Inc

Ch 684 (SB 296) Russell PERS. state safety membership determinations.

An existing statute requires the State Personnel Board to develop objective criteria

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for determining the application to state civil service positions of the state safety membership category of the Public Employees' Retirement System (PERS), to determine, upon the request of the Department of Personnel Administration, which classes of positions meet the criteria, and to report thereon to the Legislature with the related signed memorandum of understanding

This bill would require the board to also make those determinations upon request of an employee organization An employee organization requesting a determination with respect to a position previously determined as not meeting the criteria would be required to submit a written supporting argument. The board, if it finds the argument unpersuasive, could refuse to commence the proceedings unless and until either the employee organization submits a persuasive written supporting argument or the Department of Personnel Administration requests the determination

Ch 685 (SB 325) B Greene Licensed vocational nursing patient mistreatment

Existing law provides that the Board of Vocational Nurse and Psychiatric Technician Examiners may suspend or revoke the license of a licensed vocational nurse who engages in specified acts, including acts amounting to incompetence or gross negligence in carrying out the usual nursing functions

This bill would provide, in addition, that the board may suspend or revoke the license of a licensed vocational nurse who engages in acts amounting to the use of excessive force, as defined, upon, or the mistreatment or abuse of, any patient.

Ch 686 (SB 335) Boatwright Minors

Existing law requires that a minor, who is currently not on probation or parole, taken into custody by a peace officer or probation officer on the belief that the minor has committed a misdemeanor, as specified, be released within 48 hours after having been taken into custody or on the next judicial day, whichever is later Existing law also requires that such a minor be brought before a judge or referee of the juvenile court for a detention hearing as soon as possible, but no later than 48 hours or before the expiration of the next judicial day after having been taken into custody, whichever is later

This bill would delete the requirement that these minors be released or that a hearing be held on the next judicial day and would instead require release or a hearing within 48 hours after being taken into custody excluding nonjudicial days The bill would also provide that any decision to detain these minors more than 24 hours shall be subject to written review and approval by a probation officer who is a supervisor, except as specified Additionally, the bill would provide that in any case in which one of these minors will not be brought before the judge or referee of the juvenile court within 24 hours, the decision not to bring the minor before the judge or referee within 24 hours shall be subject to written review and approval by a probation officer who is a supervisor, except as specified Since the bill would impose a new duty on probation officers, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 687 (SB 409) Craven Rural economic development fund.

Existing law authorizes the Department of Commerce to use interest earnings in excess of $300,000 from the Rural Economic Development Fund, a continuously appropriated fund, for specified administrative expenses relating to rural economic development

This bill would authorize the department, in addition, to use up to $75,000 annually

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in interest earnings from this fund for support of the California Main Street Program, thereby making an appropriation The bill would require that services rendered as a result of the increased support be targeted for Main Street Demonstration and Self-Initiated Cities in Rural Renaissance eligible counties

Ch 688 (SB 439) Robbins Health insurance chemical dependency coverage

Existing law requires health care service plans, disability insurance policies, and nonprofit hospital service plans, that cover hospital, medical, or surgical expenses on a group basis, to offer coverage for alcoholism on terms and conditions as may be agreed upon between the parties It also authorizes treatment of alcoholism or chemical dependency to take place in health facilities licensed to provide alcoholism or chemical dependency services, as specified

This bill would specifically authorize self-insured employee welfare benefit plans to also provide coverage for treatment of alcoholism, chemical dependency or nicotine use on terms and conditions as may be agreed upon between the parties Treatment for that coverage would be authorized in health facilities licensed to provide alcoholism or chemical dependency services, as specified The bill would, with respect to health care service plans, disability insurance policies, and nonprofit hospital service plans, that cover hospital, medical, or surgical expenses on a group basis, authorize treatment for nicotine use, as agreed, to take place in health facilities licensed to provide alcoholism or chemical dependency services, as specified It would specify, except with respect to health care service plans, that treatment for nicotine use may be subject to separate deductibles, copayments, and overall cost limitations as determined by the respective policy or plan

The bill would also provide that nothing in it shall be construed to establish a new mandated benefit or to prevent application of deductible or copayment provisions in an existing policy or plan, and that the Legislature intends in this bill to provide that chemical dependency services are deemed to be covered if the policy or plan includes coverage for chemical dependency

Ch 689 (SB 492) Maddy Public social services Medi-Cal drug formulary

Under existing law, those prescribed drugs which may be used under the Medi-Cal program without prior approval are limited to those placed upon the Medi-Cal drug formulary by the Director of Health Services.

Existing law further provides that the criteria used in deciding whether a drug shall be added to or deleted from the formulary shall be limited to the criteria adopted as State Department of Health Services regulations Under regulations adopted by the department, the federal Food and Drug Administration's (FDA) Summary Basis for Approval for the drug is required to be submitted with an application for inclusion of a drug in the formulary.

This bill would provide that either the FDA's issuance of approval and approvable letters and its approved labeling, or the FDA's medical officers' and pharmacologists' reviews of a drug and approved labeling may be submitted in lieu of the FDA Summary Basis of Approval for that drug

Ch 690 (SB 509) Davis Rim of the Valley Trail Santa Clarita Woodlands.

Under existing law, the Santa Monica Mountains Zone has a recreational trail corridor generally following the Rim of the Valley Trail

This bill would include the Santa Clarita Woodlands in this recreational trail corridor, and would require the executive director of the Santa Monica Mountains Conservancy to file a map with the Secretary of State by March 1, 1990, showing the revised trail corridor boundaries, as specified

Ch. 691 (SB 510) Dills Outdoor advertising

(1) The existing Outdoor Advertising Act regulates advertising displays adjacent to highways Certain provisions of the act generally prohibit advertising displays within 660 feet of the right-of-way of highways, but allow message center displays which meet designated requirements

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This bill would recast those provisions to specify various prohibited or allowed criteria for message center displays Those specified criteria would not apply to displays legally placed on or before December 31, 1989. The bill would specify that it does not prohibit the adoption of more restrictive or prohibitive regulations by a city, county, or city and county if the regulations do not restrict or prohibit on-premises advertising displays. By imposing new limits on these displays, violations of which would be a misdemeanor under other provisions of the act, 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. 692 (SB 602) Kopp Transit systems: coordination of fares and schedules

(1) Under existing law, the Metropolitan Transportation Commission is the regional transportation planning agency for the region comprising 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 require the commission, in coordination with the transit operator coordinating council, to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction and to require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with those rules and regulations

By imposing these requirements on the commission and on public transit systems, the bill would impose a state-mandated local program.

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

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

Ch 693 (SB 859) Kopp Civil procedure noticed motions

Under existing law, if a written notice of motion is necessary, it must be given at least 15 days before the time appointed for the hearing and must be accompanied by all supporting materials Existing California rules of court require that all reply papers be served and filed 2 court days before the hearing

This bill would specify that unless otherwise provided by law, all moving and supporting papers shall be served and filed at least 15 calendar days before the time appointed for the hearing and all reply papers be served and filed at least 2 court days before the time appointed for the hearing. The bill would expressly apply this general notice requirement to, among other proceedings, a motion to quash summons, a notice of application and hearing for writ of attachment, claim and delivery, and claim of exemption, and a notice of hearing of 3rd-party claims.

Existing law permits a defendant in a civil action to file a notice of motion to quash service of summons, as specified, or stay or dismiss the action on the ground of inconvenient forum The notice must designate a date for making the motion of not less than 10 nor more than 20 days after the filing of the notice

This bill would instead provide that the notice shall designate a time for making the motion that is not more than 30 days after the filing of the notice

Existing law requires that at least 20 days' prior to a hearing seeking a right-to-attach order or a writ of attachment. a defendant must be given specified documents, including a copy of the summons and complaint.

This bill would instead refer to the general notice provisions requiring only that the defendant be given the specified documents at least 15 calendar days before the time appointed for the hearing

Under existing law a creditor is entitled to a hearing on a judgment debtor's claim of exemption from withholding of the judgment debtor's earnings to satisfy a money judgment if the creditor files a notice of opposition and a notice of motion, as specified.

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The hearing on the motion must be held no later than 20 days from the date the notice of motion was filed, except as specified The judgment debtor must be served with copies of the notice of hearing and notice of opposition not less than 10 days prior to the hearing

This bill would require the hearing on the motion to be held not later than 30 days from the date the notice of motion was filed and would require the defendant to be served with these documents at least 15 calendar days before the hearing

Existing law requires that not less than 10 days prior to the hearing on a 3rd-party claim to property, the petitioner must serve notice of the hearing on specified persons and file a copy of the notice with the levying officer

This bill would instead provide that these documents shall be served and filed at least 15 calendar days before the time appointed for the hearing

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 at least 20 days notice before the hearing

This bill would instead require that the notice be given at least 15 calendar days before the time appointed for the hearing

Existing law requires a party seeking the discovery or disclosure of peace officer personnel records or information from these records to file a motion, as specified, with 10 days written notice to the governmental agency that has custody and control of the records

This bill would require that the governmental agency be given at least 15 calendar days' notice before the hearing

Under existing law, a petition may be made to a court, as specified, for leave to present a late claim against a public entity Existing law requires a copy of the petition and a written notice of the time and place of hearing to be served not less than 10 days before the hearing on the local public entity or on the State Board of Control or its secretary

This bill would instead require a copy of the petition and written notice to be served at least 15 calendar days before the time appointed for the hearing The bill would also provide that if the respondent is the state, instead of service on the State Board of Control or its secretary, service shall be on the Attorney General, as specified However, if the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service would additionally be permitted under this bill on the Director of Transportation at the department's headquarters office in Sacramento

Ch 694 (SB 944) Rosenthal Care facilities

Existing law requires the State Department of Social Services to license community care facilities, as defined, and residential care facilities for the elderly, as defined

Existing law, with respect to both community care facilities and residential care facilities for the elderly, authorizes, and within 90 days of licensing requires, inspections to be made of these facilities by the department

This bill would make it a misdemeanor, punishable as specified, for any person, without lawful authorization from a duly authorized officer, employee, or agent of the department, to inform an owner, operator, agent, or resident of a community care facility, child day care facility, or a residential care facility for the elderly of an impending or proposed inspection or evaluation of that facility by personnel of the department

Since the bill creates new crimes, it would impose additional duties upon local law enforcement agencies, thereby creating a state-mandated local program

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

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

Ch 695 (SB 1224) 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

Existing law limits the definition of "state agency head" for purposes of this provision

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to the secretary, administrator, or head of a department, agency, or bureau of the State of California authorized under the State Contract Act to contract for these services.

This bill would delete the limitation with regard to the State Contract Act thereby permitting any secretary, administrator, or head of a department, agency, or bureau of the state authorized to contract for these services to obtain them on the basis of demonstrated competence rather than competitive bidding

This bill would incorporate additional changes in Section 4525 of the Government Code, proposed by SB 658, to be operative only if SB 658 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 696 (SB 1323) Rosenthal Santa Monica Mountains Conservancy.

(1) Under existing law, the Santa Monica Mountains Conservancy Act is to be repealed on July 1, 1990

This bill would extend operation of the act until July 1, 1995 Since the act imposes requirements upon local agencies and officials, the bill would impose a state-mandated local program by extending the operation of the act

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

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

Ch 697 (SB 1411) Mello Court reporters

Existing law establishes, upon the adoption by the board of supervisors of a specified resolution and the adoption of local rules by the superior court, a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording in certain counties in lieu of the record prepared by a court reporter, except in criminal or juvenile proceedings, as specified

Existing law provides that the demonstration project in each county shall terminate on or after January 1, 1991, but not later than January 1, 1992

This bill would add Santa Cruz County to the demonstration project, as specified However, the bill would not become operative if AB 1854 is enacted, amends Section 270 of the Code of Civil Procedure, and takes effect on or before January 1, 1990

Ch. 698 (SB 1598) Kopp Mortgages and deeds of trust

Existing law defines estates in real property to include estates for years, but also classifies estates for years as chattels real Under existing law, any interest in real property capable of being transferred may be mortgaged Existing law specifies various requirements and procedures respecting enforcement of mortgages and deeds of trust on real property. The Fourth District Court of Appeal in Taylor v Bouissiere, 195 Cal App 3d 1197, held that a lease assignment is not a mortgage on real property subject to the limitation on enforcement of real property mortgages requiring the creditor to exhaust the security before suing the debtor for personal liability

This bill would declare the intent of the Legislature to abrogate the holding in Taylor v. Bouissiere and would amend various code sections pertaining to real property mortgages and deeds of trust to specifically provide for hypothecation of estates for years in real property by mortgages or deeds of trust

Ch. 699 (SB 1667) Vuich State Lands Commission powers of arrest.

Existing law authorizes enumerated persons employed by certain state agencies or departments to exercise the powers of arrest of peace officers even though these persons are specifically declared not to be peace officers

This bill would include in the enumerated listing certain designated employees of the State Lands Commission

This bill incorporates changes in Section 830.11 of the Penal Code proposed by SB 1316, to be operative only if SB 1316 is also chaptered and this bill is chaptered last

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

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Ch 700 (AB 543) Moore Cable television

Existing law authorizes the granting by a city, county, or city and county of a cable or community antenna television system Existing law also requires the Public Utilities Commission to establish and enforce rates, terms, and conditions for pole attachments or rearrangements when a public utility and cable television corporation or association cannot agree

This bill would prohibit commencement of the construction of a cable television system without a franchise The bill would state legislative findings and declarations, and would specify matters that would have to be considered at a public hearing and conditions that would have to be met before a cable television franchise could be granted in an area where a franchise has already been granted The bill would provide that nothing in the bill prevents any city, county, or city and county from considering the approval or denial of an additional cable service franchise in any area of the city, county, or city and county, or the imposing of additional terms and conditions upon the granting of the franchise The bill would require the jurisdiction to make a final determination on whether or not to grant the additional franchise within 6 months of the application date, as specified

Ch 701 (AB 628) Kelley Initiative measures

Existing law specifies the procedures applicable to the circulation and adoption of initiative measures in counties and municipalities Existing law further provides that a county board of supervisors or a legislative body may order a report to be prepared on the effect of a proposed county or municipal initiative measure before taking certain actions, or during circulation of the petition

This bill would require the county clerk of each county to file with the Secretary of State, on or before April 1 of each odd-numbered year, a report containing specified information concerning county initiatives, including the number for which reports were prepared pursuant to the above provisions The bill would also require a report to be filed with the Secretary of State by the clerk of each legislative body, in the same manner and containing the same information, with regard to municipal initiatives

By requiring reports to be prepared and filed with the Secretary of State, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would state the declaration of the Legislature 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 702 (AB 1505) Hannigan Criminal procedure transcript of proceedings

Existing law requires the clerk of the court, within 30 days after judgment has been pronounced, to mail to the prison or other institution to which the person convicted is delivered, a copy of the charging documents, the transcript of the proceedings at the time of the defendant's guilty plea, if the defendant pleaded guilty, and the transcript of the proceedings at the time of sentencing

This bill would require these documents and transcripts to be mailed by the clerk within 60 days, rather than 30 days, after judgment has been pronounced

This bill would incorporate the changes proposed by this bill into a section of the Penal Code proposed to be added by SB 25, to be operative only if SB 25 is also chaptered

Ch 703 (AB 1745) Harvey Courts Kern County

(1) Under existing law, the fee for reporting testimony and proceedings in contested cases in Mariposa County is $95 per day, or any fractional part thereof

This bill would instead authorize the Board of Supervisors of Mariposa County to prescribe the rate of compensation for superior court reporters, as specified

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(2) Under existing law, in San Joaquin County the fee of superior court reporters for reporting testimony and proceedings in contested cases is $55 a day except that the board of supervisors may prescribe a higher rate of compensation

This bill would, instead, provide that in San Joaquin County, superior court reporters shall be paid a salary to be established by the board of supervisors The bill would delete provisions that specify for retirement purposes that the amount of compensation of each court reporter of the superior court and of certain court reporters of the municipal court is deemed to be certain amounts, and would delete provisions that prohibit the inclusion of pro tempore court reporters in the retirement system

Existing law provides that the number of superior court reporters in San Joaquin County shall not exceed the number of superior court judicial positions

This bill would provide that the number of superior court reporters in San Joaquin County shall not be less than the number of superior court judicial positions

(3) Existing law establishes the compensation of superior court reporters in Kern County

This bill would revise the compensation of superior court reporters in Kern County, as specified, thus imposing a state-mandated local program by requiring a higher level of service under an existing program

(4) This bill makes additional changes in Section 69948 of the Government Code proposed by AB 743, to be operative only if AB 743 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

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

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

Ch 704 (AB 2113) Johnson Employment agencies

Existing law provides for the licensing and regulation of employment agencies including nurses' registries and prepaid computer employment agencies and job listing services, as defined, by the Bureau of Personnel Services

This bill would repeal the entire Employment Agency Act in the Business and Professions Code, existing provisions of law which provide for the Bureau of Personnel Services and its funding and its examining, licensing, and regulatory functions, and those provisions which provide for nurses' registries and prepaid computer employment agencies and job listing services The bill would reenact certain of the above provisions as part of the Civil Code, would not reenact those provisions relating to the bureau or its functions or funding The bill would comprehensively regulate by statute the contents of employment agency, employment counseling service, and job listing service contracts and advertising and the fees of such agencies It would, among other things, change existing law by doing the following (1) deleting licensing and regulation by the bureau, (2) providing for a 3-day cancellation period for a jobseeker to cancel a contract with a job listing service, (3) require the filing of a copy of a required bond with the Secretary of State rather than requiring filing of the bond with the bureau, (4) revising standards of conduct for employment agencies, employment counseling services, and job listing services, (5) making specified violations of those provisions also a violation of unfair trade practices, as specified, (6) making certain contracts entered into by reason of fraud or misrepresentation void and unenforceable, and (7) providing for a cause of action for damages by any person damaged by reason of a violation of those provisions It would also substantially reenact the provisions dealing with nurses' registries.

This bill would require the Department of Consumer Affairs to submit a preliminary report, as specified, and a final report, as specified, to the Legislature regarding implementation of the act

The bill would appropriate any funds remaining in the Bureau of Personnel Services Fund to the Department of Consumer Affairs for specified purposes of this act

This bill would impose a state-mandated local program by revising the definition of existing crimes.

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. 705 (AB 2469) Johnston. Employment agencies

Existing law, the Employment Agency Act, until January 1, 1991, does not apply to any person, as specified, who charges fees exclusively to employers.

This bill would remove the January 1, 1991, date of repeal with respect to that provision.

Existing law, commencing January 1, 1991, provides that the Employment Agency Act does not apply to any person who is engaged in the business of management consulting, as specified.

This bill would delete that provision

Existing law, commencing January 1, 1991, provides that the employment agency act does not apply to certified public accountants engaged in the practice of public accounting

This bill would delete that provision The bill would not become operative if AB 2113 is chaptered and takes effect on or before January 1, 1990

Ch. 706 (SB 10) Lockyer Incoming telephone calls

Existing law does not require that incoming calls to state agencies be answered within a given time period

This bill would require each state agency to establish a procedure pursuant to which incoming telephone calls on any public line shall be answered within 10 rings during regular business hours except under specified circumstances This bill would require the establishment of a procedure in every state office with available staff, unless compliance would require overtime or compensating time off

Ch. 707 (SB 394) Russell Health water and water systems

Existing law requires in the absence of substantial community opposition, the State Department of Health Services to permit the Big Bear City Community Services District and the Twentynine Palms Water District, upon request of the district, to exceed the Maximum Fluoride Contaminant Level contained in Title 22 of the California Code of Regulations, but restricts them to specified limits

This bill would require, in the absence of substantial community opposition, the department to also permit the Kinneola Irrigation District, upon request of the district, to exceed the Maximum Fluoride Contaminant Level contained in Title 22 of the California Code of Regulations, but would also restrict them to specified limits.

Ch 708 (SB 458) Robbins Insurance: applications for certificates of authority

Under existing law, no person may transact the business of insurance in this state without first obtaining a certificate of authority from the Insurance Commissioner

This bill would require the commissioner to either issue or deny a certificate of authority within 180 days of the date the application is perfected, as defined

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

Ch 709 (SB 573) Bergeson Common interest developments managing agents

Under existing law, a common interest development is to be managed by an association which may be incorporated or unincorporated Existing law does not prohibit the association from using the services of an agent to assist in the management of the development.

This bill would require a prospective managing agent, as defined, to provide a written statement to the board of directors of the association of a common interest development as soon as reasonably practicable, but not more than 90 days before entering into a management agreement containing specified information about the managing agent, including, among other things, which of specified licenses and professional certifications or designations are currently held by any of the owners or general partners of the

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managing agent, and if a corporation, the licenses and professional certifications or designations currently held by the directors, officers, or 10% shareholders

The bill's provisions would be repealed January 1, 1997.

Ch. 710 (SB 584) Bergeson Local government reorganization

Existing law permits a local agency formation commission, upon presentation of any petition or applications making a proposal for a reorganization, to proceed without referring the proposal to a reorganization committee

This bill would permit a local agency formation commission to refer to a reorganization committee any incorporation proposal that includes, or may be modified to include, specified changes of organization affecting an independent special district.

Existing law requires the legislative body of each district subject to a reorganization proposal to appoint members to the reorganization committee

This bill would require the county board of supervisors to appoint one or more members, who may be officers or employees of the county, not to exceed the maximum specified by the commission, and would permit the board to remove and replace those members The bill would require the commission to appoint one or more members to represent the general public who shall not be an officer or employee of any local agency and would permit the commission to remove and replace those members

Existing law permits, at any time prior to the adoption by the conducting authority of a resolution ordering a district to be merged with or established as a subsidiary district of a city, a petition to be filed with the clerk requesting that any election on the question be held only within that district

This bill would similarly permit the filing of a petition, prior to the adoption by the conducting authority of a resolution ordering a reorganization which includes an incorporation and the establishment of a subsidiary district or a merger, making determinations and requesting that a separate election be held only within that district on the establishment of the subsidiary district or the merger The election would be conducted at the same time as the incorporation election The petition would have to meet specified requirements concerning the number of signatures

Existing law requires the conducting authority to call an election when any resolution orders a change of organization or reorganization subject to the confirmation of the voters within the territory to be affected in specified cases

This bill would require the conducting authority to call an election within the territory of the district ordered to be merged with or established as a subsidiary district of a city if the clerk certifies a petition requesting an election on the question of the merger of a district with, or its establishment as a subsidiary district of, a city or the question of a reorganization including an incorporation and the establishment of a subsidiary district or a merger

This bill, in establishing these requirements, would impose state-mandated local programs

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandate 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 711 (SB 759) Beverly Deferred maintenance funding

Existing law provides that school districts that meet certain criteria are eligible to receive an apportionment from the State School Deferred Maintenance Fund, notwithstanding any limitations imposed by the determination by the State Allocation Board that the district has no anticipated need for additional sites or building construction pursuant to a specified statutory provision. One of these criteria is that the school district had a fiscal emergency in the 1984–85 or 1985–86 fiscal year.

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This bill would revise this criterion to require instead that the school district had a fiscal emergency in one or both of the 1987–88 and 1988–89 fiscal years

Ch. 712 (SB 881) Mello Victims of crime restitution

Existing law requires the defendant, upon conviction of a crime, to pay a restitution fine, in addition to any other penalty, which is collected as specified In cases in which the victim has suffered economic loss as a result of the defendant's criminal conduct, and the defendant is denied probation, the court is required to order restitution in the amount of the losses, but not to exceed $10,000, to be paid to the victim, in lieu of imposing all or a portion of the restitution fine

This bill would delete the provision limiting the amount of the restitution to be paid for economic losses to $10,000, and would require that restitution be of a dollar amount sufficient to fully reimburse the victim for all verified economic losses incurred as a result of the defendant's criminal conduct.

This bill would allow the defendant the right to a hearing before the judge to dispute the determination made concerning the amount of restitution to be paid to the victim

This bill would impose a state-mandated local program by requiring the district attorney to verify the losses claimed by the victim and prepare a report recommending the amount of restitution to be made

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 713 (SB 1089) Hart Life insurance cancellation

Existing law specifies a period of from 10 to 30 days after receipt of a policy of individual life insurance for under $10,000 during which the insured may cancel the policy by delivering or mailing the policy to the insurer or agent through whom the insurance was purchased These provisions apply to individual life insurance policies issued, amended, delivered, or renewed on or after January 1, 1981 Under existing law, affected insurers are required to return premiums and policy fees paid for these policies after receiving the notice of cancellation Existing law requires a prescribed notice of cancellation to be printed on, or attached to, insurance policies subject to these provisions The above existing law does not apply to life insurance issued in connection with a credit transaction or under a contractual policy-change or conversion privilege contained in a policy

This bill would add similar provisions applicable to the initial issuance or delivery of individual life insurance policies of any face amount on or after January 1, 1990, but those added provisions would not apply to policies under $10,000 subject to the above-described existing law The bill would additionally require the insurer under these policies issued or delivered on or after January 1, 1990, to return premiums and policy fees paid within 30 days after receiving the notice of cancellation The bill would, with certain exceptions, require insurers to return unearned premiums and other moneys due after cancellation of any other individual life insurance policy as expeditiously as possible, but no more than 45 days after notification of cancellation by the owner or insured under the policy

Ch 714 (SB 1417) Watson Law enforcement domestic violence

Existing law requires every law enforcement agency in the state to develop, adopt, and implement written policies and standards for officers' response to domestic violence calls, to maintain a complete and systematic record of all domestic violence protection orders, and to develop a system for recording domestic violence-related calls for assistance, as specified Under existing law, those provisions will remain in effect only until

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January 1, 1991.

This bill would repeal that termination date and would continue those provisions indefinitely. Thus, the bill would impose a state-mandated local program by continuing existing state-mandated local programs.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 715 (AB 444) Isenberg. Water conservation and water quality

Under existing law, various provisions have been enacted to provide financial assistance for water conservation and water quality projects

This bill would enact the Environmental Water Act of 1989. The bill would declare the intent of the Legislature that the Department of Water Resources expend money appropriated to it from the Environmental Water Fund for water resources projects or programs that will contribute significant environmental benefits and would declare legislative intent to allocate specified amounts for specified purposes in specified fiscal years

The bill would authorize the City of Los Angeles to submit grant applications to the department to protect and preserve the Mono Lake Basin and would require the department, as a first priority, to expend available funds to preserve the wildlife and environment of the Mono Lake Basin The bill would prohibit acceptance of any application that would expend any money to replace water or power supplies lost by the City of Los Angeles because of a final court judgment or final State Water Resources Control Board order regarding the Mono Lake Basin The bill would specify related matters

The bill also would create the Water Quality Program, and require the department to expend money appropriated to it from the Environmental Water Fund for projects or programs of public agencies throughout the state that will reduce the amount of agricultural drainage water or improve the quality of that water The bill would specify legislative intent in this connection and would prescribe related matters.

Ch 716 (AB 1442) Baker. Water resources funding

Under existing law, costs of the State Water Project incurred for the enhancement of fish and wildlife or for the development of public recreation are nonreimbursable costs, and it is the intent of the Legislature to appropriate money from the General Fund to reimburse those costs, as specified Under existing law, specified tidelands oil and gas revenues have been made available from the California Water Fund for construction of the State Water Project, subject to reimbursement from revenues of the projects in accordance with prescribed priorities

This bill would cancel specified obligations of the General Fund to reimburse the State Water Project in the amount of $181,769,000 for fish and wildlife enhancement and recreation and the obligation of the project to reimburse the California Water Fund in an equal amount. The bill would make specified transfers from the California Water Fund to the Delta Flood Protection Fund pursuant to the 1989–90 Budget Act contingent on the availability of project revenues to reimburse the California Water Fund, as specified, and would specify legislative intent concerning the funding of the Delta Flood Protection Fund in future years from project revenues.

The bill would reduce the obligation of the State Water Project to reimburse the California Water Fund by the total of unreimbursed costs incurred by the Department of Water Resources in the 1988–89 fiscal year, and each succeeding fiscal year, for enhancement of fish and wildlife and for recreation, subject to annual approval by the Legislature of the department's cost allocations

The bill would also create the Environmental Water Fund and would declare legisla-

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tive intent to appropriate, to the Environmental Water Fund in accordance with a prescribed schedule, a total of $65,000,000 of the State Water Project revenues, which may be transferred to the California Water Fund, subject to specified reductions in any fiscal year if funds are needed for continued construction of the State Water Project The bill would specify related matters

The bill would make legislative findings and declarations

Ch 717 (SB 333) Montoya Subdivisions vesting tentative maps

Existing law requires a tentative subdivision map to be submitted for approval to the city or county in which the subdivision would be located A tentative map is made to show the design and improvement of a proposed subdivision and existing conditions in and around it A vesting tentative map may be filed whenever the existing subdivision map requires a tentative map to be filed When a local agency approves or conditionally approves a vesting tentative map the approval confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards Existing law requires a vesting tentative map to be filed and processed in the same manner as a tentative map except as expressly provided by state law or local ordinance Existing law requires that a city, county, or city and county adopt ordinances or resolutions necessary to implement these provisions

This bill would prohibit these ordinances from requiring more information than that related to ordinances, resolutions, policies, or standards for the design, development, or improvement relating to the conferred rights, except with regard to a specified determination under the California Environmental Quality Act, or to compliance with federal or state requirements

Ch 718 (SB 839) Seymour Taxation vehicle license fees

Under existing law, refunds or credits of the in-lieu fee portion of the vehicle license fee are not available in the event of loss of the vehicle

This bill would provide for the refund or the credit of prorated amounts of the in-lieu fee portion of the vehicle license fee in the event of a constructive total loss, as specified, an unrecovered total loss, due to a theft, of a vehicle This bill would also allow the Department of Motor Vehicles to charge vehicle owners requesting a refund or credit a fee covering the administrative cost of processing a request By requiring vehicle owners to sign a specified declaration under penalty of perjury in order to receive the refund or credit, the bill would establish new facts to which the crime of perjury would apply Since local law enforcement agencies would be required to enforce this criminal provision, 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

Existing provisions of the Revenue and Taxation Code continuously appropriate the moneys in the Motor Vehicle License Fee Account in the Transportation Tax Fund Because this bill would make funds from the account available for refund in the event of loss of a vehicle, it would constitute an appropriation.

Ch 719 (SB 876) Robbins Insurance

Under existing law, an insurer may not transact insurance in this state without first being an admitted insurer Existing law authorizes any citizen of this state to negotiate and effect insurance on his or her own property with any nonadmitted insurer. Existing law also permits insurance to be placed with a nonadmitted insurer by a surplus lines broker under certain circumstances.

This bill would require every nonadmitted insurer or surplus lines broker issuing a policy of insurance to prominently affix a legend in boldface 16-point type on the front page of every application and policy advising the applicant or insured that the policy is issued by a nonadmitted insurer not subject to regulation by the California Department of Insurance, and that provisions creating the California Insurance Guarantee

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Association do not apply to any policy underwritten by a nonadmitted insurer.

Ch 720 (SB 981) Dills Elections

(1) Under existing law, whenever any petition or paper is submitted to a clerk, as defined, each section of the petition or paper is required to have attached to it a declaration signed by the circulator of the petition or paper, setting forth specified information.

This bill would provide that the specified information be set forth in the circulator's own hand.

(2) Under existing law, a person circulating an initiative or referendum petition for a measure to appear on a statewide ballot petition is required to attach to the petition the affidavit described above which states, among other things, that all the signatures on the section of the petition that the circulator circulated were made in the presence of the circulator and that to the best of his or her knowledge and belief, each signature is genuine

This bill would revise that statement to provide that the circulator of the petition saw the signatures being written and to the best of his or her information and belief, each signature is genuine

(3) Under existing law, the nomination papers of candidates for municipal office are required to include an affidavit of the individual who circulated the papers and saw all the signatures appended and that to the best of his or her knowledge and belief they are the signatures of the persons whose names they purport to be.

This bill would revise this affidavit to instead provide that the individual circulated the petition and saw the signatures being written on the section submitted and that to the best of the circulator's information and belief, each signature is genuine. The circulator would also be required to state his or her residence address

(4) Under existing law, the notice of intention and the title and summary of a proposed municipal initiative measure are required to be published or posted, or in certain instances, both published and posted

This bill would provide that if the notice of intention and title and summary are required to be published and posted, affidavits regarding the publishing and posting shall be filed

(5) Under existing law, initiative and referendum petitions in state, county, and municipal elections are required to be filed with the appropriate elections official, by the proponents or by any person or persons authorized by the proponents

This bill would provide that once a petition section is filed, it shall not be amended except by order of a court of competent jurisdiction.

(6) This bill would make technical, nonsubstantive changes.

Ch 721 (SB 1111) Craven *Mobilehomes*

Under the existing so-called "Mobilehome Parks Act," a "mobilehome park" is defined as any area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease, to accommodate manufactured homes or mobilehomes used for human habitation Existing law requires the Department of Housing and Community Development and authorizes local agencies to assume responsibility for enforcement of the act, as prescribed Violation of the standards prescribed by the act or regulations adopted pursuant to the act constitutes a misdemeanor.

This bill would define "mobilehome park" as any area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation

By expanding the definition of a mobilehome park, this bill would create additional duties upon local enforcement agencies which have assumed responsibility for enforcement of the act and would thus impose a state-mandated local program. Furthermore, since violation of existing provisions of law applicable to these additional mobilehome parks constitutes a misdemeanor, the bill would impose an additional state-mandated local program

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The bill would also state the intent of the Legislature that local enforcement agencies regulate these newly defined mobilehome parks in the same manner as all other mobilehome parks governed by the 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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, 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 722 (SB 1183) Mello. Air pollution: monitoring equipment

(1) Existing law does not make it a crime to tamper with air pollution monitoring equipment.

This bill would make it a misdemeanor for a person to tamper, as defined, with publicly owned or operated ambient air monitoring equipment, as specified, thereby imposing a state-mandated local program by creating a new crime The bill would specify that the person is civilly liable for damages caused by the tampering to the owner or operator of the equipment

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory 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 (SB 1184) Mello Forest practices. timber harvesting plans

Under existing law, the Director of Forestry and Fire Protection has 15 days, or a longer period mutually agreed upon, to review a timber harvesting plan to determine if it is in compliance with rules and regulations of the State Board of Forestry and the Z'berg-Nejedly Forest Practice Act of 1973 If the director determines that the plan is not in conformance, as specified, the director is required, among other things, to return the plan, stating the reasons

Existing law specifies that a person to whom the plan is returned may request a hearing before the board, as specified If the plan is not approved on appeal to the board, the director may determine the plan to be in conformance, as specified, within 10 days of board action Existing law prohibits the commencement of timber operations if the board does not approve the plan, except that those operations may commence if the director does not act within 15 days of board action, or a longer period, as prescribed.

This bill would, instead, give the director that 15-day or longer period to review and take public comments on the plan and up to 10 additional working days, or a longer period mutually agreed upon by the director and the person submitting the plan, to review the public input, to consider recommendations and suggested mitigation measures of other agencies, to respond in writing to the issues raised, and to determine plan compliance The bill would also require the director to state the reasons in writing, if the director determines that the plan is not in conformance.

The bill would authorize the commencement of timber operations if the board does not approve the plan on appeal, if the director does not act within 25 days, or a longer period, as prescribed

Ch 724 (SB 1348) Dills Seminar sales solicitation contracts 3-day right to cancel

Under existing law, a buyer in a home solicitation contract has the right to cancel the contract or offer until midnight of the 3rd business day after the day on which the buyer signs an agreement or offer to purchase, as specified Existing law requires the contract to contain specified information including, among other things, the name and address

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of the seller to which the notice is to be mailed and the date the buyer signed the agreement or offer to purchase Under existing law, the agreement or offer to purchase must be accompanied by a completed form in duplicate captioned "Notice of Cancellation" containing a specified written statement.

This bill would provide similar provisions with respect to seminar sales solicitation contracts, as defined The bill would state that it is declaratory of existing law with respect to contracts made at seminars held at locations other than appropriate trade premises, as defined

Ch 725 (SB 1363) Robbins Insurance. unfair practices

Under existing law, if a person engaged in the business of insurance violates certain statutory provisions declaring certain acts to be unfair and deceptive acts and practices, the Insurance Commissioner may issue an order to show cause, and hold a hearing to determine whether the commissioner should order the person to cease and desist. Under existing law, a person engaged in the business of insurance is liable for a penalty not to exceed $5,000 for a violation of the order, except that the penalty may not exceed $55,000 for a willful violation

This bill would also provide that a person engaged in the business of insurance who violates those provisions relating to unfair and deceptive acts is liable for a penalty of up to $5,000 for each act, or $10,000 for a willful violation for each act The penalty would be assessed by the commissioner in connection with the cease and desist order A failure to pay the penalty would constitute a violation of the cease and desist order

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

Ch. 726 (SB 1364) Robbins Insurance rates

Under existing law, if an insurer violates certain statutory provisions regulating rates, the Insurance Commissioner may hold a hearing to determine whether a violation exists If, after a hearing the commissioner determines that any rate, rating plan, or rating system is in violation of law, the commissioner may issue an order specifying in what respects a violation exists, and stating when the further use of the rate or rating system is prohibited Under existing law, a person is liable for a penalty not to exceed $10,000 per day for a violation of the order, except that the penalty may not exceed in the aggregate $100,000

This bill would also provide that a person who uses any rate, rating, plan, or rating system, in violation of specified provisions is liable for a penalty of up to $5,000 for each act, or $10,000 for each act for a willful violation The penalty would be assessed by the commissioner in connection with the issuance of the order The bill would make related changes

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

Ch 727 (SB 1365) Robbins Insurance

Under existing law, no insurer issuing policies of designated classes of commercial liability insurance or residential property insurance may cease to offer any particular line of coverage without prior notification to the Insurance Commissioner Existing law also requires 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 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 For that purpose, intent to substantially withdraw means an intent to nonrenew in excess of 50% of policyholders

This bill would add certain forms of automobile insurance, and insurance issued to an individual or individuals covering risks not arising from a business or commercial activity, to those types of insurance for which the insurer is required to give 60 days' notice of intent to wholly or substantially withdraw

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

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Ch. 728 (SB 1363) Watson. Teacher assignments.

Under existing law, the Commission on Teacher Credentialing is required to establish professional standards, assessments, and examinations for entry and advancement in the education profession.

Existing law provides for the issuance of various kinds of teaching credentials by the commission, including teaching credentials authorizing single subject instruction, multiple subject instruction, specialist instruction, and instruction in designated subjects.

Existing law authorizes the holder of a credential authorizing instruction in a self-contained classroom to teach in grades 5 to 8, inclusive, in a middle school, provided that he or she teaches 2 or more subjects for 2 or more periods per day to the same group of pupils

This bill would require the Commission on Teacher Credentialing to undertake a study on the extent to which existing statutes and regulations governing the assignment of certificated personnel in the elementary and middle school grades affect existing staffing patterns and serve to inhibit or discourage the use of innovative patterns for instruction This bill would authorize the participation of any school district or county office of education in the study, and would specify that certificated employees of school districts and county offices which participate in the study shall not be subject during that period to sanctions imposed by the commission for the misassignment of credential holders under specified provisions of current law This bill would require the commission to submit a report to the Legislature on its findings and recommendation on or before January 1, 1990, and would repeal these provisions as of that date

This bill, notwithstanding specified provisions of law, would authorize the holder of a credential authorizing instruction in a self-contained classroom to provide instruction in a team teaching setting or to regroup pupils across classrooms in subjects authorized by the governing board of the school district

This bill would authorize any holder of a credential based upon a baccalaureate degree and a professional preparation program approved by the commission to be assigned, with his or her consent, to teach, in a departmentalized setting in grades 8 and below, in any subject in which he or she has completed prescribed minimum undergraduate or graduate coursework from an accredited college or university This bill would authorize these assignments to be for a full or partial day This bill would make this authorization operative only until June 30, 1992, in the absence of further legislation

This bill would authorize any holder of a credential based upon a baccalaureate degree and a professional preparation program approved by the commission who has taught any subject in a departmentalized setting in grades 8 and below prior to September 1, 1989, for at least 3 years, to be assigned, with his or her consent, to teach the subject on a full or partial day assignment if he or she has completed prescribed minimum undergraduate or graduate coursework from an accredited college or university, or has completed a systematic program of staff development relating to the subject, as verified by the employing district This bill would make this authorization operative only until June 30, 1992, in the absence of further legislation

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

Ch 729 (SB 1397) Kopp Vehicles offenses

(1) Existing law prescribes procedures for processing vehicle registration violations which are entered upon a notice of parking violation

This bill would make those procedures applicable under certain circumstances to specified registration violations which do not occur with parking violations Because traffic officers of local public agencies would be required to enforce these provisions, the bill would impose a state-mandated local program. The bill would prevent a court from adjudicating these violations until satisfactory evidence is produced to the court that the appropriate registration fee has been paid or the vehicle has been dismantled.

(2) Existing law authorizes the issuance of a notice to correct violation for specified offenses

This bill would make that procedure inapplicable to violations of specified vehicle registration provisions

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

The bill would become operative on the July 1 following the date on which the bill takes effect

Ch 730 (SB 1405) Boatwright Insurance false and fraudulent claims

Existing law provides for a penalty of imprisonment in the state prison for 2, 3, or 5 years for performing specified acts relating to defrauding an insurer The same penalty is applicable with respect to false or fraudulent insurance claims in addition to a fine not to exceed $25,000, or by both the imprisonment and the fine

This bill would increase that fine to $50,000, and mandate the fine with respect to false or fraudulent insurance claims It would also provide for a 2-year enhancement for subsequent convictions, as specified, in both instances

Ch 731 (SB 1414) Maddy Health skilled nursing and intermediate care facilities

(1) Existing law provides for basic health care services through the Medi-Cal program, which is administered by the State Department of Health Services and funded in part by the federal government Existing law further establishes various procedures for the administration of the Medi-Cal program in regard to skilled nursing and intermediate care facilities, as defined

This bill would delete references to skilled nursing and intermediate care facilities in these provisions, and instead make the provisions applicable to nursing facilities.

The bill would also require the Director of Health Services to adopt regulations establishing payment rates for nursing facilities and would make procedures relating to the payment of skilled nursing facilities and intermediate care facilities applicable to nursing facilities, commencing October 1, 1990, or a later date if the State Department of Health Services makes certain determinations

(2) Under the Medi-Cal program, the department is responsible for conducting preadmission screening for frail elderly and functionally impaired adults for the purpose of providing various institutionalization prevention services The department may delegate preadmission screening of general acute care hospital patients to discharge planning units of general acute care hospitals

This bill would, in addition, permit the department to delegate preadmission screening of general acute care hospital patients to multilevel facilities, as defined

(3) This bill would require the State Director of Health Services to adopt emergency regulations to implement its provisions

(4) This bill would incorporate additional changes in Section 14132 of the Welfare and Institutions Code, proposed by this bill, AB 224, and AB 1726, or both, to become operative only if AB 224 or AB 1726, or both, and this bill are chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 732 (SB 1453) Marks Underwater historical sites and archaeological resources

(1) Under existing law, the State Lands Commission is required to administer and control state lands, and has exclusive jurisdiction over ungranted tidelands and submerged lands of the state, and of the beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits, as specified The commission may issue to persons or organizations as specified, permits based upon criteria adopted by the commission, for excavation and salvage of sites or resources determined to be of historical or archaeological significance. The commission is required to forward all applications for those permits relative to historical resources 50 years and older to the State Office of Historic Preservation for review and recommendations, and may revoke the permits for noncompliance with provisions of law or adopted rules and regulations on its own motion, or upon the

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recommendation of the State Office of Historic Preservation

This bill would require that the commission administer the Shipwreck and Historic Maritime Resources Program, as defined, and would prescribe the powers and duties of the commission in administering that program The bill would repeal existing provisions relating to the issuance of permits to certain organizations and individuals, and would generally require permits for salvage operations and recreational recovery activities and provide criteria relative to issuance of and compliance with the permits

The bill would specify that the state has title to abandoned shipwrecks and archaeological sites and historic resources on or in the tide and submerged lands of the state, and would provide for their custody and disposition by the commission The bill would provide that submerged archaeological sites or resources which have been in state waters more than 50 years are archaeologically or historically significant The bill would impose specified requirements relative to permits to disturb submerged archaeological sites or historic resources The commission and the State Office of Historic Preservation would be required to make an inventory of shipwreck sites of historical significance available to the public, and the State Historic Preservation Officer would be required to review specified permit applications

The bill would provide criminal penalties and authorize civil actions to protect and to recover damages for removal, damage, or destruction of any archaeological site or historic resource on or in the submerged lands of the state By creating a new crime, the bill would impose a state-mandated local program

The bill would authorize the confiscation of items from a submerged archaeological site or historic resource found in any watercraft occupied by persons who do not have a permit, as specified

(2) Under existing law, the California Public Records Act, every person has the right to inspect any public record, as defined Existing law specifies that the act does not require disclosure of records relating to archeological site information maintained by the Department of Parks and Recreation or the State Historical Resources Commission

This bill would include within that provision those site information records maintained by the State Lands Commission

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

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

Ch 733 (AB 770) Frazee Transit public works and North San Diego County Transit Development Board contracts.

(1) Under the Uniform Public Construction Cost Accounting Act, an alternative method is provided for the adoption of uniform cost accounting procedures and for bidding of public works projects by public agencies

This bill would include in the definition of "public agency," for purposes of the act, a nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency

(2) Under the North San Diego County Transit Development Board Act, the North San Diego County Transit Development Board is required to award to the lowest responsible bidder after competitive bidding, except as specified, contracts for the purchase of supplies, equipment, and materials in excess of $5,000

This bill would increase the amount above which the board is required to award those contracts to the lowest responsible bidder to $20,000

Ch 734 (AB 900) M Waters Health insurance: treatment of infertility

Existing law does not require health care service plans, disability insurers, and nonprofit hospital service plans, to offer group coverage for the treatment of infertility, as defined

This bill would, with respect to those plans and policies that are issued, amended, or renewed on or after January 1, 1990, require the offering of group infertility treatment coverage, as defined, with specified exceptions. It would also provide that these provi-

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sions are not intended to deny or restrict any existing right or benefit to coverage and treatment of infertility under an existing law, plan or policy.

This bill would also make a statement of legislative findings relating to the treatment of infertility and insurance coverage therefor

Ch 735 (AB 920) Bradley The Bill Bradley Human Relations Pilot Project.

Existing law does not provide for the establishment of a pilot project on human relations

This bill would require the Superintendent of Public Instruction to authorize the development of the Bill Bradley Human Relations Pilot Project for teaching a course on human relations The superintendent would select 3 school districts from among interested school districts to participate in the pilot project, consult with specified persons and groups in the development of the course, recommend the course curriculum to the State Board of Education, participate in the pilot project, as specified, and oversee the training of appropriate staff. This bill would specify the goals that the human relations course is to encompass and would provide that the course would be designed by a committee, appointed as specified.

The human relations course developed pursuant to this act would be required to be designed and ready for implementation by the 1990–91 school year.

This bill would require the Superintendent of Public Instruction to evaluate the effectiveness of the program and to report its findings and recommendations to the Legislature and the Governor.

This bill would appropriate $75,000 for expenditure without regard to fiscal year to the superintendent for the purposes of the pilot program on human relations, as specified This bill would specify that no less than 50% of the amount allocated to develop the program and train staff and purchase materials for the program shall be designated for the purpose of training staff and purchasing materials to be used for the human relations course This bill would also specify that no more than 5% of the amount allocated to develop the program shall be used for administrative costs.

Ch. 736 (AB 1092) Tanner Solid waste landfill facilities. Main San Gabriel Groundwater Basin

Existing law prohibits a California regional water quality control board from issuing a waste discharge permit for a new landfill or a lateral expansion of an existing landfill, as specified, if the land has been primarily used at any time for the mining or excavation of gravel or sand Existing law authorizes the regional water board to grant variances, pursuant to prescribed procedures, from that prohibition, as specified

This bill would prohibit a variance in the Main San Gabriel Groundwater Basin, as described The bill would also revise the definition of lateral expansion, as used in this provision, to exclude certain waste management units The bill would make legislative findings and declare that a special act is necessary because of unique conditions in that area, as specified

The bill would also enact identical provisions in the Water Code to become operative only if AB 939 is enacted and becomes operative on or before January 1, 1990, and is enacted after this act.

Ch 737 (AB 1369) Hauser Brooktrails Community Services District extension of covenants, conditions, and restrictions

Existing law does not provide for the extension of conditions, covenants, and restrictions for certain subdivisions, including Brooktrails Community Services District, beyond their stated expiration date

This bill would specify that a declaration of covenants, conditions, and restrictions which specifies a termination date, but contains no provision to extend the termination date may be extended up to 4 years under certain circumstances if the Board of Directors of the Brooktrails Community Services District is petitioned to do so, a hearing is held, and other procedures are followed By requiring a local legislative body to conduct hearings and perform other functions this bill would impose a state-mandated local program.

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This bill would also provide that if owners of more than 50% of the lots or parcels in a tract within the boundaries of the Brooktrails Community Services District approve, then a declaration of covenants, conditions, and restrictions which specifies a termination date, but which contains no provision for extension of the termination date, may be extended, as specified, not to exceed 20 years

The bill would state that these provisions constitute necessary special legislation

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

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

Ch 738 (AB 1538) Lempert Vehicles. transfers of title

Existing law requires the owner of a vehicle to immediately notify the Department of Motor Vehicles whenever he or she transfers title or interest in, and delivers the possession of, the vehicle to another

This bill would require the notification within 5 calendar days The bill would make legislative findings concerning liabilities when motor vehicles are sold

Ch 739 (AB 1567) Epple State Job Training Coordinating Council

Existing law prescribes the composition of the State Job Training Coordinating Council pursuant to requirements in the federal Job Training Partnership Act

This bill would revise the composition of the state council to conform to newly enacted requirements made by the federal act

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

Ch 740 (AB 1582) 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 contain specified information relating to subsidies, expenditures, and revenues, and a recommended program for rail passenger services over a 5-year period

This bill would, additionally, require the plan to identify the 3 most decrepit intercity rail passenger stations used by trains operated by Amtrak and to identify those stations requiring upgraded parking facilities to encourage automobile drivers to utilize rail passenger service

The bill would create an Office of Rail Services within the Division of Mass Transportation in the department, to be responsible for the development of a comprehensive rail passenger system and for preparation of the rail passenger development plan

(2) Existing law authorizes the department to construct, acquire, or lease and improve and operate rail passenger terminals and related facilities which provide intermodal passenger services along specified corridors

This bill would revise the descriptions of affected corridors

(3) Existing law authorizes the department and other public entities to submit applications to the department for allocations from the Transportation Planning and Development Account in the State Transportation Fund to fund transit capital improvements

This bill would, in addition, authorize those entities to apply for an allocation for exclusive public mass transit guideways from the State Highway Account in the State Transportation Fund, and would provide that such an application is timely if submitted by January 1 for a project which became eligible at an election pursuant to Section 4 of Article XIX of the California Constitution during or prior to the immediately preceding November The bill would make other specified provisions applicable to those applications, including a provision prohibiting the department from accepting an application unless the public entity, other than the department, states in the application that it will contribute funds equal to 10% of the amount requested in the application

(4) Existing law authorizes the commission to allocate funds received pursuant to

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specified federal programs

This bill would require the department to report to the Legislature on the availability of federal funds under the federal rail-highway crossings program, as specified

(5) Existing law provides that a public entity is not eligible for a specified allocation to fund an intermodal transfer station unless it first agrees that, upon request of the department, it will authorize a state-funded bus service to use the station without charge to the department and will assist the department in the placement of signs and informational material regarding availability of the state-funded bus service

This bill would impose a state-mandated local program by making that condition applicable to a public entity which has received such an allocation

(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 741 (AB 1630) McClintock State hospital lands

Existing law authorizes the lease of up to 60 acres of land located within the grounds of Fairview State Hospital for a period not to exceed 55 years, for the purposes of developing affordable housing

Existing law requires that the housing be used for employees of the hospital, for transitional housing for patient-clients, and in the event of vacancies, authorizes that the units be made available to persons employed within the City of Costa Mesa who are in need of affordable housing and whose income does not exceed 80% of the median income for Orange County

This bill would delete the requirement that eligible persons be employed within the City of Costa Mesa

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, and authorizes Ventura County to 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 require that the sublease agreement be between Ventura County and one or more responsible organizations, and that it contain a provision which requires that permits for construction of housing be issued prior to January 1, 1993

This bill would specify that the sublease may be for either, or both, the construction of the housing, or the operating of the services

This bill would also require that both leases contain provisions that require that the lease terminate and that full title, possession, and control of the property return to the state if permits for construction are not issued prior to January 1, 1993

Ch 742 (AB 1673) Kelley Weights and measures

(1) Existing law generally makes it a misdemeanor for any person to sell any weight or measure or weighing or measuring instrument which has not been sealed within one year, or to sell any device or instrument to be used or calculated to falsify any weight or measure

This bill would make it a misdemeanor to sell, lease, loan, or knowingly install an incorrect weighing or measuring instrument for commercial purposes, thereby imposing a state-mandated local cost by creating a new crime

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

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

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Ch 743 (AB 1692) Bronzan Disability insurance serious mental illnesses

Existing law requires group disability insurers to offer coverage for expenses incurred as a result of mental disorders, as specified

This bill would require group disability insurers which offer coverage for disorders of the brain to also offer coverage in the same manner for biologically based severe mental disorders, as specified

Ch 744 (AB 1792) Katz. State transportation projects· property

(1) Existing law authorizes the Department of Transportation to acquire property for rights-of-way for state highways

This bill would require the department, whenever it determines that a specific parcel of private property will or may be needed for the right-of-way of a state highway transportation corridor within 7 years, or is located within a corridor which is the subject of a special study, as defined, to so notify the city or county in which the parcel is located.

The bill would impose a state-mandated local program by requiring the city or county, when reviewing a proposal for development of the parcel, to review with the department the status of the proposed transportation project.

The bill would express the Legislature's intent that the department should have a reasonable opportunity to acquire properties needed for transportation 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 745 (AB 1914) N Waters Mobilehomes transfers of mobilehomes

Existing law provides that a homeowner or his or her agent may advertise the sale or exchange of the mobilehome or, if not otherwise prohibited, the rental of the mobilehome by displaying a sign in the window of the mobilehome or by a sign posted on the side of the mobilehome facing the street, as specified

Under existing law, 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, as specified, and management may not act as the agent or prohibit another from acting as the agent in the sale of a manufactured home or mobilehome or prohibit the listing or sale of a used mobilehome within the park by the homeowner as a condition of approval of a buyer or prospective homeowner for residency in the park

This bill would expressly extend these provisions to an heir, joint tenant, or personal representative of the homeowner's estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome

Existing law provides that an heir or joint tenant who gains ownership of a mobilehome in a park through the death of the owner of the mobilehome, as specified, has the right to sell the mobilehome to a 3rd party if responsibilities for payment of rent, utilities, and reasonable maintenance of the mobilehome arising after the transfer of ownership to the heir or joint tenant are satisfied until the mobilehome is sold

This bill would condition this right of sale on timely satisfaction of those responsibilities arising since the death of the homeowner up until the date the mobilehome is resold The bill would also permit the heir, joint tenant, or personal representative of the homeowner's estate prior to the sale of the mobilehome to replace the existing mobilehome with another mobilehome, either new or used, or repair the existing mobilehome to meet specified health and safety standards The bill would require the replacement mobilehome to also meet the park's current standards, as specified.

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Ch 746 (AB 1956) Kelley Agricultural regulations. civil liability

Existing law provides for the regulation of plant quarantine and pest control, field crops, seeds, seed potatoes, one-variety cotton districts, and nursery stock grades and standards in this state, and provides for civil and criminal penalties for violating the provisions relating thereto

This bill would, with prescribed exceptions, in lieu of any civil action under those provisions or the regulations adopted pursuant thereto, regulating the plant quarantine and pest control, authorize the Director of Food and Agriculture or the county agricultural commissioner to levy a civil penalty of not to exceed $500 for each violation

This bill would provide until January 1, 1994, that, in addition to any other penalty, any person who violates provisions regulating field crops, seeds, seed potatoes, one-variety cotton districts, and nursery stock grades and standards would be civilly liable in an amount not to exceed $10,000 for each violation, and, would authorize the director or commissioner, in lieu of any civil action, to levy a civil penalty of not to exceed $500 for violating certain specified provisions dealing with those products

The bill would provide for the procedures for levying these civil penalties, for appeals, and for court review of any penalty levied under these provisions

Ch. 747 (AB 2117) Filante Medi-Cal drug formulary

Existing law provides that those prescribed drugs which may be used under the Medi-Cal program, without prior authorization, shall be limited to those approved and placed upon the Medi-Cal drug formulary by the State Department of Health Services, according to specified procedures

Existing law specifies that provisions regarding implementation of procedures for the addition of a drug to, or deletion of a drug from, the Medi-Cal drug formulary shall not preclude the State Department of Health Services from taking emergency action as it deems appropriate

This bill would include the provisions of this bill within the scope of that exception

Existing law further provides that the effective date of a notice issued in regard to the adoption of a proposed regulation adding a drug product to the drug formulary shall not exceed one year

This bill would provide that notice of proposed adoption or amendment of a regulation by the department regarding the addition of a drug product to the Medi-Cal drug formulary would be effective until June 30 of the 2nd fiscal year following that in which the notice of proposed adoption or amendment was issued, provided that specified criteria in regard to the approval process are met, notwithstanding any other provision of law

Ch 748 (AB 2169) Bentley Trusts

Existing law provides that notwithstanding any provision in a trust, if a statute makes the beneficiary liable for reimbursement of the state or local public entity for public support furnished to the beneficiary or to the beneficiary's spouse or minor child, a court may issue various orders to the trustee, including, but not limited to, an order to satisfy all or part of the liability out of all or part of the payments as they become due

Existing law exempts from this authority to compel payment, any trust that is established for the benefit of an individual who has a disability that substantially impairs the individual's ability to provide for his or her own care or custody and constitutes a substantial handicap

This bill would provide that this exemption shall not apply if the trust results in the individual being ineligible for needed public social services

Existing law authorizes the superintendent of a state hospital to collect on behalf of a patient, any money due and owing to the patient, if the total amount due and owing to him or her does not exceed $3,000, and requires that the funds be deposited in the patients' personal deposit fund

This bill would, instead, authorize the executive director to collect an amount not to exceed $3,000 of any money due and owing, without regard to the total amount due and owing, would make other technical changes, and would require that the State Department of Developmental Services and the State Department of Mental Health to annual-

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ly make cost-of-living adjustments of the $3,000 maximum commencing January 1, 1990, as specified

Ch 749 (AB 2173) Hauser. Sportfishing licenses: enforcement· deputies.

(1) Existing law requires, with prescribed exceptions, any person who takes any fish, reptile, or amphibia anywhere in this state, for purposes other than profit, to obtain a sportfishing license, provides for the enforcement of this provision by deputies of the Department of Fish and Game, and makes violations of this provision an infraction, which is a public offense

Existing law also requires specified training for peace officers and provides the procedures for arrest, and release upon written promise to appear, by peace officers and procedures for arrest by private citizens for public offenses

This bill would authorize the Director of Fish and Game to deputize any employee of the department, who has completed specified training, to enforce violations of that provision The bill would specify that any person, who is deputized pursuant to the bill, may not enforce any other provisions of the Fish and Game Code and is not a peace officer subject to designated provisions of the Penal Code

The bill would require the department to prepare a report on the effectiveness of the bill and submit it to the Joint Committee on Fisheries and Aquaculture. The bill would also require copies of the report to be made available to specified persons

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would authorize the department to take certain action with respect to sportfishing licenses, thereby making the money in the fund available for a new purpose, it would make an appropriation.

Ch 750 (AB 2313) Roybal-Allard Vehicles parking offenses

(1) Under existing law, if an affidavit of nonliability, which is required to be sent to the registered owner of a vehicle along with a notice of delinquent parking violation, is returned from the owner of a leased or rented motor vehicle which identifies, as specified, the lessee or rentee of the vehicle, the agency processing the violation is required to either cancel the notice of delinquent parking violation or file a complaint with the court, as specified

This bill would, alternatively, authorize the processing agency to serve or mail to the rentee or lessee the notice of delinquent parking violation, and would make a technical correction

(2) Existing law prohibits the Department of Motor Vehicles from refusing to renew the registration of any vehicle owned by a renter or lessor with unpaid parking violations, as specified, when the renewal application is filed without full payment of prescribed penalties and fees, if the application for renewal is accompanied by an affidavit of nonliability, as specified

This bill would, instead, prohibit the department from refusing to renew the registration if the applicant provides the department with the abstract or notice of disposition of parking violation, as specified. The bill would require a court or processing agency to issue an abstract or notice of disposition of parking violation to a renter or lessor if the renter or lessor provides specified information concerning the rentee or lessee at the time of occurrence of the violation, thereby imposing a state-mandated local program. The bill would make other technical and conforming 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 751 (AB 2356) Sher Ports environmental mitigation.

Under existing law, the State Coastal Conservancy has jurisdiction and authority over agricultural protection, area restoration, and resource enhancement in the coastal zone.

This bill would require the State Coastal Conservancy, in consultation with the State

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Lands Commission, the California Coastal Commission, the Department of Fish and Game, the California Association of Port Authorities, and other interested public and private entities, to conduct a study, when funds are authorized, of the mitigation of impacts to fish and wildlife from future port development projects in California and to complete and submit a report based on the portion of the study relating to the ports south of the Ventura-Los Angeles County line to the Governor and the Legislature by July 1, 1991

The bill would make legislative findings in that connection

Ch 752 (AB 2363) Tucker PERS partial retirement. seminars retiree employment

The existing statutes authorize certain state employees who are state miscellaneous members of PERS and who are 62 years old and eligible to retire, to participate in a reduced worktime for partial service retirement program

This bill would revise the conditions for participation by deleting the minimum age of 62 years and the minimum credited service of 5 years and would, instead, condition participation upon either having 20 years of service credit and, if under the First Tier, having attained age 50, or if under the Second Tier, having attained age 55 or having the minimum credited service and attained age necessary for retirement under the First Tier or the Second Tier and the sum of the member's age, when added to the member's service credit, equals or exceeds 65 years

This bill would authorize state industrial members to also participate in that program.

The existing Public Employees' Retirement Law establishes the Public Employees' Retirement System under the exclusive administration of the Board of Administration

This bill would require the board to provide for specified retirement seminars

The existing Public Employees' Retirement Law prohibits, with specified exceptions, postretirement employment of a PERS retiree by the state, a school employer, or a contracting agency unless the person is reinstated in PERS

One exception is employment of a retired person appointed either during an emergency to prevent stoppage of public business or because he or she has skills needed in performing work of limited duration, if that service does not exceed, in any calendar year, 90 working days or 720 hours

This bill would increase those maximum limits from 90 to 120 days and from 720 to 960 hours

One exception is employment by a school employer or by the Trustees of the California State University of a retiree with skills needed in performing specialized work of a limited duration, if that service does not exceed, in any fiscal year, a total of 90 days for all employers or 35% of the hours the member was employed during the last fiscal year of service prior to retirement

This bill would, instead, establish maximum limits for any fiscal year of 120 working days or 960 hours for all employers

Ch. 753 (AB 1839) Speier Medi-Cal drug formulary

Existing law provides that prescribed drugs used under the Medi-Cal program shall be limited to those placed upon the Medi-Cal drug formulary by the State Director of Health Services

Existing law further provides that the Medical Therapeutics and Drug Advisory Committee shall meet at least every 4 months to review, with certain exceptions, placement of drugs on the Medi-Cal drug formulary

This bill would provide that notwithstanding existing provisions, pentoxifylline tablets shall be added to the formulary, for the period July 1, 1990, to January 1, 1993, for the treatment of persons diagnosed as having both diabetes and intermittent claudication

The bill would also require the State Department of Health Services to contract for a cost-benefit study of the impact of the addition of the drug to the Medi-Cal drug formulary, if sufficient funding is received from private sources, and to report to specified committees of the Legislature on the results of the study upon the completion of the study

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Ch 754 (SB 349) Alquist California Center for the Study of Asia Task Force.

Existing law does not provide for a state agency charged with improving California-Asia relations

This bill would create a California Center for the Study of Asia Task Force, comprised of 11 members, as specified It would charge the task force with helping private industry, university, and government officials identify and assess the feasibility of establishing cooperative programs designed to improve understanding of Asian business practices, language, and culture, to monitor new developments in science and technology, and to promote improvements in California-Asia relations

This bill would require the task force to oversee a study on the feasibility of establishing a permanent center, and on the feasibility of establishing a facility in Asia to serve as a physical center for study programs conducted by the center, among other things This bill would also require the task force to submit a report to the Governor and the Legislature on or before January 1, 1991, and would require the Department of Commerce to provide the staff support necessary for the report's preparation and publication and to reimburse the expenses of task force members who are not public agency employees

This bill would be repealed on January 1, 1991

This bill would appropriate $20,000 from the General Fund to the California Center for the Study of Asia Task Force for the purposes of this bill

Ch 755 (AB 560) Bradley Hazardous materials environmental quality assessments

The Environmental Assessment Act of 1986 provides for the registration of individuals meeting specified qualifications as environmental assessors with responsibilities for making environmental quality assessments with regard to activities involving hazardous substances and waste Under existing law, environmental assessors include specified persons Employees of a state, local, or federal agency may not qualify since they are expressly excluded from the definition of an environmental assessor

This bill would delete that exclusion. The bill would specify that environmental assessors additionally include registered environmental health specialists.

Ch 756 (AB 810) Costa Buildings

Existing law permits cities and counties to assess the earthquake hazard in their jurisdiction and identify buildings subject to their jurisdiction as being hazardous to life in the event of an earthquake if those buildings possess certain structural criteria.

This bill would permit cities and counties to, in addition, assess that earthquake hazard in essential services buildings, as defined, that were constructed prior to July 1, 1987, and that lack an effective system to resist seismic forces

Existing law defines a residential structure, for the purpose of the California Housing Finance Agency, to include, among other things, structures used for mixed residential and commercial uses, or for commercial uses if, in the judgment of the agency, it is an integral part of a residential neighborhood Existing law continuously appropriates funds to the California Housing Finance Agency from the California Housing Finance Fund to finance the acquisition, construction, and rehabilitation of these structures

This bill would delete that definition of residential structure and would, instead, define it to include, among other things, any buildings, land, equipment, facilities, or other real or personal property which the agency determines to be necessary and convenient in connection with the provision of housing as specified

Since the bill would create additional purposes for which the fund may be used, it constitutes an appropriation

Existing law authorizes local agencies to provide financing to pay the "eligible costs" to owners of eligible buildings, as defined, in making structural or other modifications in order to meet local reconstruction standards Existing law defines eligible costs to include, among other things, all costs, including costs of design, preparation, and inspection incurred in making structural or other modifications to an eligible building required in order to meet reconstruction standards established by a local ordinance, as specified

This bill would revise the definition of those eligible costs to include nonseismic and

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nonstructural costs, including, but not limited to, plaster, wallboard, paint, carpeting, and any other finishes deemed necessary by the local building official to restore an eligible building to its original conditions and suitable for occupancy, and would revise the findings which the local agency would be required to make in order to pay for those eligible costs to include the mitigation of potentially hazardous buildings, as defined.

Existing law requires the Department of Justice to develop building security standards for recommendation to the Legislature not later than the 5th legislative day of the 1974 session, as specified

This bill would repeal that provision

Ch 757 (AB 1040) Floyd Wrestling

Existing law provides for the licensing and regulation of professional wrestling by the State Athletic Commission

This bill would delete the licensing and regulation of wrestling from those provisions, except for a specified tax on the amount paid for admissions to wrestling exhibitions and a specified tax on closed circuit telecasts of wrestling exhibitions

Ch 758 (AB 1760) Harvey Milk. temporary standards

Existing law authorizes the Director of Food and Agriculture, upon the request of any interested person, and in accordance with prescribed procedures and requirements, to grant a temporary standard and to renew a temporary standard to, in accordance with prescribed requirements, for a maximum duration of 3 years, for all milk and dairy products and products resembling milk products, except as prescribed Existing law requires that a notice of a requested hearing or denial thereof for a temporary standard be announced by the director within 21 days after receipt of a temporary standard petition and requires that a hearing be held not later than 60 days following the receipt of a temporary standard petition

This bill would shorten the period to 15 days for the director to make the announcement of the notice of requested hearing or denial thereof, and extend to 65 days following receipt of a temporary standard petition for the director to hold the hearing, and make other related changes The bill would define new milk product and new product resembling a milk product and specify that a temporary standard may be granted for any such product

The bill would specify that if the director fails to respond to a petition for a temporary standard, within that 15-day period or fails to hold a hearing on the petition, after notice, within that 65-day period, the petitioner may thereafter utilize the standard for the period of time prescribed by the bill

Ch 759 (AB 1836) Hannigan Health facilities construction.

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 The program is funded by the Health Facility Construction Loan Insurance Fund, which is continuously appropriated Under this law the Office of Statewide Health Planning and Development is authorized to guarantee the repayment of loans to health facilities under certain conditions Existing law defines "health facility" for purposes of the program

This bill would add to the definition of "health facility" for these purposes accredited nonprofit work activity programs, as defined and nonprofit community care facilities, as defined

This bill would incorporate additional changes to Section 436 2 of the Health and Safety Code proposed by SB 485, to be operative only if SB 485 and this bill are chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 760 (AB 1912) N. Waters. Physicians' assistants

(1) Existing law requires the medical and health section data and the time of death in a certificate of death to be completed and attested to by the physician last in attendance if the physician is legally authorized to certify and attest to these facts or by the coroner in specified circumstances

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This bill would permit the medical and health section data and the time of death to be completed and attested to by a licensed physician's assistant under the supervision of the physician and surgeon last in attendance in the case of a patient in a skilled nursing or immediate care facility at the time of death, as specified

This bill also would make a similar change to a related provision regarding the certificate of death

(2) Existing law requires a physician, funeral director, or other person to immediately notify the coroner when he or she has knowledge of a death which occurred or has charge of a body in which death has occurred under specified circumstances, and also provides that any person who does not notify the coroner is guilty of a misdemeanor

This bill would add that physicians' assistants are required to make the above notification, thereby imposing a state-mandated local program by changing the definition of a crime

(3) Existing law requires that the Department of Motor Vehicles require an examination of an applicant for a driver's license Existing law requires the examination for a class A or class B license to include a report of a medical examination of the applicant by a physician

This bill would permit the examination to be given by a physician's assistant or nurse practitioner under the supervision of a licensed physician and surgeon if federal regulations are adopted, 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 761 (SB 428) Torres Vicious and potentially dangerous dogs

(1) Existing law provides for the regulation and licensing of dogs, including providing for dog tags, the seizure and destruction of dogs, and fees for impounding dogs It imposes civil liability and fines for specified violations and provides that certain offenses involving dogs are misdemeanors or felonies

This bill would provide for the regulation and licensing of potentially dangerous and vicious dogs, as defined

The bill would provide for the destruction of a vicious dog, as defined, and would impose a fine on the owner or keeper of the dog, thereby imposing a state-mandated local program by creating new crimes

The bill would provide for exceptions to specified provisions for licensed kennels, shelters, veterinarians, police departments, and law enforcement officers, as specified

The bill would require the Judicial Council to prepare all forms including a summons or citation to be used by law enforcement agencies in the enforcement of this act.

The bill would not prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs so long as that program does not regulate these dogs in a manner that is specific as to breed

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated 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 762 (SB 442) Kopp Vehicles purchase foreign owner

(1) Existing law provides for the operation in this state of nonresident or foreign vehicles, as specified

This bill would additionally provide for the issuance of an in-transit permit to a resident of a foreign country allowing operation in the state for 30 days of a new, noncommercial vehicle manufactured in the United States upon its purchase in the state and payment of a $60 fee to the Department of Motor Vehicles The bill would require the display of the permit in a specified manner and would require the department to assess a penalty, as specified, if the vehicle is not removed from the state within the

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30-day period. The bill would impose a state-mandated local program since a violation of the requirements would be an infraction

(2) The existing Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax

This bill would exempt from the tax the gross receipts from the sale, and the storage, use, or other consumption, in this state of motor vehicles sold to residents of foreign countries who meet certain requirements, including obtaining an in-transit permit.

(3) 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 to reimburse, and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

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

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

(5) The bill would take effect immediately as a tax levy, but would become operative on the 1st day of the 1st calendar quarter commencing more than 90 days after the effective date

Ch 763 (SB 488) Stirling. Freeways reclaimed water for irrigation and transmission facilities

Under existing law, the Department of Transportation is generally required to use reclaimed water for freeway irrigation purposes whenever possible.

This bill would direct the department to require the use of reclaimed water for irrigation of freeway landscaping when it finds and determines that designated conditions exist The bill would also direct the department to conduct a demonstration project, in cooperation with a local agency selected by the department, to test and evaluate the use of reclaimed water for freeway landscape irrigation and the transmission of reclaimed water to others when to do so will promote a beneficial use of reclaimed water and that transmission does not unreasonably interfere with use of the highway or unreasonably increase any hazard to vehicles, subject to specified conditions

Ch 764 (SB 491) Marks Political Reform Act

(1) Under the Political Reform Act of 1974, no candidate or committee shall send a mass mailing unless specified information is shown on the outside of each piece of mail and on at least one of the inserts in no less than 6-point type

This bill would instead require that the information be shown in no less than 6-point type which shall be made easily legible by the use of color or contrasting print

(2) Existing law prohibits specified public agency officers from accepting, soliciting, or directing a campaign contribution of $250 or more from any party or participant in any proceeding of the agency involving a license, permit, or other entitlement for use, while the proceeding is pending before the agency and for 3 months following the date a final decision is rendered in the proceeding, if the officer knows or has reason to know that the participant has a financial interest in the proceeding

This bill would increase the threshold amount for the application of this prohibition from $250 to more than $250

(3) Under the Political Reform Act of 1974, a violation of its provisions is subject to administrative, civil, and criminal penalties.

This bill would subject persons who violate its provisions to these penalties thereby creating a state-mandated local program by changing the definition of a crime.

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements.

This bill would require a ⅔ vote and would declare that it furthers the purposes of the act

Ch 765 (SB 561) Ayala AIDS testing

(1) Existing law requires that a person convicted of soliciting, agreeing to engage in, or engaging in an act of prostitution be ordered by the court to submit to testing for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS)

Existing law requires the county probation officer, in consultation with the county health officer, to establish procedures for this testing The county probation officer is required to furnish written copies of the report on the test to the court in which the defendant is to be sentenced, the county health officer, and the State Department of Health Services

This bill would instead require the court to order testing by, and written copies of, the report to be furnished by, an unspecified person

(2) Existing law contains provisions concerning the nonconsentual testing of all inmates in correctional institutions for the human immunodeficiency virus (HIV, which is the probable causative agent of AIDS)

Existing law also contains specific provisions concerning nonconsentual testing of persons under the jurisdiction of the Department of the Youth Authority These tests can be ordered by the chief medical officer of a facility if he or she finds that certain conditions are met

This bill would repeal and reenact the provisions relating to the testing of persons under the jurisdiction of the Department of the Youth Authority for evidence of HIV

This bill would also specify that these provisions apply to persons under the control of the Department of the Youth Authority

Under these provisions, prior to ordering a test, the chief medical officer is required to ensure that the subject receives pretest counseling, which must include, among other things, counseling on precautions for avoiding transmission of HIV

This bill would, in addition, require this counseling to include information about avoiding exposure to HIV.

Existing law requires that all counseling and notification of test results under these provisions must be conducted by a physician and surgeon, registered nurse, or certified health educator, or by a psychologist, licensed social worker, or trained volunteer counselor under the purview of a physician and surgeon, registered nurse, or certified health educator

This bill would, instead, require this notification and counseling to be conducted by (1) a physician and surgeon or registered nurse who has received training in the subjects for which counseling is required to be given, (2) a psychologist or licensed social worker who has received training in the subjects for which counseling is required to be given and who is under the purview of a physician and surgeon or registered nurse who has received training in the subjects for which counseling is required to be given, or (3) a trained volunteer counselor who has received training in the subjects for which counseling is required to be given and who is under the supervision of a physician and surgeon or registered nurse who has received training in the subjects for which counseling is required to be given.

Existing law limits the chief medical officer's authority to the disclosure of positive test results

This bill would delete the limitation on disclosure to only positive test results

(3) Under existing law, every person who solicits, who agrees to engage in, or who engages in any act of prostitution is guilty of a misdemeanor. Existing law requires, in

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any accusatory pleading charging a person with those acts, if the defendant has been previously convicted of a violation of those prohibitions or of other specified sexual offenses, and in connection with one or more of those convictions a blood test for evidence of antibodies to the probable causative agent of AIDS was administered pursuant to a specified provision which requires testing of persons convicted of specified sexual offenses, with positive test results, of which the defendant was informed, that the previous conviction and positive test results be charged in the accusatory pleading. Existing law also provides that if the previous conviction and informed test results are found to be true by the trier of fact or are admitted by the defendant, the defendant is guilty of a felony.

This bill would extend the above requirement to those cases where a blood test was ordered pursuant to the provision requiring testing of a person convicted of soliciting, agreeing to engage in, or engaging in any act of prostitution, thereby creating a state-mandated local program by changing the definition of a crime.

(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. 766 (SB 20) Beverly. Local governmental funding.

Existing law requires the auditor in each county, other than the County of Mono and the County of Ventura, with qualifying cities, as defined, for the 1989–90 fiscal year and fiscal years thereafter, to make property tax revenue allocations to those cities in accordance with a TEA formula, as defined, with certain adjustments, 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 incorporated prior to a specified date and had a property tax revenue allocation for the 1988–89 fiscal year which is less than 7% of the amount of property tax revenue, computed as specified, for all of their tax rate areas. In this connection, existing law provides for a 7-year phasein of the allocations to those qualified cities by requiring that the amounts computed for allocation to them be distributed as follows: ⅐ in the 1st fiscal year and increasing by an additional ⅐ each fiscal year thereafter, subject to each qualifying city's receipt of a minimum allocation of no less than the amount of property tax revenue it would have received without the TEA formula allocation. A qualifying city is precluded from receiving a property tax revenue allocation under these provisions 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 Brown-Presley Trial Court Funding Act.

This bill would provide that an independent qualifying city, as defined, in the County of Los Angeles shall receive new specified percentages of its TEA formula allocation if this allocation would be greater than its property tax revenue allocation without the TEA formula. This bill would make specified legislative findings and declarations regarding the unique facts involved with respect to an independent qualifying city in Los Angeles County.

This bill would impose a state-mandated local program by requiring the auditor in the County of Los Angeles to allocate to independent qualifying cities property tax revenues in accordance with the new revised formula and by requiring a corresponding reduction in the county's property tax revenue allocation.

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

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

This bill would become operative on July 1, 1989, and would apply to distributions of property tax revenues for the 1989–90 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 767 (SB 97) Robbins. Long-term care insurance.

Existing law requires the Insurance Commissioner, in carrying out the Long-Term Care Insurance Act, to adopt regulations for certain disclosures required in connection with sales of defined long-term care insurance. Existing law requires the commissioner to adopt a standard format and required content for an outline of coverage to be provided to prospective insureds under a policy of long-term care insurance

This bill would delete those provisions and would instead prescribe the required disclosures by statute The bill would add requirements concerning the contents of policies of long term care insurance, would require group policies of this insurance to provide specified continuation and conversion rights, would require individual policies of this insurance to provide for renewability, and would require specified notice to be provided to applicants regarding replacement of their existing insurance The bill would authorize the commissioner to waive requirements of the bill upon making certain findings, and to condition these waivers upon compliance with alternative requirements. The bill would specify that benefits under these policies are reasonable if the expected loss ratio is at least 60%, as specified The bill would apply to long-term care insurance policies delivered or issued for delivery in this state on or after January 1, 1990.

Ch. 768 (SB 151) Garamendi Tax collection procedures

Existing law establishes the San Joaquin County Regional Justice Facility Financing Agency which has various specified powers with respect to justice facility financing, including the authority to supplement existing local revenues being used for the development of regional justice facilities by the imposition of a transactions and use tax pursuant to the Transactions and Use Tax Law at a rate not exceeding ½%, as specified, upon approval of a majority of the electors of the county voting thereon at a special election called for that purpose by the agency Existing law provides that any transactions and use tax adopted pursuant to the agency's authority shall become operative on the 1st day of the 1st calendar quarter commencing more than 120 days after adoption of the ordinance

This bill would make a supplemental change to the agency's specified powers by providing that the agency reimburse specified costs incurred by the county relating to the justice facilities It would also provide that any transactions and use tax adopted pursuant to the agency's authority shall become operative on the 1st day of the 1st calendar quarter commencing more than 110 days after adoption of the ordinance

The existing Sales and Use Tax Law requires distributors and brokers of specified fuel to prepay a portion of the tax that will be due from the retailer

This bill would provide that a distribution of fuel shall be reported in the period in which the distribution is made, clarify the method of computing the prepayment, and making other supplemental changes

Under the existing Sales and Use Tax Law, certain successors in interest to entities subject to taxes imposed thereunder are liable for the taxes imposed on the taxable entity when it was owned by a prior owner Failure to pay the taxes imposed under the Sales and Use Tax Law by specified dates is subject to the imposition of certain penalties

This bill would specify that if the State Board of Equalization finds that a successor's failure to withhold a sufficient amount of the purchase price to cover the amount of sales and use taxes owed by the former owner is due to reasonable cause and circumstances beyond the successor's control, and occurred notwithstanding the exercise of ordinary care and in the absence of willful neglect, the successor may be relieved of any penalty included in the notice of successor liability

Under existing law, the obligation of a successor in interest in an entity subject to sales and use taxes is enforced by serving a notice of successor liability on the person in the manner prescribed for service of a notice of deficiency determination

This bill would require the State Board of Equalization to serve that notice not later than 3 years after the date the board is notified of the purchase of the business or stock of goods

Under existing provisions of the Sales and Use Tax Law, a state sales tax is imposed on the sale of personal property within California, and, in the alternative, a use tax is imposed on the consumption of that property within the state when the consumption

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of that property is not subject to the sales tax within the state. Sales of property within the state which are subject to the sales tax are exempt from the use tax

Existing law disallows a credit or refund of the payment of any use taxes unless the person claiming the credit or refund establishes to the satisfaction of the State Board of Equalization that his or her vendor has paid the sales tax to the state with respect to the sale of the property

The bill would exclude from that limitation any payment or payments made pursuant to a deficiency determination or a determination made by the State Board of Equalization when no return is made by the person subject to the tax

Under the existing Vehicle Fuel License Tax Law, the Use Fuel Tax Law, the Cigarette Tax Law, the Alcoholic Beverage Tax Law, and the Hazardous Substances Tax Law, all determinations made by the State Board of Equalization are due and payable at the time they become final, and if they are not paid at the time they become final, a penalty of 10% is added thereto

This bill would provide that a person may be relieved of that penalty in certain circumstances

Under existing Use Fuel Tax Law, a tax is imposed upon the use of specified fuels by persons who do not hold a valid use fuel tax permit, and every person desiring to become a vendor is required to first secure a vendor use fuel tax permit

This bill would specify that a use fuel tax permit shall be held only by persons actively engaging in or conducting a business as a vendor of fuel subject to the use fuel tax, and specifies the tax liabilities of the transferor and transferee of fuel vending business

Under existing law, each insurer subject to the imposition of retaliatory exactions is required to annually file with the Insurance Commissioner a retaliatory tax information return, and if the insurer files such a return after the time has expired for filing the return, the insurer is required to pay a specified penalty

This bill would provide that an insurer may be relieved of that penalty in certain circumstances

Existing law requires that any person seeking to be relieved of any of the above penalties is required to file with the State Board of Equalization a statement, under penalty of perjury, setting forth the facts upon which he or she bases his or her claim

This bill would make a technical correction to those provisions

Ch 769 (SB 363) Davis Courts Ventura County

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

This bill would also make 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

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

Ch 770 (SB 456) Dills State lands.

Under existing law, the State Lands Commission is authorized to issue prospecting permits and leases for removal of minerals, other than oil and gas, from state lands, including tide and submerged lands In entering into leases for extraction of minerals, other than oil and gas or geothermal resources, the commission may provide for payment of a royalty in money or in-kind or for a percentage of the net profits from mineral extraction

This bill would prohibit the issuance of a lease or permit which results in any net adverse impact to wetlands or riparian habitat

The bill would require that where lands, other than tide and submerged lands, have been acquired for the use of a specific state agency, that state agency, prior to issuance of permits and leases for the exploration, extraction, and removal of minerals, other than

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oil and gas and geothermal resources, shall approve the work to be performed and shall specify terms and conditions required to ensure that the work shall be performed in a manner which is not inconsistent with the purposes for which the land is owned or operated

The bill would prohibit the issuance of any permit or lease under these provisions for a wildlife management area, as described, unless the Department of Fish and Game determines that the proposed activity will not cause a net loss of wildlife habitat value or acreage in that area, as specified, and would prohibit the issuance of any permit or lease for any land under the jurisdiction of the Department of Parks and Recreation, a refuge or other protected area, or an ecological reserve

The bill would require an amount equal to 50% of the revenue received by the state from lands dedicated to public use for the development of minerals other than oil and gas or geothermal resources to be available for appropriation to the state agency administering the lands, as prescribed.

The bill would authorize the commission, when entering into permits and leases for the exploration, extraction, and removal of minerals, other than oil and gas and geothermal resources, on state lands, other than tide and submerged lands, owned by another state agency, to agree that the state agency receive land or in-kind payments, the value of which shall be deducted from the money royalty or a percentage of the net profits.

Ch 771 (SB 632) Morgan Schoolage parenting programs

Existing state law provides for child care and development programs, including programs for schoolage parenting and infant development

The bill would require the State Department of Social Services to seek federal financial participation, permitted by federal law for schoolage parenting and infant development child care, as specified, to the extent that it is used to service Greater Avenues for Independence participants It would require these additional funds to be used only to continue and expand the child development component of the schoolage parenting and infant development program under the State Department of Education The bill would authorize Greater Avenues for Independence participants who meet the educational requirements of the schoolage parenting and infant development program to use schoolage parenting and infant development child care services, notwithstanding any other provision of law

Ch 772 (SB 649) Craven Marriage, family, and child counselors

(1) Existing law requires all applicants for a license as a marriage, family, and child counselor to have a specified number of hours of experience and provides that the experience shall be gained within 6 years preceding the date of application for licensure except that certain supervised practicum hours that are required to be a part of a doctor's or master's degree program are exempt from that 6-year requirement

This bill would provide that only up to 500 hours of the supervised practicum hours shall be exempt from the 6-year requirement

(2) Existing law provides that experience required for licensure as a marriage, family, and child counselor may be earned as a trainee in a particular work setting or as an intern registered with the Board of Behavioral Science Examiners and requires a registered intern to notify the board of any employment or termination of employment within a specified time period

This bill would (1) require trainees to also register with the board, (2) establish a fee for that registration, (3) require the trainee to notify the board of any employment or termination of employment within a specified time period, and (4) define the term "employment" for purposes of the intern or trainee gaining experience.

(3) Existing law authorizes the Board of Behavioral Science Examiners to issue a marriage, family, and child counselor's license to any person who is licensed in another state and meets other requirements and with respect to persons not licensed in another state, the board is authorized to allow a person to be examined if the person has met certain specified education and experience requirements while outside of California that are substantially the equivalent of requirements for applicants from this state

This bill would authorize the board to allow any person meeting those education and

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experience requirements outside of this state to be examined without regard to licensure in another state and would authorize the board to accept education as "substantially equivalent" if the applicant has been granted a degree which meets specified requirements and if the applicant's education meets specified requirements.

(4) The bill would make other technical, nonsubstantive, and conforming changes.

(5) Existing provisions of the Business and Professions Code continuously appropriate the moneys in the Behavioral Science Examiners Fund. Because this bill would increase the amount of moneys in the fund, it would constitute an appropriation.

Ch 773 (SB 939) Marks Ballots randomized alphabet

Under existing law, at elections for the offices of State Senator and Member of the Assembly, the county clerk is required to arrange the names of the candidates on the ballot in accordance with the randomized alphabet established by the Secretary of State

This bill would instead impose a state-mandated local program by requiring that the county clerk in each county shall conduct a drawing of the letters of the alphabet, pursuant to the same procedures utilized by the Secretary of State, if the office is that of State Senator or Member of the Assembly and the district includes more than one county The results of this drawing would be used only to arrange the names of the candidates for these offices when the district includes 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

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. 774 (AB 2142) Epple. Voters assistance visually impaired [4]

Under existing law, there is no Visually Impaired Voter Assistance Advisory Board

This bill would enact the Visually Impaired Voters Assistance Act of 1989 and require the Secretary of State to create a Visually Impaired Voter Assistance Advisory Board with specified membership and duties

This bill would require the advisory board to, among other things, make recommendations to the Secretary of State for improving availability and accessibility of ballot pamphlet cassette tapes and their delivery to visually impaired voters It would authorize the Secretary of State to implement the recommendations made by the advisory board

This bill would appropriate $53,000 from the General Fund to the Controller for allocation to the Secretary of State and the California State Library for the purposes of this bill, as specified

Ch 775 (SB 537) Morgan. Consumer and homemaking education.

Existing law generally prescribes the required courses of study for grades 1 to 12, inclusive Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include the area of applied arts, including consumer and homemaking education

This bill would require the Superintendent of Public Instruction, in conjunction with the program manager of home economics education and other appropriate units within the State Department of Education, to prepare and disseminate information to school districts and county offices of education offering instruction in consumer and homemaking education That information would include a definition of the content areas, guidelines with respect to model curriculum standards, clarification of the qualifications required of personnel, a delineation of how consumer and homemaking education instruction should be articulated, specific information as to how consumer and homemaking education courses can be strengthened, and quality criteria to ensure an effective consumer and homemaking education instructional program This bill would also make legislative findings and declarations with respect to consumer and homemaking education

This bill would specify that its provisions are not to be construed as changing or altering specified parental notice requirements and other requirements of existing law.

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Ch 776 (AB 1020) Hansen Beverage containers: curbside programs

(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 defines curbside programs as meaning recycling programs which meet specified criteria, including, among other things, those that are operated by, or pursuant to, a contract with a city, county, or other public entity and which accept beverage containers from consumers, but do not pay the redemption value or redemption bonus Existing law makes a violation of the act a crime and the penalties for violation are deposited into the California Beverage Container Recycling Fund, which is continuously appropriated to the department for expenditure to carry out the act

This bill would revise the criteria for curbside program to include those programs which are acknowledged, in writing, by a public agency, and which submit any required information and data to the department

The bill would require each curbside program, on or before August 31, 1990, and on or before each August 31 thereafter, to submit a survey form to the department, including specified information concerning the program from the period of July 1 to June 30 immediately preceding the report due date, thereby imposing a state-mandated local program by creating a new crime Since the penalties for violation of this provision would be deposited in the California Beverage Container Recycling Fund, which is continuously appropriated, the bill would make an appropriation

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

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

Ch 777 (SB 113) Bergeson Validations

This bill would enact the Third Validating Act of 1989, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities

Ch 778 (SB 185) Dills Land use wild land fire protection

Existing law requires cities and counties to adopt general plans consisting of various elements, consisting of specified information

The bill would require each county which contains state responsibility areas for purposes of fire prevention and suppression to submit a copy of the proposed safety element or proposed amendment to the safety element to the State Board of Forestry and to every local agency providing fire protection to unincorporated territory in the county for review and recommendations which shall be considered by the board of supervisors prior to adoption of the safety element or the amendment to the safety element The bill would require the board of supervisors to communicate in writing to the State Board of Forestry or local agency its reasons for not accepting all or some of the recommendations of the local agencies or the State Board of Forestry.

By imposing additional requirements on general plans which must be adopted by counties and by requiring the boards of supervisors to consider the recommendations of local agencies and the State Board of Forestry and to give written reasons for rejection of those recommendations 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. 779 (SB 294) Nielsen Controlled substance offenders registration

Existing law requires a person convicted of specified controlled substance 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, the provisions of which would become operative on July 1, 1990, 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 persons convicted of, among other things, unauthorized possession, possessing for sale, importing into this state, selling, furnishing, administering, giving away, or offering or attempting to do those activities, with respect to, among other controlled substances, phencyclidine In addition, the bill would create a state-mandated local program by expanding 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

However, the bill also 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 780 (SB 570) Kopp Trademarks innocent infringer or innocent violator.

Under existing law, any person who adopts and uses a mark in this state may file with the Secretary of State, as specified, an application for registration of that mark and the secretary is required to issue and deliver a certificate of registration to the applicant upon the applicant's compliance with specified requirements

This bill would provide that registration of the mark is constructive notice of the registrant's claim of ownership

Existing law authorizes the owner of a trademark or service mark registered under California law to commence an action for an injunction against the manufacture, use, display, or sale of counterfeit or imitation goods and authorizes a court to, among other things, require defendants to pay up to 3 times all damages incurred as a result of the wrongful conduct and order the seizure or destruction of the alleged counterfeit goods

This bill would limit the remedies available to an owner of the right infringed to only an injunction against future printing if the infringer or violator is engaged solely in the business of printing the mark or violating matter for others and the infringer or violator establishes that he or she is an innocent infringer or innocent violator, as defined. The bill would also specify that injunctive relief is not available to the owner of the right infringed if restraining the dissemination of the infringing matter in a particular issue of a periodical or in an electronic communication would delay the delivery of that issue or transmission of that electronic communication, as specified

The bill would also make a technical, nonsubstantive change

Ch. 781 (SB 642) Mello Private professional conservators.

(1) Existing law provides for the appointment by a superior court of a conservator of the person or a conservator of the estate, or both, as specified

This bill would require private professional conservators, as defined, to file an annual statement, as specified, with the county clerk on or after July 1, 1990 It would also require that the information contained in the statement be confidential, except as specified

The bill would set forth the definition of "private professional conservator," and would require the county clerk, subject to review by the superior court on or after July 1, 1990, to conduct specified background checks of these persons. The bill would require the

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Department of Justice to maintain files of fingerprints received by it pursuant to the bill, as specified.

The bill would also require the county clerk to charge an annual registration fee, as specified

The bill would appropriate $46,000 from an account in the General Fund established pursuant to subdivision (e) of Section 11105 of the Penal Code to the Department of Justice to fund its responsibilities under the bill.

The bill would impose a state-mandated local program by imposing new duties on the court and the county clerk

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

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

Ch 782 (SB 693) Rogers Instructional time

(1) Existing law prescribes a formula for computing instructional time for early-late reading programs in kindergarten and grades 1 to 8, inclusive

This bill, instead, would prescribe a formula for computing instructional time for early-late instructional programs in kindergarten and grades 1 to 8, inclusive.

(2) Existing law provides incentives for school districts and county offices of education whose instructional days and instructional years exceed a minimum specified length Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance for school districts and county offices of education in certain situations if they fail to maintain the prescribed minimum length of instructional school day and year

This bill would authorize the State Board of Education to grant a waiver of the fiscal penalties that may be imposed for the failure to maintain the prescribed minimum length of time for the instructional school day and year, commencing with the 1984–85 school year, for any reason the board deems sufficient Any waiver granted according to the provisions of this bill would apply only to the district receiving the waiver for one year and would be granted only when the time involved is equal to or less than 900 minutes of instructional time The bill would authorize specified exceptions to the one-year limitation and to the 900-minute limit The waiver would include a plan for the district to make up any instructional time lost, as specified This bill would require that the fiscal penalties be imposed for the failure to make up the lost instructional time All waivers granted according to the provisions of this bill would be included in an annual report to the Legislature by the State Board of Education on waivers granted

The bill would express legislative intent concerning these provisions

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

Ch 783 (SB 1220) Dills Education high school equivalency certificates

Existing law authorizes the Superintendent of Public Instruction to issue a California high school equivalency certificate to any person who passes a general educational development test approved by the State Board of Education and administered by an approved testing center, is a California resident or a member of the armed services and assigned to duty in California, and is either 18 years old or would have graduated from high school if he or she had remained in school and followed the usual course of study toward graduation

This bill would require the superintendent to issue a California high school equivalency certificate and an official score report, or an official score report only, to each person meeting the above-described requirements who has taken all or a portion of the general educational development test.

Existing law requires applications for a California high school equivalency certificate to be submitted directly by the applicant to the Superintendent of Public Instruction, and authorizes the superintendent to charge an application fee established by the State Board of Education, not to exceed $20 per person, for its administrative costs.

This bill, instead, would require applications for a California high school equivalency

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certificate and an official score report to be submitted to the Superintendent of Public Instruction by each testing center following each examinee's completion of all or a portion of the 5 tests comprising the general educational development test battery The bill would also authorize individual applicants to apply to the superintendent for a California high school certificate and an official score report, as necessary. This bill would specify that the fee shall be a one-time only fee and would require the fee to encompass the cost of providing all followup services related to the completion of the general educational development test This bill would specify that each applicant would be responsible for submitting to the superintendent all subsequent requests for duplicate copies of the California high school equivalency certificate and all requests to forward reports of the results of the applicant's general educational development test to post-secondary educational institutions

Existing law requires each testing center, upon the request of the applicant for a high school equivalency certificate, to provide the Superintendent of Public Instruction with a certificate of the results of the applicant's general educational development test

This bill would repeal the latter provision and, instead, would require each testing center that administers general educational development tests to provide the superintendent with a certificate of results for each applicant who has taken all or a portion of the test The bill would also require each testing center to forward the application fee for the high school equivalency certificate for each applicant who has taken the test directly to the superintendent

This bill would appropriate $75,000 to the Superintendent of Public Instruction as a loan for the purpose of establishing a computerized system of recordkeeping and data access of persons eligible for the high school equivalency certificate, and would require repayment of the loan over a 2-year period, together with prescribed interest thereon, as determined through the annual budget process, from application fees collected for the high school equivalency certificate

The bill would become operative on July 1, 1990

Ch. 784 (AB 629) Murray Sales and use taxes swap meets and flea markets enforcement

The existing Sales and Use Tax Law imposes a sales tax upon retailers for the privilege of selling tangible personal property at retail and a use tax upon the storage, use, or other consumption in this state of tangible personal property purchased from a retailer and not subjected to the sales tax

This bill would require the State Board of Equalization to report to the Legislature by September 30, 1991, regarding compliance with the Sales and Use Tax Law by sellers at swap meets The bill would require that the report include the results of sample audits and tax compliance activities, as well as recommendations for improvement of tax compliance and the sharing of compliance costs between the board and local agencies

Ch 785 (AB 1759) Woodruff Mojave Water Agency.

Under existing law, the Mojave Water Agency is created by special act of the Legislature with prescribed boundaries

This bill would specify the general purposes of the agency and would authorize the agency to exercise specified related powers pertaining to water resources within the district. The bill would revise procedures for creation of zones of benefit for purposes of financing the purchase of water from the state The bill would permit bonds to be sold at a negotiated sale or by competitive bidding The bill would revise specified limitations on the authority of the agency to issue negotiable promissory notes

The bill would permit revenue bonds to be issued on behalf of an improvement district of the agency, as prescribed

The bill would make related and other changes

Ch 786 (AB 2425) Polanco Insurance respiratory care

Existing law provides that no policy of disability insurance shall prohibit the insured, upon referral of a physician and surgeon, from selecting any of various enumerated health care professionals who are holders of a certificate or license under specified

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provisions to perform a particular service covered under the terms of the policy, the certificate holder or licensee being expressly authorized by law to perform those services

This bill would, with respect to disability insurance, provide that no such policy shall prohibit the insured, upon referral of a physician and surgeon, from selecting any person certified pursuant to the Respiratory Care Practice Act

Existing law provides that in disability insurance where the insurer is licensed to do business in this state and which provides coverage under a contract of insurance which includes California residents but which may be written or issued for delivery outside of California where benefits are provided within the scope of practice of a licensed clinical social worker, a registered nurse, or a marriage, family, and child counselor, as specified, shall not be deemed to prohibit persons covered under the contract from selecting those licensees in California from performing the services in California which are within the terms of the contract even though the licensees are not licensed in the state where the contract is written or issued for delivery

This bill would make that provision applicable with respect to respiratory care practitioners certified in this state The bill would also authorize the disability insurance policy to provide that services of a respiratory care practitioner shall be paid for pulmonary rehabilitation and respiratory home care only if rendered pursuant to a method of treatment prescribed by a physician and surgeon

The bill would also incorporate additional changes in Section 10176 of the Insurance Code, proposed by AB 360 and AB 2044 to become operative only if AB 360 or AB 2044, or both, and this bill are enacted and this bill is enacted last

Ch 787 (SB 226) Presley Payment of claims against the state appropriation

This bill would appropriate $403,309 07, 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 788 (SB 235) Alquist Payment of claims state-mandated local programs

This bill would appropriate $47,997,690 from the General Fund and the Restitution Fund, as scheduled, to the Controller for the payment of claims of local governmental entities for reimbursement of costs incurred pursuant to specified state-mandated local programs

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

Ch 789 (SB 486) Bergeson Special districts

Existing law specifies the procedures for formation of community services districts including the petition for formation, the hearing on the petition, and the election on the formation

This bill would repeal those procedures and enact new procedures for the formation of community services districts

Existing law provides that the petition for formation may state that the board or boards of supervisors to whom the petition is addressed shall constitute the board of directors. Existing law permits proceedings for a separate board of directors after the district is formed

This bill would, instead, require the petition to be directed to the local agency formation commission and would, instead, provide that the district board may be elected or may be appointed by the board or boards of supervisors which may appoint themselves Where a district includes territory within a city, the city council, with the board of supervisors if the district also contains unincorporated territory, could elect or appoint the district board This bill would delete the procedures for a separate board of directors

Existing law makes no requirement that the chief petitioners publish a notice of intention to form a district before circulating the petition.

This bill would impose such a requirement and would require the petitioners to file the petition with the executive officer of the local agency formation commission within a specified time period after the filing of a required affidavit certifying to the fact of publication

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Existing law, with respect to the incorporation of a new city or the formation of a new special district, requires a local agency formation commission to determine the number of registered voters residing within the proposed city or special district.

This bill would impose a state-mandated local program by requiring the executive officer of that commission to notify the petitioners of that number of registered voters, to be calculated as specified

Existing law requires the commission to adopt procedures for the evaluation of proposals regarding any change of organization or reorganization of local government

This bill would require the adoption of written procedures for the evaluation of proposals and would require any standards adopted for this purpose to be in writing

Existing law permits the commission to waive the application of a law requiring the automatic exclusion of territory in a county service area from that area when the territory is included within a city if it would deprive the area of a needed service.

This bill would permit the commission to waive on the same basis the application of a provision proposed by SB 406 of the 1989–90 Regular Session of the Legislature concerning the automatic exclusion of territory from a landscape and lighting assessment district

Existing law requires the board of supervisors to conduct the hearing on the petition and conduct the election or formation

This bill would require the executive officer of the local agency formation commission to determine the sufficiency of the petition This bill would also permit the legislative body of a city or county to adopt a resolution of application for the formation of the district This bill would require the local agency formation commission to conduct a hearing on the petition or the resolution and if it approves formation, the board or boards of supervisors shall call and give notice of the election This bill would also require the executive officer to mail a copy of the commission's determinations to the board of supervisors of each county within which territory the proposed district lies By imposing these requirements on the executive officer of the local agency formation commission and on the commission this bill would impose a state-mandated local program

Existing law requires the election to be held not less than 88 days from the date of the final hearing

This bill would require the election to be held on the next regular or special election date not less than 113 nor more than 150 days after the board of supervisors calls and gives notice of the election The bill would also permit the commission, if it has approved a consolidation or reorganization which results in the formation of a district without an election, to designate the board of directors of the new district, as specified

Existing law permits arguments for and against formation to be submitted for inclusion on the ballot and requires preference to be given to the arguments in a specified priority if more than one argument for or against is submitted.

This bill would give the chief petitioners or agency filing the resolution first preference and would permit rebuttals to those arguments to be filed

Existing law generally requires the board of directors to be elected by voters of the district

This bill would permit the board of directors to be elected or appointed, as specified

Existing law specifies the powers of community services districts and authorizes certain districts to enforce covenants, conditions, and restrictions adopted for each tract within the district and to assume the duties of the architectural control committee for each tract to maintain uniform standards of development with the district

This bill would repeal those powers for specific districts, and would grant those powers to specified community services districts, if approved by the voters of the district, and would specifically state that it is the intent of the Legislature to retain those powers for districts to which the powers were previously specifically authorized

This bill would permit a district to exercise the duties of an architectural control committee for any tract to maintain uniform standards of development within each tract only to the extent that committee is authorized by the covenants, conditions, and restrictions which apply to the tract

This bill would, with respect to the Bell Canyon and Lake Sherwood Community

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Services Districts only, permit a district to adopt regulations by ordinance limiting access and use of roads owned by the district and not dedicated to public use and parks and recreational facilities of the district to landowners and residents of the district The violation of any regulation adopted by such an ordinance would be a misdemeanor and would thereby impose a state-mandated local program by creating a new crime The bill would state findings and declarations of the Legislature concerning the need for a special statute in these circumstances

This bill would make other technical, nonsubstantive changes

Existing law generally requires the taxes collected by the county for a sanitation district to be paid into the county treasury to the credit of the operating fund of the district

This bill would permit the governing board of the Delta Diablo Sanitation District to designate any depository or depositories for the custody of any or all revenues collected or received for operation and maintenance purposes and would require all moneys deposited with the depository or depositories to be invested in checking accounts, savings accounts, certificates of deposit, or other insured accounts. The bill would make a conforming change in existing law and would state the findings and declarations of the Legislature concerning the need for a special statute in these circumstances

Existing law provides that a district, meaning a regional park district, regional park and open-space district, or regional open-space district, may only be formed upon presentation of a petition, among other things, signed by at least 5,000 residents, to the board of supervisors of the county containing the largest area within the proposed district Upon receipt of the petition, the board of supervisors must, as specified, hold a hearing, pass a resolution approving or denying the petition, and call an election if the petition is approved, to approve or disapprove the district and to elect district directors Certain state law provisions are applicable to a district, some of which allow the board of directors of the district to make assessments

This bill would allow the Board of Supervisors of the County of Riverside to form a district by passing a resolution and calling an election, without receiving a petition or holding a hearing The board of supervisors would act as the directors of the district This bill would provide that for a district created and established in Riverside County, all provisions of the Landscaping and Lighting Act of 1972 are applicable, no assessment may be levied on real property without an election in which the particular amount of the assessment shall be specified on the measure, and the proposed measure may also provide that any person paying the assessment receive free use or reduced-fee use of the district facilities The bill would state findings and declarations of the Legislature concerning the need for a special statute in these circumstances.

Existing law permits a resort improvement district board to require all residents and property owners to connect their structures with the sewer and storm drains or water facilities of the district and to use district garbage and refuse removal services and facilities

This bill would permit the board to charge reasonable and necessary fees for those services.

Existing law permits the board of directors of a district organized under the California Water District Law, to provide for an alternative method of land valuation based upon benefits bestowed on the land by directing the assessor of the district to adopt as the assessed value of all land in the district an amount determined by the board, reflecting the proportional benefits bestowed on the property assessed by the operation of the district. Existing law requires the board, prior to adopting this alternative method, to hold a public hearing and post a notice thereof at the district office at least 15 days prior to the hearing. Existing law also requires publication of that notice in a specified newspaper at least 3 times, not sooner than 3 days between publications, and the last publication to be at least 10 days, but not more than 20 days, before the hearing

This bill would impose a state-mandated local program by, instead, requiring that notice to be published at least 20 days prior to the hearing and would require that publication to occur once a week for 3 successive weeks, as specified

Existing law establishes the Bethel Island Municipal Improvement District, having

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prescribed boundaries, and an elective governing body with the power, among other things, to make and enforce regulations for the removal of garbage and refuse and the supplying of sewage, water, storm water and reclamation service. Existing law makes a violation of any of the regulations of the district an infraction.

This bill would impose a state-mandated local program by permitting the district to make and enforce ordinances governing the provision of those services and would specify that a violation of certain regulations constitute a public nuisance which may be summarily abated by the district as provided

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

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

Ch 790 (SB 500) Stirling. State property San Diego study

Existing law provides that the Director of General Services, unless specifically provided otherwise by the Legislature, shall approve every conveyance, contract, or agreement whereby the state conveys, demises, or lets to any person any interest of the state in real property Existing law also provides that the State Architect, under the Department of General Services, has general charge of the erection of all state buildings.

This bill would require the Department of General Services to conduct and complete on or before January 1, 1991, a study regarding the feasibility of the state selling its properties in downtown San Diego to the County of San Diego, erecting a new state building centrally or otherwise appropriately located in San Diego, and housing in that building state and local government offices, including a Traffic Operations Center to perform specified duties and be jointly operated by the Department of Transportation and the Department of the California Highway Patrol.

The bill would provide that it shall only become effective upon a final adjudication by a court of competent jurisdiction upholding a specific measure adopted by the voters of San Diego County

Ch. 791 (SB 831) Watson Crime prevention gang members

Under existing law, the Office of Criminal Justice Planning administers the Gang Violence Suppression Program, a program which provides financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and defined community-based organizations which are primarily engaged in the suppression of gang violence, as specified

Existing law, with certain exceptions, requires community-based organizations that are grantees under this program, in addition, to implement certain activities Existing law permits community-based organizations to select from a list of certain alternative activities for this purpose, in addition to activities which are mandated for all

This bill would add participation in the Urban Corps Program, which the bill would create, to the list of these alternative activities which community-based organizations funded under the Gang Violence Suppression Program, are required to implement The bill would provide that these provisions shall be implemented to the extent that funds are appropriated to the Office of Criminal Justice Planning for this purpose.

Ch 792 (SB 834) Robbins Public contracts sureties

Existing law requires the person to whom a public works contract is awarded by a county board of supervisors to execute a bond to be approved by the board for the faithful performance of the contract Existing law also provides that unless the statute providing for the bond requires execution by an admitted surety insurer, a bond shall be executed by 2 or more sufficient personal sureties or by one sufficient admitted surety insurer or by any combination of sufficient personal sureties and admitted surety insurers

This bill would specifically require that the bond filed by a contractor awarded a public works contract by a county board of supervisors be executed by an admitted

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surety insurer, or, in the case of a business that has been in existence for less than 3 years, by an admitted surety insurer or by at least 2 personal sureties whose net worth exceeds the penal amount of the bond

Ch 793 (SB 844) Marks AIDS feasibility report: levels of care.

Existing law requires the State Department of Health Services to perform a variety of tasks related to AIDS education and the care and treatment of persons with AIDS or AIDS-related conditions

This bill would add that the department, in cooperation with the Office of Statewide Health Planning and Development, would be required to prepare a report to the Legislature before July 1, 1990, on the feasibility of coordinating various levels of health care, including health facility licensure categories, within one program in a city and county which would serve persons with HIV infections, AIDS-related complex, and AIDS

The bill would authorize the State Director of Health Services to contract for services necessary for completion of the report that cannot be provided through existing resources of the state department, and if the director determines that it is in the best interest of the state to enter into a contract for the purposes of the feasibility report without competitive bids, to enter into a sole source contract for completion of the report The bill also would provide that the contract shall be exempt from the requirement of approval by the Department of General Services and the Department of Finance

The bill would appropriate $80,000 from the General Fund to the department for the purposes of the feasibility report

Ch 794 (SB 873) Morgan Santa Clara Valley groundwater charges

Under existing law, the Santa Clara Valley Water District is authorized to levy and collect a groundwater charge in accordance with prescribed procedures The charge is required to be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a higher fixed and uniform rate per acre-foot for all water other than agricultural water

This bill would permit rates for groundwater charges, as applied to operators who produce groundwater above a specified annual amount, to be subject to prescribed, fixed, and uniform increases in proportion to increases by that operator in groundwater production over the production of that operator for a prior base period to be specified by the board of directors, subject to specified conditions and upon a finding by the board that conditions of drought and water shortage require the increases

Ch 795 (SB 1004) Boatwright Crimes psychotherapists' sexual exploitation

Existing law proscribes any acts of sexual abuse, misconduct, or relations with a patient, client, or customer which is substantially related to the qualifications, functions, or duties of persons licensed under the provisions governing the healing arts Any violation of those provisions constitutes unprofessional conduct and is grounds for disciplinary action

This bill would make it a misdemeanor or felony offense, punishable as specified, for any psychotherapist, as defined, or any person holding himself or herself out as a psychotherapist, to commit specified acts of sexual exploitation with a current patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in these acts, unless the psychotherapist has referred the patient or client to an independent psychotherapist, as specified Thus, the bill would impose a state-mandated local program by creating a new crime

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

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

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

Ch 796 (SB 1123) Rosenthal. Low-emission motor vehicles

(1) Existing law defines "low-emission motor vehicle" for purposes generally relating to the control of air pollution. That definition is in terms of the impact on ambient air quality standards for ozone of vehicles capable of operating on methanol, and the impact on ozone air quality of other vehicles.

This bill would change both of those references to the impact on ambient ozone air quality.

(2) Existing law requires the Department of General Services to determine whether low-emission motor vehicles meet various requirements, including cost not exceeding by more than 100% the average cost of state passenger vehicles purchased the preceding fiscal year, and requires the department to purchase those vehicles if the requirements are met and funds are appropriated for purchase.

This bill would require that the cost of those vehicles not exceed by more than 100% the average cost of comparable state vehicles purchased the preceding fiscal year. The bill would require the vehicles to be purchased if any funds are appropriated for purchasing motor vehicles. The bill would require the state to seek to acquire a mix of least polluting and least cost qualifying vehicles.

The bill would also revise the definition of "low-emission motor vehicle" for these purposes to make it similar to the definition generally applicable for air pollution control purposes, except that for these purposes the definition would contain additional criteria relating to heavy-duty diesel vehicles.

(3) Existing law allows the Public Utilities Commission to include expenses for research and development in setting utility rates.

This bill would direct the commission to engage in research and other specified activities to encourage gas and electric corporations to seek market penetration of electric and compressed natural gas vehicles, and to establish special incentive tariffs for natural gas and electricity used to fuel vehicles, as specified. The provisions relating to incentive tariffs would be repealed on January 1, 1997.

Ch. 797 (SB 1207) Keene. Income taxes: bank and corporation taxes: credits: health coverage.

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize for a specified 5-year period, a tax credit against the taxes imposed by those laws for the greater of $25 per month per covered individual or 25% per month of the costs paid or incurred during the taxable or income year by an eligible employer to provide health coverage, as defined, for an eligible individual and the individual's dependents. An additional $5 per month tax credit is authorized with respect to specified supplemental benefits. The term "eligible employer" means a taxpayer which employs on the average during the tax year no more than 25 eligible individuals, as defined, in California and makes a minimum required contribution on behalf of an eligible individual. Excluded from the term "eligible employer" is a taxpayer who subsidized or provided health insurance to eligible individuals in 1986 and 1987. The tax credit provisions do not become operative until specified conditions exist, and then remain in effect for a 5-year period thereafter.

This bill would, under those laws, eliminate the exclusion from the term "eligible employer" of a taxpayer who subsidized or provided health insurance to eligible individuals in 1986 and 1987. It would provide that, in addition to existing requirements, an "eligible individual" means an individual who makes a specified certification on a form prescribed by the Franchise Tax Board. It would delete the requirement that specified conditions must exist before the tax credit provisions become operative. It would also delete the specification that the tax credits are to remain in effect only for a 5-year period after they become operative. It would also modify the definition of health coverage.

This bill would also make clarifying nonsubstantive changes to those laws.

This bill would take effect immediately as a tax levy, but the substantive provisions would become operative on the date AB 350 becomes operative.

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Ch 798 (SB 1302) L Greene Unemployment insurance

(1) Existing law, until January 1, 1989, permitted an individual who is the sole stockholder of a private corporation organized for profit or an individual related by blood or marriage, as specified, and who is an employee, as defined, to file a statement disclaiming any rights to either unemployment compensation benefits or unemployment compensation disability benefits, and exempted the individual from making the required contributions to fund the benefits

This bill would reenact this provision to the extent that it would permit an individual who is a sole shareholder of a private corporation, or the only shareholder other than his or her spouse, to file a statement disclaiming any rights to unemployment compensation disability benefits

(2) This bill would also require the Employment Development Department to notify all employers of the provisions of this bill.

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

Ch 799 (SB 1317) Seymour Vanpool vehicles purchase and lease assistance

Under existing law, the State Energy Resources Conservation and Development Commission administers the Ridesharing Vanpool Revolving Loan Fund for a vanpool loan program pursuant to which the commission allocates funds for loans to applicants in accordance with recommendations of the Department of Transportation.

This bill would delete those provisions and, instead, would establish within the department a vanpool loan and grant program pursuant to which the department may make loans or grants of funds for not more than 70% of the cost of the purchase or lease of vanpool vehicles meeting specified requirements The bill would require the use of the vehicle for vanpool purposes for the useful life of the vehicle under a purchase grant or for the length of the lease under a lease grant, and would provide for forfeiture of the grant, return of the vehicle to the department, and forfeiture of the grantee's contribution toward the purchase or lease of the vehicle for failing to do so.

The bill would transfer the appropriations from the Ridesharing Vanpool Revolving Loan Fund to the Ridesharing Vanpool Revolving Loan and Grant Fund, which the bill would create and continuously appropriate to the department for purposes of the bill The bill would direct the department to deposit in the fund all payments received under the bill from vanpool operators and penalties and forfeitures

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

Ch 800 (SB 1328) Marks Health coverage delay in serving AIDS patients

Existing law defines and provides remedies for various unfair practices in the business of insurance.

This bill would include within these unfair acts delay of more than 60 days in the payment or provision of hospital, medical, or surgical benefits for acquired immune deficiency syndrome or AIDS-related complex for the purpose of investigating whether the condition arose prior to commencement of coverage, but this 60-day period would not include any time during which the insurer awaits medical information from a health care provider

Ch. 801 (SB 1330) Presley Health professions fees.

Existing law provides that applicants for physician's and surgeon's certificates, certificates of drugless practitioners, and certificates to practice midwifery are required to pay an initial license fee and a biennial renewal fee to be fixed by the Board of Medical Quality Assurance at an amount not less than $200 and not to exceed $325, as specified Existing law also provides that any increase in these fees made after July 1, 1987, are required to be effective upon a determination and adoption of a regulation by the board, as specified, that additional amounts are necessary to maintain a reserve balance in the board's contingent fund, as specified

This bill would increase the initial license fee and the biennial renewal fee to an amount not less than $290 and not more than $400, and would revise the requirement that the determination that an increase is necessary be made by regulation to provide instead that any change in the amounts of these fees be made by emergency regulation

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Existing law prescribes the fees with respect to the practice of podiatric medicine

This bill would increase the initial license fee and the biennial renewal fee for those licenses from $525 to $800, respectively.

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

This bill would also make conforming, nonsubstantive changes

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

Ch 802 (SB 1335) Bergeson Orange County Water District.

Under existing law, the Orange County Water District, a special district created and governed under the Orange County Water District Act, is, among other things, vested with specified powers relating to replenishing, regulating, and protecting the groundwater supplies within the district. For this purpose, the district is authorized to levy replenishment assessments and basin equity assessments and to provide for production requirements and limitations Under existing law, the board of directors is authorized to exempt groundwater production facilities from replenishment assessments, basin equity assessments, and production requirements and limitations upon a finding, in accordance with prescribed procedures and requirements, that the water produced is unsuitable for domestic or agricultural purposes and the production of that water will have no adverse effects on the groundwater supplies of the district

This bill would permit basin equity assessments to be uniform or nonuniform in an amount, as determined by the board of directors, in order to effectuate the goals and purposes of the district, and would make related and clarifying changes The bill would also authorize the board to exempt groundwater production facilities from basin equity assessments and production requirements and limitations if the board finds that the production of the groundwater will have a beneficial effect upon the quality of the water supplies of the district

The bill would authorize the district to enter into contracts under which the owner or operator of a water-producing facility within the district would agree to increase the production of groundwater, in lieu of water from an alternative nontributary source, for the purpose of removing contaminants or pollutants from the groundwater basin and would authorize the district to expend district funds for that purpose

The bill would authorize the district to conduct water quality investigations and to perform cleanup, abatement, or remedial work, as prescribed, to prevent, abate, or contain contamination or pollution of waters within the district, and to recover costs from responsible persons, as specified

The bill would provide for the election of district directors at the general election in November of even-numbered years, rather than in odd-numbered years The bill would expressly include directors within specified provisions governing actions against officers, agents, or employees of the district. The bill would delete requirements that specified board actions be conducted at regular meetings of the board

The bill would authorize the district, in an action for collection of any delinquent replenishment assessment or basin equity assessment, to seek, as a provisional remedy, an attachment against the property of the delinquent water producing facility operator or, the appointment of a receiver to collect revenues generated from the production of water from the water-producing facility, or both

Ch 803 (SB 1344) Seymour. Driving offenses. alcohol service programs

(1) Under existing law, the State Department of Alcohol and Drug Programs licenses alcohol service programs to which are referred persons convicted of 2nd or subsequent offenses of driving 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 The programs are of one year or 30 months' duration, and existing law authorizes referral of 1st offenders to a licensed program under specified conditions in any county which has approved the program

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This bill would increase the shorter of those programs to require a duration of 18 months, would add specified requirements to those programs, and would make conforming changes.

The bill would also require counties to establish alcohol and drug education and counseling programs, as specified, for 1st offenders, which the bill would require to be licensed, unless they make a specified showing to the State Department of Alcohol and Drug Programs, thereby imposing a state-mandated local program The bill would make conforming changes The bill would also require programs attended by 1st offenders to be licensed

The bill would require the Department of Motor Vehicles to make a specified study of the program participants' recidivism and report its findings to the Legislature on or before January 1, 1995 The bill would also repeal provisions requiring the State Department of Alcohol and Drug Programs to evaluate the effectiveness of 30-month treatment programs and report thereon to the Legislature on or before January 1, 1993

The bill would require the license fees charged by the State Department of Alcohol and Drug Programs for the licensing of programs to be sufficient to cover the administrative costs of the state department and to reimburse the Department of Motor Vehicles for the costs of the evaluation and report

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 804 (SB 1380) Watson Family law

(1) Existing law requires that health insurance coverage shall be maintained for children with regard to whom an order for support has been made pursuant to the Family Law Act, if it is available at no cost or at nominal cost to a parent or the parents If health insurance is not so available, the support order shall contain a provision requiring health insurance coverage to be obtained if it becomes so available, as specified

This bill would provide that health insurance coverage shall be maintained if it is available at no cost or at reasonable cost, as specified, to a parent or the parents and would require the support order to contain a provision requiring coverage to be obtained if it becomes available at no or reasonable cost, as specified. The bill would make a similar change in the provisions pertaining to actions brought or enforcement proceedings instituted by the district attorney. The bill would also require district attorneys, for those cases where they are providing medical support enforcement services, to provide the parent or person having custody of a child with specified information regarding health insurance thereby imposing a state-mandated local program by requiring a higher level of service from district attorneys

(2) Existing law requires the State Department of Social Services to ensure the efficient, effective, and equitable administration of public assistance programs by implementing a statewide automated welfare system based upon state-mandated standards for various public assistance programs, including, child support enforcement programs. Additionally, the department is required, 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

This bill would require the department to submit, on or before October 1, 1990, an advance automated planning document meeting specified requirements to the Secretary of the United States Department of Health and Human Services

(3) 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 enforce-

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ment efforts will be made when the child is not receiving public assistance, as specified.

This bill would require the district attorney to comply with any guidelines established by the State Department of Social Services which guidelines set time standards, as specified, related to child support Because this bill would require a higher level of service from district attorneys, it would create a state-mandated local program

This bill would also require the State Department of Social Services to carry out various duties, including assessing, in consultation with district attorneys and the Judicial Council, the need for simplified civil procedures for acknowledging and establishing paternity and reporting to the Legislature, on or before January 1, 1991, with recommendations on the need for simplified procedures, reporting to the Legislature, on or before October 1, 1990, regarding whether legislative or administrative changes are needed to increase the number of paternities established in order to meet new federal standards, reporting to the Legislature, on or before April 15, 1990, on the department's statewide plan to review and adjust child support awards as required by federal law, as specified; and establishing guidelines which set time standards, as specified.

(4) This bill would incorporate additional changes in Section 4726 of the Civil Code and Section 11475 1 of the Welfare and Institutions Code, proposed by AB 1904, to be operative only if AB 1904 and this bill are both chaptered and become effective January 1, 1990, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 805 (SB 1390) Keene Trial court delay reduction

Existing law authorizes specified counties to implement their own exemplary trial court delay reduction programs

This bill would add Sonoma County to the list of counties so authorized. The bill would declare that it is to take effect immediately as an urgency statute

Ch. 806 (SB 1511) Russell Employment of minors

(1) Existing law provides a system for the imposition of criminal and civil sanctions against violators of the laws and regulations of the state relating to the employment of minors Existing law defines "minor" for purposes of these provisions as any person under the age of 18 years who is required to attend school, as specified

This bill would broaden this definition to include any person under the age of 18 years who is not required to attend school solely because that person is a nonresident of California

(2) Existing law makes it a misdemeanor for specified persons to engage in certain obscene, indecent, or immoral activities concerning any minor under the age of 16 years

This bill would increase the age of a minor for purposes of these provisions from under the age of 16 years to under the age of 18 years It would also authorize the release of certain information regarding these activities to investigators of the Division of Labor Standards Enforcement

The bill, in addition, would make it a misdemeanor to employ a minor under the age of 16 years in certain activities more than 50 miles from his or her place of residence It would, additionally, make the latter action subject to a civil penalty The creation of these new crimes 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.

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

Ch 807 (SB 1585) Hart Minors

(1) Under existing law, every contract which has as its purpose the rental of athletic facilities for instruction, training, or assistance in physical culture, body building, exercising, reducing, figure development, or any other related physical skill, or for baseball, football, tennis, basketball, gymnastics, track and field, hockey, ice skating, weight lifting, wrestling, or bicycling is required to contain a specified warning statement concerning the aiding or abetting in the unlawful use, sale, or exchange of, anabolic steroids, testosterone, and human growth hormone. This warning statement is required to be posted in all athletic facilities in this state which have locker rooms

Existing law includes within the definition of athletic facilities for this purpose any publicly owned sports facility or stadium

This bill would specifically provide that this requirement would apply to facilities in institutions of higher learning and schools that include any or all grades 7 to 12, inclusive

This bill would substitute a specified warning for the currently required warning The warning would concern the adverse health effects of the use of, and the existence of civil and criminal penalties for the unauthorized sale, use, or exchange of anabolic steroids

The bill would specify that, when an athletic facility seeks to renew an operating license, if it can be demonstrated by a preponderance of the evidence that an athletic facility has not posted the required sign, the licensing agency may impose a fine in the amount of $50 per day for each day that the violation occurred, as a condition of obtaining the license renewal

These provisions regarding a warning concerning steroids would be operative June 1, 1990

The bill would request that the Superintendent of Public Instruction, not later than July 1, 1990, notify all schools that include any or all of grades 7 to 12, inclusive, of the requirements of the aforementioned provisions It would also request that each institution of postsecondary education, not later than July 1, 1990, be notified by its respective statewide office or its statewide member association of the requirements of those provisions

(2) Existing law authorizes the governing board of a school district or county office of education to immediately place, on compulsory leave of absence a certificated employee, or suspend a classified employee, in accordance with specified procedures, for a period of 10 days charged with the commission of any of certain crimes, including specified narcotics offenses, certain controlled substance offenses, or unlawful sexual intercourse with a female who is a minor. This period may be extended, unless a hearing is requested, if the district notifies the employee that he or she will be dismissed within 30 days of the notice

This bill would instead require that whenever a certificated or classified employee is charged with these sexual offenses or certain of the controlled substance offenses the employee be placed on a compulsory 10-day leave of absence For employees charged with other controlled substance offenses, the bill would authorize the board to immediately impose this leave of absence

(3) Since the bill would place additional requirements upon local educational agencies, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 808 (SB 451) Robbins Vehicles: accident reports

(1) Under existing law, with specified exceptions, the driver of any motor vehicle, which is involved in an accident originating from the operation of the motor vehicle on any street or highway, and which accident results in property damage in excess of $500

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or in bodily injury or death of any person, is required to report the accident to the Department of Motor Vehicles.

Under specified circumstances, the department is required to suspend the driving privilege of every driver or owner of a motor vehicle who is involved in a reportable accident, as specified, if he or she fails to prove the existence of a specified form of financial responsibility, which is required under existing law.

This bill would require, with a specified exception, the driver of a motor vehicle who is involved in any reportable off-highway accident, as defined, to report the accident to the department, thus making those provisions requiring suspension for failure to show financial responsibility subject to off-highway accidents. The bill would thereby impose a state-mandated local program by creating a new crime The bill would make legislative findings and declarations concerning uninsured motorists

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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, 1990

Ch 809 (AB 888) La Follette Household hazardous waste collection programs.

(1) Existing law requires each county to adopt and periodically revise a county solid waste management plan (COSWMP), as specified, and requires the COSWMP to be approved by the California Waste Management Board Any amendment to a COSWMP 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 The COSWMP is required to identify a program for the management of household hazardous wastes, if the county determines there is a need for the program

Existing law requires the California Waste Management Board, in consultation with an advisory committee, to develop and implement a public information program concerning household hazardous substances, as prescribed The board is required to establish guidelines and state policies to guide local governments in providing community services concerning household hazardous substances, including guidelines on the generic types of household hazardous substances, and a model operations plan, and to designate a household hazardous waste coordinator to advise and assist local governments Cities and counties are authorized to increase solid waste collection fees to offset the local agency's costs of establishing, publicizing, and maintaining a household hazardous waste management program Existing law makes a statement of legislative intent with regard to these provisions Existing law also prohibits the acceptance, treatment, storage, or disposal of hazardous waste at specified hazardous waste facilities unless the operator of the facility holds a hazardous waste facilities permit issued by the State Department of Health Services

Existing law requires that specified solid waste facility permits include a permit condition which precludes the solid waste facility from accepting any solid waste originating in a county which has not submitted a specified plan which establishes a goal of recycling solid waste generated in that county, as prescribed

This bill would require that, at the next review of the COSWMP occurring after January 1, 1990, a household hazardous waste plan (HHWP) or a method to address the needs of households, as specified, be prepared and attached to the COSWMP, thereby imposing a state-mandated local program The bill would authorize the board to review and comment on the HHWP or method, as applicable, and to make recommendations to the local agency, as specified The bill would require each local agency to certify to the board that the agency implemented its HHWP or method, as specified, thereby imposing a state-mandated local program

The bill would require that specified solid waste facility permits also include a permit condition which precludes the solid waste facility from accepting any solid waste originating in a county which has not submitted a HHWP or method

The bill would revise a statement of legislative intent concerning access to household

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hazardous waste disposal, and would require a county, city, or local agency, as specified, to implement the household hazardous waste collection, recycling, and disposal program identified in the revised COSWMP, thereby imposing a state-mandated local program The bill would specify that these requirements do not prohibit the joint implementation of the household hazardous waste collection, recycling, and disposal program, as specified

The bill would require the guidelines established by the board to allow adequate flexibility to local agencies, as specified

The bill would increase the membership on the advisory committee to include a representative of used oil recyclers

The bill would provide immunity to a city, county, or local agency operating a household hazardous waste program for any damage or injury caused by an action taken by the city, county, or local agency, or employee or authorized agent of the city, county, or local agency, in the course of the operation of the program, unless the action is performed in bad faith or in a negligent manner

The bill would also make related changes

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

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

Ch 810 (AB 929) Epple Mobilehome parks purchase by nonprofit corporations

Existing law expressly exempts from the requirement of obtaining a public report from the Real Estate Commissioner, the purchase of a mobilehome park by a nonprofit corporation, if certain conditions are met, including if all funds of tenants for the purchase of the mobilehome park are deposited in escrow until the document transferring title of the mobilehome park to the nonprofit corporation is recorded

This bill would revise that condition to permit those funds to be available to the tenant's homeowners association nonprofit corporation to pay any and all costs reasonably associated with the processing and conversion of the mobilehome park into condominium interests, as specified It would also exempt these funds, and any other funds subsequently received from tenants for purposes other than the purchase of a separate subdivided interest in any portion of the mobilehome park from prescribed requirements relating to the sale or lease of lots in subdivisions

Ch 811 (AB 931) Epple Health facilities provisional licenses

Existing law provides for the issuance of a license or special permit for health facilities, as defined if the applicant has fully complied with the licensing provisions applicable to health facilities and the rules and regulations of the State Department of Health Services Existing law also provides that notwithstanding the requirement of full compliance, the department may issue a provisional license to health facilities, except general acute care hospitals and acute psychiatric hospitals, if the facility and applicant for licensure meet specified requirements, and requires the provisional license to expire not later than 6 months after the date of issuance, or at an earlier time as determined by the department, and may not be renewed

This bill would require the department at the end of the provisional license period pursuant to the above provision or another provision allowing for provisional licenses of health facilities to assess the facility's full compliance with licensure requirements It would also authorize the department to extend a provisional license for a period of no longer than 6 months from the time of extension for one of the following purposes of (1) requiring the facility's full compliance with a plan of correction, including time frames, as specified by the department, (2) instituting a receivership of the facility, (3) allowing the provisional licensee to comply with requirements regarding the transfer of patients, or (4) providing for a change of ownership

The bill would require the department to determine the length of the extension period at the time of the issuance of the extension

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Ch 812 (AB 940) Hansen. Beverage containers: mobile recycling units.

(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 existing law 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, and defines recycling location as meaning a place, mobile unit, reverse vending machine, or other device where a certified recycling center accepts beverage containers from consumers and pays the redemption value and any applicable redemption bonus. A violation of the act is a crime and the penalties for violation are deposited into the California Beverage Container Recycling Fund, which is continuously appropriated to the department for expenditure to carry out the act

This bill would require the department to conduct a pilot program, commencing July 1, 1990, within the Counties of Solano, San Joaquin, San Luis Obispo, and Santa Barbara, to evaluate and quantify mobile buyback programs, as specified.

The bill would require mobile buyback programs participating in the pilot program to operate in a specified manner, thereby imposing a state-mandated local program by creating a new crime Since the penalties for a violation of these requirements would be deposited into the continuously appropriated fund, the bill would make an appropriation The department would be required to report to the Governor and the Legislature by July 1, 1991, concerning the pilot program These provisions would be repealed on January 1, 1992

The bill would appropriate $229,000 from the California Beverage Container Recycling Fund to the department to implement the bill

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

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

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

Ch 813 (AB 988) Hansen Seniors and health

(1) Under existing law, the Department of Aging is required to establish in at least 4 sites, and within a specified period of time, a 3-year pilot service credit program, in which the department awards grants to approved sponsors, and through which individuals 60 years of age or older may volunteer targeted services, as defined, in return for service credits that may be subsequently exchanged for targeted services Existing law further requires that at least one program site shall be in a rural area.

This bill would delete the requirement that the program be established within a specified period of time and would also delete the requirement that at least one program site be in a rural area

(2) Existing law requires the Department of Aging to develop guidelines necessary to carry out the pilot service credit program by September 1, 1988 Existing law further requires the Legislative Analyst to report to the Legislature by January 1, 1990, on specified evaluative criteria regarding the program, and provides for the repeal of the program on January 1, 1991, unless later enacted legislation extends or repeals that date.

This bill would extend the date on which the department is to develop program guidelines to March 1, 1990 The bill would extend the date on which the Legislative Analyst is required to report to the Legislature to January 1, 1993, and would extend the repeal date for the program to January 1, 1993

(3) Under existing law, the representatives of the Office of the State Long-Term Care Ombudsman have the right of entry to long-term care facilities for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to elderly individuals who are patients or residents of the facility

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This bill would also authorize those representatives to enter the facilities for the purpose of hearing, investigating, and resolving complaints made on behalf of patients or residents of those facilities

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

Ch 814 (AB 989) Polanco Public Utilities Commission· publication of opinions: appropriation

Under existing law, the Public Utilities Commission is required to publish, by January 1, 1990, every decision or order issued but not published as of January 1, 1989

This bill would provide that the commission shall publish every significant order or decision This bill would also appropriate the sum of $137,000 to the commission for that purpose, with $96,000 from the Public Utilities Commission Utilities Reimbursement Account in the General Fund, $8,000 from the Public Utilities Commission Transportation Reimbursement Account in the General Fund, and $33,000 from the Transportation Rate Fund

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

Ch. 815 (AB 1011) Moore Lis pendens

Under existing law, in any action concerning real property or affecting the title or the right of possession of real property, a notice of the pendency of the action may be recorded in the office of the recorder of the county Existing law requires that a copy of the notice be mailed to all known owners of record

This bill would require any person who has entered into a contract to transfer an interest in real property who receives a notice of the pendency of an action concerning that real property to notify prospective transferees of the receipt of that notice A transfer would not be invalidated solely because of noncompliance, but a person who willfully or negligently violates or fails to comply would be liable for actual damages, as specified

Ch 816 (AB 1051) Leslie Sales and use taxes exemptions factory-built school buildings

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 defines "gross receipts" from the sale of factory-built housing and "sales price" from the use of factory-built housing in this state to be 40% of the sales price of the property to the consumer.

This bill would provide a similar exclusion from "gross receipts" and "sales price" of 60% of the sales price to the consumer in connection with the sale or use of factory-built school buildings, as defined This bill would also define the place of sale or purchase for purposes of the exclusion

Under existing law, counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

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

This bill would take effect immediately as a tax levy

Ch 817 (AB 1120) Areias Motor vehicle replacement parts

Existing law imposes various requirements on automotive repair dealers, including the requirement that a customer be given a written estimated price for work to be done prior to commencing any automotive repair work

Existing law does not regulate the use of replacement parts for the nonmechanical repair of motor vehicles

This bill would prohibit an insurer from requiring the use of, or using, any nonoriginal equipment manufacturer aftermarket crash parts unless the consumer is advised in a

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written estimate of the use of the part.

The bill would require the written estimate to include a statement identifying each crash part, as defined, with the name of its nonoriginal equipment manufacturer or distributor, included in the estimate, that was manufactured by anyone other than the original manufacturer and a warning that use of that part may not be covered by the vehicle manufacturers' warranties, as specified. A violation of these provisions would subject an insurer to specified enforcement actions by the Insurance Commissioner and the Attorney General relative to unfair trade practices, including the issuance of an order to enjoin and restrain the activity.

Ch. 818 (AB 1128) Kelley. Weights and measures.

(1) Existing law provides that, except as otherwise specifically provided, violations of weights and measures provisions are misdemeanors.

This bill would specify that a violation of rules, regulations, tolerances, specifications, or standards adopted under those provisions is a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law prescribes a 100% penalty for late weighmaster license renewals.

This bill would make the penalty 30% for renewals made within 30 days of the due date, and 100% for renewals thereafter. An application sent by mail would not be overdue if postmarked not later than the 5th day of the month in which it is due. The bill would make other clarifying changes in weights and measures provisions.

(3) Existing law makes various actions regarding weighmaster certificates a misdemeanor.

This bill would make using a weighmaster certificate containing alterations or omissions of gross or tare weight a misdemeanor, thereby imposing a state-mandated local program by creating a new crime.

(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. 819 (AB 1212) Areias. Agricultural products. California-grown.

(1) Existing law regulates the labeling and advertising of food and agricultural products.

This bill would authorize the Director of Food and Agriculture to create a California-grown seal for agricultural products to certify that the products have been produced in the state, prohibit the use of the seal without the approval and certification of the director and county agricultural commissioners, authorize the director or the board of supervisors of a county to establish a certification fee, and authorize the director to adopt rules and regulations.

A fraudulent use of the seal would be a misdemeanor, and, under existing laws, a violation of the rules and regulations would be a misdemeanor, thus, the bill would impose a state-mandated local program by creating a new crime. The director or commissioner would be authorized to levy a civil penalty in lieu of civil prosecution.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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 be designated as the Areias-Chandler-Ayala Agricultural Marketing Act of 1989.

Ch. 820 (AB 1456) Epple. Juveniles.

(1) Existing law provides that the commission of any of one or more specified offenses by a minor when he or she was 16 years of age or older raises a presumption that the minor is not a fit and proper subject to be dealt with under the juvenile court law, unless the juvenile court makes a finding of fitness, as specified.

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This bill would add a specified street gang offense to those provisions.

Because this bill would impose increased duties on local criminal justice systems that are equivalent to those imposed by the establishment of a new crime, it would create a state-mandated local program

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

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

Ch 821 (AB 1601) Connelly Long-term care: demonstration projects

Existing law provides that the Department of Aging shall establish guidelines and criteria whereby long-term care demonstration projects and model programs, as specified, may contract directly with the state. Existing law also provides for Adult Day Health Care programs as part of the Medi-Cal program for purposes of providing health care services to older persons

This bill would authorize the Director of Health Services to establish the California Program of All-Inclusive Care for the Elderly and pursuant to that program contract, as specified, with up to 5 demonstration projects for purposes of developing risk-based capitated long-term care pilot programs

The bill would require the State Department of Health Services to report to the appropriate committees of the Legislature on the progress of the long-term care pilot programs.

Ch. 822 (AB 1654) Costa. Land use: dedications

Existing law permits the imposition by local ordinance, of a requirement of dedication for public purposes of land, of persons seeking approval of subdivision maps, under certain conditions

This bill would require the local agency to which property is dedicated for certain purposes to record a certificate, with certain information, with the county recorder.

The bill would also permit a subdivider to request the local agency to make the determination that the same public purpose for which the dedication was required, still exists, and would require the local agency to reconvey the dedicated land if the same public purpose does not exist, except with respect to any portion of the land still required for the public purpose or for public utilities The bill would require the local agency to give a specified notice to the subdivider if the local agency decides to vacate, lease, sell, or otherwise dispose of the dedicated property for a use other than the use for which it was dedicated

This bill would make its provisions applicable to property required to be dedicated on or after January 1, 1990

Ch 823 (AB 21) Sher Water. domestic water supplies

Existing law requires the State Department of Health Services to adopt rules and regulations covering parameters to be tested and their limits, types of testing, frequency of testing, and such other matters as may be necessary to determine the quality of domestic water supplies and to establish schedules for compliance with water quality standards

The bill would specify that "drinking water standards" is defined to include monitoring and reporting requirements pertaining to maximum contaminant levels and would define "public water system" to include any person who treats water on behalf of a public water system for the purpose of rendering it safe for human consumption

Existing law requires local health officers and, in counties which do not have a local health officer, the State Department of Health Services, to enforce the provisions of law relating to public water systems with fewer than 200 service connections.

This bill would require the department, instead of local health officers, to enforce those provisions in any county which does not have a local health officer or which contracts with the department for environmental health services, as specified, and elects not to enforce those provisions

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This bill would require the department to absorb the costs of the enforcement.

Existing law establishes a procedure for the department to receive petitions and to grant permits for the operation of public water systems Existing law prescribes how permits may be amended and variances and exemptions granted in the operation of public water systems

This bill would revise the procedures to require an application to be submitted to receive a permit and would allow the department to renew, revise, or amend any domestic water supply permit as necessary to protect the public health, as specified The bill would revise the granting of variances and would allow the department to impose conditions on the permit, requirements for system improvements, and time schedules it deems necessary and would make other revisions in the procedures for granting or denying a permit or an exemption

This bill would require the department to develop and publish a list of all existing or proposed maximum contaminant levels and would require public water systems which serve more than 10,000 service connections and exceed a recommended public health level of contaminants to prepare a written plan to reduce the level of the contaminant and to submit a water quality improvement plan with a fee to the department, for review and approval

The bill would require the department to administer the laws relating to the regulation of drinking water and to assume other specified duties relating to drinking water The bill would require the department to submit to the Legislature on or before July 1, 1991, a comprehensive safe drinking water plan for California with specified contents including a fee on public water systems for the preparation of the plan The bill would require the department to establish recommended public health drinking water contaminant levels The bill would require the department to adopt rules and regulations concerning the monitoring of contaminants in drinking water for the design, operation, and maintenance of public water systems, and the treatment of water supplies The bill would impose other requirements concerning monitoring and treatment of public drinking water including requiring the department to inspect each public water system at least annually The bill would require the department to report annually to the consumers on the water contaminant level

Existing law requires that a public water system shall not require backflow protection between domestic and untreated irrigation water in separate pressurized systems, under specified circumstances, and makes it a misdemeanor to knowingly interconnect those water systems without installing a backflow protection device approved by the association operating the systems

This bill would require that a public water system shall not require backflow protection only for those separate pressurized systems which were in existence prior to January 1, 1990, and would require that the backflow protection device be approved by the state department

Existing law requires the department to establish a water quality advisory council to assist in the formulation of regulations, policies, and programs about public water systems

This bill would delete the provisions relating to this council The bill would require the department to establish a water quality technical advisory committee to advise the department on drinking water matters

Existing law requires the person operating a public water system, when any primary drinking water standard is not complied with or other standards are not met, to notify the department and the users of the fact and specifies the content of the notice

This bill would require when the notification is because of a contaminant in the water that the notification include specified information on the contaminant, its possible effects, and measures to counter those effects

The bill would require the Attorney General or a district attorney to recover the amount of any unpaid civil penalty assessment, and would make it a misdemeanor to prevent, interfere with, or attempt to impede inspection, monitoring, and other activities of the department and would make it a crime with specified penalties for any person to tamper with a public water system The creation of a new crime would impose a

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state-mandated local program

Since violations of certain provisions relating to records, reports, and other information concerning public water systems are crimes, this bill by requiring new applications and procedures for permits, variances, and exemptions and notifications would create new crimes, thus imposing new duties upon local agencies, and thereby creating a state-mandated local program

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

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

Ch. 824 (AB 27) Johnston Health insurance AIDS tests

(1) Existing law specifies that disability insurers, nonprofit hospital service plans, and health care service plans are prohibited from requiring an applicant, as a condition of coverage, to be tested for HIV antibodies in order to qualify for life or disability loss of income insurance

This bill would revise these provisions to instead prohibit life and disability income insurers from requiring an HIV antibody test if the results would be used to determine eligibility for hospital, medical, or surgical insurance coverage or for coverage under a hospital service plan or health care service plan

(2) Existing law specifies a procedure by which specified life and disability income insurers may, with consent, obtain HIV antibody tests of applicants for insurance and disclose the results to a physician designated by the applicant Existing law also permits life and disability insurers to refuse insurance to persons testing positive for HIV antibodies, as specified, with respect to policies and certificates issued on or after January 1, 1989, if coverage is contigent upon medical review for other diseases or medical conditions

This bill would revise the definition of "positive ELISA test" for purposes of these provisions The bill would make inapplicable to these procedures general laws respecting disclosure of the results of HIV antibody tests and criminal and civil penalties for unauthorized disclosure, and would enact separate similar provisions respecting unauthorized disclosure of HIV antibody tests obtained by insurers under the above provisions By changing the definition of a crime, this bill would impose a state-mandated local program The bill would also, on or after January 1, 1990, preclude any application or enrollment request for life or disability income insurance from containing a question pertaining to prior testing for HIV antibodies, unless the question is limited to prior testing for the purpose of obtaining insurance

The bill would make provisions authorizing life and disability insurers to refuse insurance to persons testing HIV positive applicable only to coverage issued, delivered, or received after the effective date of the bill

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

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

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

Ch. 825 (AB 314) Leslie Licensing of community care facilities, child day care facilities, and residential care facilities for the elderly

The State Department of Social Services has licensing authority under existing law with respect to community care facilities, child day care facilities, and residential care facilities for the elderly.

Existing law does not expressly authorize the State Department of Social Services to prohibit a licensee for a community care facility, child day care facility, or residential care facility for the elderly from employing or continuing the employment of a person

This bill would specifically confer that authority upon the department, and would enumerate specific grounds for its exercise The bill would provide for administrative

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review of any decision of the department in this respect, pursuant to specified administrative appeal procedures set forth in existing law.

Ch 826 (AB 317) Allen Fish and game: licenses

(1) Existing law, generally, provides for the issuance of licenses, license tags, license stamps, or permits for taking birds, mammals, fish, amphibians, or reptiles Under existing law, a violation of the licensing and permitting requirements is a misdemeanor punishable by a fine, by imprisonment in the county jail, or by both.

This bill would require every person, while engaged in taking any bird, mammal, fish, amphibian, or reptile, to have on his or her person or in his or her immediate possession, or where otherwise specifically required by law to be kept, or as prescribed in the case of a person diving from a boat or the shore, a license, license tag, license stamp, or permit that is required for the taking of the bird, mammal, fish, amphibian, or reptile, the violation of which would be a misdemeanor, except with respect to the taking of fish, reptiles, or amphibia for any purpose other than for profit, a violation of which would be an infraction punishable by a specified fine. The bill would thereby impose a state-mandated local program by creating and changing the definitions of crimes.

(2) Under existing law, the court may dismiss a criminal charge of taking a game mammal or bird for which a hunting license is required when the person does not have the required license, license tag, or license stamp in his or her possession if the taking was otherwise lawful, as specified, and if the person produces in court a license, license tag, or license stamp issued to that person and valid at the time of arrest.

This bill would, instead, authorize the court to reduce the fine to $50 under those conditions

(3) Under existing law, the fine for an infraction violation of taking fish, reptiles, or amphibia for any purpose other than for profit without having obtained a license may be reduced if the person produces in court a license issued to that person

This bill would, instead, authorize that reduction if the person produces in court a license valid at the time of the arrest, if the taking was otherwise lawful, as specified.

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

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

Ch 827 (AB 323) Johnston Workers' compensation Uninsured Employers Fund.

Existing law authorizes the Director of Industrial Relations to pay workers' compensation claims from the Uninsured Employers Fund, under specified conditions, to workers who are employed by illegally uninsured employers.

This bill would require the director, in the administration of the fund, to designate the job classifications of employees who are paid compensation out of the fund, and to compile and report that data to the Legislature by November 1, 1990, and annually thereafter

Ch 828 (AB 324) Hughes Relocation assistance

Existing law requires a public entity to provide compensation and advisory services to any person, business, or farm operation which is displaced because of the acquisition of real property for public use Acquisitions funded by federal funds are required to meet the requirements of federal law governing relocation assistance

This bill would generally revise the state provisions governing relocation assistance to conform with the federal law by expanding benefits for displaced businesses, changing the benefits for displaced individuals, providing procedural protections for persons required to move from their homes, and making various changes to administrative requirements By imposing these requirements on local public entities, this bill would constitute a state-mandated local program

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

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

Ch. 829 (AB 350) W Brown Employee health care coverage

Existing law does not provide for a statewide plan under which an employer may provide health care coverage for employees

This bill would enact the Tucker Health Care Coverage Act of 1989, which would create a statewide plan under which employers, as defined, could elect to provide health care coverage to employees, as defined, to include specified benefits, and subject to specified requirements.

This bill would state that neither its provisions nor specified tax credit provisions would be implemented unless a report, to be prepared by a state agency or department or a nonstatutory advisory body designated by the Governor, and to include specified information and recommendations, is submitted to the Governor and the Legislature by March 1, 1990

These provisions, except for the requirement of the report described above, would become operative on January 1, 1992.

This bill would state that its provisions would become operative only if specified tax credit provisions contained in SB 1207 become operative, and would remain in effect only until January 1 of the first year commencing after the repeal date of those provisions, at which time they would be repealed

Ch 830 (AB 387) Murray. Education economic impact aid.

Existing law, known as the Budget Act of 1989, appropriates a specified amount for the purposes of the Economic Impact Aid Program and provides for specified allocations and cost-of-living adjustments by the Superintendent of Public Instruction to a limited number of school districts that receive insufficient funds through the Economic Impact Aid formula to serve the number of pupils of limited-English proficiency and other economically disadvantaged pupils that reside in the school district

This bill would delete the proviso in the Budget Act of 1989 with respect to the allocations and cost-of-living adjustments described above

Ch 831 (AB 416) Woodruff Subdivision maps. mobilehome parks

Existing law generally requires, with certain exemptions, a tentative and final map to be filed for all subdivisions creating 5 or more condominiums, as defined

This bill would create an exemption from those requirements where at least ⅔ of the owners of mobilehomes who are tenants in a mobilehome park sign a petition indicating their intent to purchase that mobilehome park for purposes of converting it to tenant-owned, condominium ownership interests under certain circumstances

This bill would provide a procedure for an applicant to obtain a waiver of those requirements

In the event that a parcel or tentative map is required, the bill would prohibit the local agency from imposing certain requirements unless necessary to mitigate existing health or safety conditions

Ch 832 (AB 433) N Waters Crimes arson.

Existing law provides that arson of a structure or forest land is a felony punishable by imprisonment in the state prison for 2, 4, or 6 years

This bill would provide for an additional term of 1, 2, or 3 years for a person committing this offense who has previously been convicted of the same offense

Ch 833 (AB 476) Campbell John Muir Day

Existing law requires the Governor to proclaim certain days of the year as days to give particular attention to certain persons or events

This bill would require that the Governor proclaim April 21st as "John Muir Day"

This bill would encourage all public schools and educational institutions to hold suitable exercises commemorating John Muir Day

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Ch. 834 (AB 489) N Waters Agriculture livestock drugs

(1) Existing law prohibits the sale of any livestock drug which is not registered with the Department of Food and Agriculture Fees received by the department are deposited in the Department of Food and Agriculture Fund and continuously appropriated to the department to carry out the purposes of those provisions.

This bill would prohibit any sale prior to receipt of a registration certificate, provide that the certificates are valid for a 2-year period, and increase application and renewal fees, thereby making an appropriation

(2) Existing law regulates the use of livestock drugs and makes various acts unlawful.

This bill would make it unlawful for any livestock owner or agent to knowingly sell or dispose of any livestock or livestock carcasses which have drug residues in excess of allowable federal or state tolerances, thereby imposing a state-mandated local program by creating a new crime The bill would impose civil liability, as specified, and provide for additional administrative fines for violations

(3) Existing law establishes a cattle protection and brand inspection system.

This bill would make it unlawful to sell or dispose of bob veal calves and dairy cull cows, as defined, for slaughter without identification numbers, thereby imposing a state-mandated local program by creating a new crime

(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 835 (AB 654) Jones Nonprofit cooperative associations processors produce dealers

Existing law prescribes the powers of nonprofit cooperative associations

This bill would authorize any association acting for its members as a producer marketing or bargaining association in its dealings with processors or produce dealers in connection with any product produced by its members to assert all the rights of a producer with respect to those products The bill would make a statement of Legislative intent, and provide that its provisions regarding the assertion of rights are not applicable to specified claims on any agricultural products delivered or scheduled to be delivered prior to January 1, 1986

Ch 836 (AB 768) Murray Scholarships teaching careers

There is in existing law, the Assumption Program of Loans for Education which authorizes the issuance of a conditional warrant for the assumption of student financial aid loans of applicants who are students with outstanding ability, or who agree to participate in specified training or to complete specified coursework in a designated subject matter shortage area

Existing law requires the Student Aid Commission to distribute student applications to participate in the loan assumption program to postsecondary educational institutions eligible to participate in state and federal financial aid programs Existing law also requires each participating institution to sign an institutional agreement with the commission certifying its intent, as specified, and to coordinate the loan assumption program with other existing programs designed to recruit or encourage students to enter the teaching profession

This bill would, in addition, require each participating institution to strive, through its recruitment and retention efforts, to achieve participation by ethnic minority students in at least the same proportion as the minority pupil population enrolled in the state's public school system as certified by the State Department of Education

Ch 837 (AB 815) Eastin Highways designations and restrictions

Existing law designates certain state highway routes as within the state scenic highway system

This bill would include Route 84 from Route 238 to Route 680 near Sunol within the state scenic highway system The bill would specify that this designation does not pro-

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hibit the use of railroad rights-of-way in this scenic corridor

Ch 838 (AB 823) Bader School finance

Existing law requires the governing board of each school district to report the average daily attendance of the district to the Superintendent of Public Instruction at specified times

Existing law requires that the average daily attendance in summer school and outdoor science and conservation education classes be computed by dividing the days of attendance allowed by 175.

This bill would delete the latter requirement, would delete other obsolete provisions, and would require that, for purposes of incentive funding for a longer instructional day and year, the days of attendance in special education classes operated by county offices of education be determined in the same manner as all other attendance is determined under specified provisions

Ch 839 (AB 861) Jones Tax preparers

Existing law provides that the registration of tax preparers and tax interviewers are to be renewed on an annual basis.

This bill would provide for a staggered birth date renewal program on a 2-year basis for those persons and would make related changes

Ch 840 (AB 1686) Jones Water systems quality standards

Existing law requires local health officers and, in counties which do not have a local health officer, the State Department of Health Services, to enforce the provisions of law relating to public water systems with fewer than 200 service connections.

This bill would require the department, instead of local health officers, to enforce those provisions in any county which does not have a local health officer or which contracts with the department for environmental health services, as specified, and elects not to enforce those provisions

This bill would require the department to absorb the costs of the enforcement

Ch 841 (AB 1751) Friedman Crimes weapons street gangs

Under existing law, except as otherwise specified, it is generally a misdemeanor offense for any person to carry concealed on his or her person or within any vehicle any pistol, revolver, or other firearm capable of being concealed, without a license to carry that weapon Under existing law, it is also generally a misdemeanor offense to carry on his or her person or within any vehicle any loaded firearm Existing law also makes it a public offense, punishable as specified, for any person to engage in specified criminal street-gang-related activities

This bill would provide for a sentence enhancement of imprisonment in the state prison for 1, 2, or 3 years, at the court's discretion, upon the conviction of any person who carries a loaded or unloaded firearm, as specified, during the commission or attempted commission of any of those prohibited criminal street-gang-related activities.

Ch 842 (AB 1863) Hauser Density bonuses or housing incentives of equivalent value

(1) Existing law requires a city, county, or city and county, under certain conditions, to grant a density bonus or a housing incentive of equivalent value to a developer agreeing to construct housing in which specified percentages of the units are constructed for persons and families of low- or moderate-income, or very low income households, as defined under state law unless the city, county, or city and county makes a finding that the density bonus or housing incentive is unnecessary for certain reasons.

This bill would, instead require a city, county, or city and county to grant at least one density bonus and would permit an additional housing incentive to be granted unless the city, county, or city and county makes a written finding that the density bonus or housing incentive is not required, as specified

This bill would also make these provisions applicable to a proposal of a developer under the terms of existing law and would recast these provisions to make them applica-

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ble, as specified, solely to lower and very low income households as defined under existing law The bill would require that "equivalent financial value" of other incentives for these purposes be based upon the land cost per dwelling unit

(2) Under existing law, developments subject to density bonuses or other equivalent incentives are required to be occupied as low- or moderate-income units for 30 years if certain direct financial contributions are made by a city, county, or city and county

This bill would extend this 30-year set-aside requirement to any development with lower income density bonus units, as specified.

(3) This bill would require a city, county, or city and county to establish procedures for waiving development and zoning standards, as part of this statutory scheme.

(4) The bill would expressly prohibit the granting of any incentive in the absence of an agreement between the city, county, or city and county in accordance with existing law, if the incentive would undermine the legislative intent of these provisions, as revised by the bill

(5) The new requirements imposed upon cities, counties, and cities and counties, as summarized above, would constitute a state-mandated local program

(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 843 (AB 1873) Jones Agriculture pesticides

Existing law authorizes civil prosecution against a person violating specified pest control and pesticide laws and regulations

This bill would authorize the Director of Food and Agriculture, in lieu of civil prosecution, to levy a specified maximum civil penalty against a person violating specified provisions regarding pesticides and economic poisons, would increase the maximum civil penalty for violations of specified provisions regarding pest control operations, economic poisons, and restricted materials, and regulations adopted pursuant thereto, from $500 to $1,000, and would increase the penalties for negligent violations which create a hazard to human health or the environment Money collected pursuant to those provisions would be available upon appropriation, to the department for specified purposes

Ch 844 (AB 1941) N Waters Groundwater management Mono County

(1) Under existing law, certain special districts are authorized to establish programs for the management of groundwater resources within their boundaries

This bill would enact the Mono County Tri-Valley Groundwater Management District Act which would create the Mono County Tri-Valley Groundwater Management District, consisting of those areas of eastern Mono County commonly known as Benton Valley, Hamill Valley, and Chalfant Valley, and portions of the watersheds thereof within described boundaries The bill would prescribe the organization, boundaries, management, powers, duties, and financing of the district The bill would require the board of directors to appoint an advisory board with specified functions The bill would impose a state-mandated local program by imposing specified duties on Mono County in connection with the operation of the district

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory 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 1946) Wright Health care service plans.

Under the Knox-Keene Health Care Service Plan Act of 1976, hereafter referred to as the act, health care service plans, as defined, are licensed and regulated by the Department of Corporations

(1) Existing law requires a licensed health care service plan, prior to any material

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modification of its plan of operations, to give notice to the Commissioner of Corporations

Existing law provides that the fee for filing a notice of major modification shall be the actual cost to the commissioner of processing the notice, but not to exceed $250.

This bill would instead require that this fee not exceed $750

(2) Existing law requires every plan which covers hospital, medical, or surgical expenses on a group basis to offer benefits for the comprehensive preventive care of children.

Existing law requires that these benefits be consistent with the Guidelines for Health Supervision of Children and Youth, as adopted by the American Academy of Pediatrics in May 1982

This bill would instead require that these benefits be consistent with Recommendations for Preventive Pediatric Health Care, as adopted by the American Academy of Pediatrics in September 1987

(3) Existing law requires the commissioner to conduct an examination of the fiscal and administrative affairs of any plan, and each person with whom the plan has made arrangements for administrative, management, or financial services, as often as deemed necessary to protect the interest of subscribers or enrollees, but not less frequently than once every 5 years

Existing law requires that reports of all surveys, deficiencies, and correction plans be open to public inspection, except that no surveys, deficiencies, or correction plans can be made public, unless the plan has had an opportunity to review the survey deficiencies and correction plans and file a statement or response within 30 days, to be attached to the report

This bill would modify these provisions to refer to reports of examinations, rather than reports of surveys, deficiencies, and correction plans

(4) The bill would require that, when any person, including any nonresident of this state, engages in conduct prohibited or made actionable by the act, and personal jurisdiction over the person cannot otherwise be obtained in this state, the conduct be considered equivalent to the appointment of the commissioner or the commissioner's successor in office to be the attorney in fact to receive any lawful process in any noncriminal suit, action, or proceeding against the person or the person's successor, executor, or administrator which arises out of that conduct and which is brought under the act, with the same force and validity as if personally served

The bill specifies the steps which must be taken in order to make service effective upon a defendant or respondent under this provision

(5) The bill would make it unlawful for any person willfully to make any untrue statement of material fact in any application, notice, amendment, report, or other submission filed with the commissioner under the act or the regulations adopted thereunder, or willfully to omit to state in any application, notice, or report any material fact which is required to be stated therein

(6) Existing law permits the commissioner to summarily suspend or revoke the transitional license of a plan under specified circumstances, other than those under which the commissioner is authorized to summarily suspend or revoke a license

This bill would repeal this authority

Existing law also permits the commissioner, if he or she finds that any plan is no longer in existence or has ceased to do business as a licensee, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the commissioner may, by order, summarily revoke the license of the plan.

This bill would eliminate the ground of suspension or revocation due to being subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian.

The bill would, in addition, permit summary suspension or revocation due to a failure of the plan to initiate business activity within 6 months of licensure.

(7) Since a violation of the act is a crime, and since the bill imposes various requirements upon persons and plans, the bill would create new crimes, thus imposing addition-

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al duties upon local law enforcement agencies, and thereby creating a state-mandated local program.

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

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

Ch 846 (AB 1959) Wright Schoolbus, school pupil activity bus, and youth bus driver certificates

Existing law requires a driver certificate, issued by the Department of Motor Vehicles, for the operation of a schoolbus, school pupil activity bus, youth bus, or general public paratransit and provides for the suspension and revocation of the privilege of any person to operate a motor vehicle, generally, for specified causes

This bill would require the department to deny or revoke a schoolbus, school pupil activity bus, youth bus, or general public paratransit driver certificate if the certificate applicant or holder, as specified, has been convicted of designated criminal offenses or has failed to meet prescribed testing requirements

Ch 847 (AB 1970) Cortese Subdivisions.

Existing law, repealed on January 1, 1990, requires any public agency which is the lead agency for a development project for which an environmental impact report is prepared, to approve or disapprove the project within one year from the date on which an application requesting approval of the project has been accepted as complete by that agency That existing law also requires that agency to approve or disapprove within 6 months from that date, a project for which a negative declaration has been adopted or which is exempt from the California Environmental Quality Act, unless the project proponent requests an extension of the time limit

This bill would impose a state-mandated local program by deleting that date of repeal.

Existing law, operative January 1, 1990, requires a public agency which is the lead agency for a development project to approve or disapprove the project within one year from the date on which an application requesting approval of the project has been accepted as complete by that agency

This bill would repeal those provisions

Existing law specifies, in the case of a development project consisting of a subdivision, that the time limits prescribed for approval or disapproval of development projects apply to the approval or disapproval of the tentative subdivision map or specified parcel map. Existing law also prescribes time limits for action by a local advisory agency or legislative body on a tentative map for which an environmental impact report has been prepared

This bill would impose a state-mandated local program by revising those time limits.

The existing Subdivision Map Act, exempts from its provisions, certain lot line adjustments between 2 or more existing adjacent parcels Existing law requires these lot line adjustments to be reflected in a deed or record of survey and recorded

This bill would, instead require a record of survey to be performed for a lot line adjustment only if required by certain provisions of the Professional Land Surveyors' Act

The existing Subdivision Map Act generally permits the omission in the preparation and recordation of a final map of the signatures of parties owning specified interests in the subdivided real property for which the final map was prepared, provided that their names and the nature of their respective interests are stated on the final map Existing law also permits certain public entities to object to the filing of that map without their signatures

This bill would expressly prohibit any fee from being charged by certain public entities for signing, omitting a signature, or objecting pursuant to these provisions

Existing law requires an improvement plan being processed in conjunction with either an approved tentative, parcel, or final map, to be acted upon within a specified time period

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This bill would require those maps to be prepared by a registered civil engineer and acted upon within those time periods. Since violation of these provisions constitutes a misdemeanor, this bill would impose a state-mandated local program

This bill would also require if a legislative body or advisory agency imposes engineering or land surveying conditions on a tentative map or parcel map, that the conditions be reviewed by the appropriate engineer or surveyor of the body or agency to determine compliance with generally accepted engineering or surveying practices

This bill would make other technical nonsubstantive changes to 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 848 (AB 2060) Costa. Development fees

Existing law requires a fee or charge adopted upon a single family or multifamily development project, as defined, which applies to the filing or approving of an application or permit, to be enacted in accordance with certain procedures, and be effective no sooner than 60 days following the final action on the adoption of the fee or charge

This bill would, instead, require a fee or charge adopted on or upon a development project, as defined, which applies to the filing or approving of an application or permit, to be enacted in accordance with certain notice and public hearing procedures, and become effective no sooner than that time period It would make this requirement inapplicable to any action to adopt or increase a fee or charge which is commenced on or before January 1, 1989

Ch 849 (AB 2079) McClintock Mortgages and deeds of trust power of sale disposition of proceeds

Existing statutory law does not specify that the gross proceeds received at the sale of real property pursuant to the exercise of a power of sale under a mortgage or deed of trust are applied first to pay the costs of foreclosure, then to the payment of the foreclosed obligation, with any surplus funds paid to the junior lienors in the order of their priority, and that if any excess funds still remain, these excess funds are to be paid to the trustor or mortgagor

This bill would statutorily specify the above priorities for the distribution of proceeds with respect to a trustee selling real property under a power of sale held in a mortgage or deed of trust The bill would require the trustee, if the trustee has notice that there are conflicting claims to the sales proceeds within 30 days of the execution of the trustee's deed, to send written notice, as specified, to all persons with recorded interests in the real property as of the date immediately prior to the trustee's sale and those entitled to notice, as specified, disclosing, among other things, that there has been a trustee's sale of the real property and that they may have a claim to all or a portion of the sales proceeds, as specified The bill would also specify that the trustee may elect to deposit that portion of the proceeds that cannot be distributed after due diligence with the clerk of the superior court in the county in which the sale took place, as specified The bill would require the clerk of the court to deposit these funds with the county treasurer subject to the order of the superior court upon the application of any interested party, thereby creating a state-mandated local program The deposit of these funds with the court discharges the trustee from any further responsibility for the disbursement of sale proceeds.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 850 (AB 2089) Mojonnier. Domestic violence: enforcement.

Existing law authorizes the issuance of ex parte emergency protective orders in domestic violence cases when a police or sheriff's officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence, as specified.

Existing law also requires a police or sheriff's officer to use every reasonable means to enforce an emergency protective order in a domestic violence case

This bill would include a peace officer of the Department of Parks and Recreation, as specified, within those and related provisions

In addition, the bill would provide for the participation of these officers in a training course conducted by the Commission on Peace Officer Standards and Training on domestic violence subjects, as specified

This bill would incorporate additional changes in Section 546 of the Code of Civil Procedure, proposed by SB 221, to be operative only if SB 221 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

This bill would incorporate additional changes in Section 12028.5 of the Penal Code, proposed by SB 353, to be operative only if SB 353 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch. 851 (AB 2118) Filante. Physicians and surgeons.

Existing law specifies the fees for the renewal of a physician's and surgeon's and podiatrist's certificate. The law does not provide for an exemption from paying that fee for any person who may be disabled and unable to practice

This bill would provide that a licensee who demonstrates that he or she is disabled and unable to practice medicine or podiatry due to that disability may apply for a waiver of the renewal fees. It would provide that a waiver of the fees shall be at the discretion of the Board of Medical Quality Assurance or the California Board of Podiatric Medicine and that a licensee for whom the renewal fee is waived may not practice medicine or podiatry during the period of the waiver

Ch. 852 (AB 2139) Epple. Cal-Vet. maximum home purchase price.

Under the Veterans' Farm and Home Purchase Act of 1974, known as the "Cal-Vet" program, the Department of Veterans Affairs may expend not more than $90,000 for the acquisition or construction of a home for purposes of sale to a veteran purchaser pursuant to the program

This bill would increase the maximum purchase price of a home to the department under the Cal-Vet program to $125,000.

Ch. 853 (AB 2150) Woodruff. Education.

Existing law, relating to the interdistrict attendance of pupils in public schools, requires that if a request for an interdistrict transfer is not approved, or an interdistrict attendance agreement is not entered into, within 30 days after the request is made, the school of residence or the school district denying the request shall notify the person having legal custody of the pupil regarding specified appeal rights.

This bill would instead require that this notice be given if the request is not approved, or an interdistrict attendance agreement is not entered into, within 30 days after the request is made, except that if separate requests are made to each school district 30 days or more prior to the commencement of the academic year, notice is not required to be given until 14 days after commencement of the academic year

Existing law provides that agreements and permits for interdistrict transfers shall not be applicable to expelled pupils

This bill would specify that the appeal procedure for denials of requests for interdis-

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trict transfers shall not apply to expelled pupils or to pupils under consideration for expulsion

Ch 854 (AB 2157) Filante Agriculture: winegrape growers commissions

(1) Existing law prescribes the membership, powers, duties, and responsibilities of the California Winegrape Growers Commission, which would become operative when growers and vintners vote in a referendum to implement the commission

The bill would revise the number of vintners required to vote in favor of establishment of the commission and would allow specified producer regions to vote in a referendum to establish local commissions for those regions with powers, duties, and responsibilities similar to the statewide commission The bill would authorize local commissions to levy assessments on producers, as prescribed, and authorize these expenditures for purposes of carrying out the provisions, thereby making an appropriation Violation of the provision would be a misdemeanor, thus the bill would impose a state-mandated local program by creating a new crime

(2) Existing law requires the California Wine Commission to annually establish assessment rates on winegrapes and vintners to pay that assessment.

This bill would authorize specified producers to apply to the director or the commission for exemption or refund of the assessment

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

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

Ch 855 (AB 2162) Speier Credit cards

(1) Existing law defines various forms of theft and regulates credit card transactions.

This bill would impose a state-mandated local program by making it a misdemeanor for any person, or for any retailer to permit another person, to process, deposit, negotiate, or obtain payment of a credit card charge, as specified, if the retailer has not furnished or agreed to furnish the goods or services that are the subject of the charge However, the bill would not apply to specified credit card charges made through defined general merchandise retailers and franchisees and would not apply to credit card issuers, financial institutions, and any parent, subsidiary, or affiliate thereof, or to any person processing, depositing, negotiating, or obtaining less than $500 of credit card charges per year through a retailer's account or agreement. Each occurrence in which a person seeks to obtain payment of a credit card charge in violation of the bill would be a separate offense The bill would expressly authorize persons injured by violations of the bill to bring actions for the recovery of damages, equitable relief, and reasonable attorney's fees and costs. Certain exemptions from the Song-Beverly Credit Card Act of 1971 would not apply to this bill

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

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

Ch 856 (AB 2266) Connelly Home health agencies.

Existing law prohibits any person, private or public organization, political subdivision of the state, or other government agency within the state, from establishing, conducting, or maintaining a home health agency without either a license from the State Department of Health Services, or in certain cases, with the approval of the department.

This bill would instead prohibit any private or public organization, political subdivision of the state, or other government agency within the state from providing or arranging for the provision of, skilled nursing services to patients in the home without first obtaining a home health agency license from the department

Existing law specifies that the purpose of these licensing provisions is to license home health services in order to comply with provisions of federal law and to allow all those

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who are qualified to provide home health services to the people of California.

This bill would instead provide that the purpose of these provisions is to license home health agencies, in order to protect the health and safety of the people of California, and to require all organizations which provide skilled nursing services to patients in the home to obtain a home health agency license

Existing law contains various definitions, including home health agency, and defines the services which it is permitted to provide

This bill would repeal those provisions

The bill would define home health agency, as any public or private organization which provides or arranges for the provision of skilled nursing services, as defined, to persons in their temporary or permanent place of residence

The bill would set forth requirements which must be met by home health agencies. It would also permit home health agencies to provide therapeutic services, as defined, to persons in their temporary or permanent places of residence

The bill would exempt from home health agency licensing requirements, until January 1, 1991, a licensed pharmacy engaged in providing, pursuant to the order of a physician and surgeon, parenteral or enteral therapies administered by a licensed registered nurse employed, or whose services are arranged for, by the pharmacy.

It would repeal this provision on January 1, 1991

Since a violation of home health agency provisions is a misdemeanor, the bill would create new crimes by modifying home health agency requirements for licensure The bill would, therefore, impose new 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. 857 (AB 2262) Areias Transportation rights-of-way: property donations

Under existing law, cities and counties may impose charges, assessments, and fees for various purposes, and may require improvements as a condition to the issuance of a permit for, or approval of, development of real property

This bill would authorize a city or county which imposes an assessment, fee, or charge, other than a tax, for transportation purposes, to adopt an ordinance prescribing conditions and procedures to allow real property which is needed by the city or county for local transportation purposes or by the state for transportation projects which will not receive any federal funds, to be donated in satisfaction or partial satisfaction of the assessment, fee, or charge. The bill would require the Department of Transportation to take specified action to facilitate the implementation of this provision

Ch 858 (AB 2351) Farr Sardines quota

(1) Existing law prohibits the taking of sardines except incidentally to other fishing operations, as specified, or pursuant to permits issued under quotas established by the Department of Fish and Game, as specified Existing law, until January 1, 1991, allocates one quota which requires that 20% be landed north of Point Buchon in San Luis Obispo County and the balance south of that point Existing law also provides for an additional quota of 250 tons of sardines for dead bait purposes

This bill would require that the established sardines quota be allocated in that manner into 2 quotas, one for southern California and one for northern California, with the boundary division at Point Buchon in San Luis Obispo County

The bill would allocate the dead bait quota to require the first 75 tons to be reserved for landings north of Pescadero Point, 50 tons to be reserved for landings between Pescadero Point and Point Buchon, and the remainder reserved for landings south of Point Buchon

The bill would also prohibit the receiving, possessing, or sale of sardines for any purpose not specified on the landing receipt, as prescribed, and would make conforming changes. Because existing provisions of law would make violations of the bill a crime,

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the bill would impose a state-mandated local program by creating new crimes

(2) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Preservation Fund.

Because this bill would impose additional duties on the department with regard to sardine quotas, it would make an appropriation

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

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

Ch 859 (AB 2352) Woodruff Direct import vehicles: certification

Existing law requires the State Air Resources Board to adopt, by regulation, certification programs for new direct import vehicles, and direct import used motor vehicles, as defined

This bill would authorize the state board to establish alternate test procedures to those used in the existing programs for certifying those vehicles, if the state board determines that those alternate procedures, which would be identical to those contained in federal law, as specified, would be at least as effective as the existing procedures

The bill would make other related changes

Ch 860 (SB 381) Dills County committees on school district organization vacancies in membership

Under existing law, a vacancy in a county committee on school district organization that is created by the expiration of the term of office of a member of the committee is filled by the majority vote of the representatives of the governing boards of the school districts represented by that committee Existing law requires that vote to be taken at the annual meeting of those governing board representatives.

This bill would permit a county committee on school district organization to authorize the representatives of those governing boards to vote, for this purpose, through the use of absentee ballots submitted, as specified, prior to the date set for the annual meeting This bill would also state the legislative intent that absentee ballots will increase participation in selection of county committees and will not diminish public review of candidates

Under existing law, in a county in which the members of the county committee on school district organization are elected by the representatives of the governing boards, the county superintendent of schools is directed to fill any vacancy on the county committee that occurs prior to the expiration of a member's term if the remaining members of the committee do not fill the vacancy within a period of 60 days from its occurrence

This bill would extend that period of time from 60 days to 70 days

Ch 861 (SB 696) Alquist. Landlord and tenant utility charges

Nothing in existing law expressly requires landlords to make special arrangements with tenants whose gas or electric meters serve areas outside the tenant's dwelling unit

This bill would require a landlord to disclose, and make specified written arrangements with a tenant for payment for, gas or electric service provided through the tenant's meter to areas outside the tenant's dwelling unit if the landlord or the landlord's agent has knowledge that the gas or electric service provided through the tenant's meter serves any area outside the tenant's dwelling unit The bill would authorize the tenant to bring an action if the landlord fails to comply with the bill Among the available judicial remedies would be (1) requiring the landlord to be made customer of record for the tenant's meter or (2) ordering the landlord to reimburse the tenant for services to areas outside the tenant's dwelling unit

Ch 862 (SB 788) Rosenthal. Motor vehicle warranties disclosure

Under existing law, every manufacturer or its representative in this state is required

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to either replace a new motor vehicle or make restitution to the consumer of the new motor vehicle if the new motor vehicle does not conform to applicable express warranties after a reasonable number of attempts to service or repair the vehicle, as specified. Existing law also provides that no person shall sell or lease a motor vehicle transferred by a buyer or lessee to a manufacturer under the above provisions unless the nature of the nonconformity experienced by the original buyer or lessee is, among other things, clearly and conspicuously disclosed

This bill would specifically require any person including a manufacturer or dealer selling a motor vehicle that is known or should be known to have been required by law to be replaced or required by law to be accepted for restitution by a dealer or manufacturer due to the inability of the dealer or manufacturer to conform the vehicle to applicable warranties, as specified, to disclose that fact to the buyer in writing prior to the purchase and would require a dealer or manufacturer to include as part of the titling documents of the vehicle a specifically worded disclosure statement setting forth the fact that the vehicle has been returned to the dealer or manufacturer due to a defect in the vehicle, as specified

Existing law requires a registration card for a vehicle to contain upon its face specified information, including the identification of specified motor vehicles such as a motor vehicle formerly operated as a taxicab

This bill would require that motor vehicles returned to a dealer or manufacturer pursuant to consumer warranty laws due to a defect be identified on the face of the registration card

Ch 863 (SB 853) Seymour Contractors public works contracts

Existing law establishes various penalties for violation of contractors' licensing requirements, including a provision making it a misdemeanor to engage in the business or act in the capacity of a contractor without a license, and establishing enhanced penalties for subsequent convictions

With specified exceptions relative to persons exempted from licensure, existing requirements regarding a joint venture license, and existing provisions concerning federally funded state projects, this bill would make it a misdemeanor for a person to submit a bid to a public agency in order to engage in the business or act in the capacity of a contractor without a license and would establish enhanced penalties for subsequent convictions It would require those bids to contain the contractor's license number, date of expiration, and a statement that representations of the bid are made under penalty of perjury, as specified The bill thereby 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 864 (SB 894) Lockyer Nonprofit associations liability

Existing law provides that no cause of action against a person serving without compensation as a director or officer of a nonprofit corporation on account of any negligent act or omission by that person within the scope of that person's duties shall be included in a complaint or other pleading unless the court enters an order allowing the pleading Existing law also provides that no cause of action for monetary damages shall arise against any person serving without compensation as a director or officer of a nonprofit corporation on account of any negligent act or omission occurring within the scope of that person's duties if certain conditions are met. These provisions apply to officers and directors of certain nonprofit corporations that are incorporated under the California Nonprofit Corporation Law

This bill would specify that the above provisions apply to officers and directors of certain nonprofit corporations that are subject to the California Nonprofit Corporation Law.

Under existing law, an unincorporated association that is an organized medical society

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limiting its membership to doctors of medicine who are licensed physicians and surgeons with a majority of the eligible physicians and surgeons residing in the area in which it functions, as specified, as members may, among other things, purchase, receive, own, lease, or mortgage real estate and other property as may be convenient for the purposes and objects of the association Existing law also provides that the members are not individually or personally liable for the debts or liabilities contracted or incurred by the association, as specified

This bill would require the association to have at least 25% of the eligible physicians and surgeons residing in the area in which it functions, as specified, as members. However, the bill would provide that if the unincorporated association has less than 100 members, it shall have at least a majority of the eligible persons or licensees in the geographic area served by the particular unincorporated association

The bill would also make other technical, clarifying changes

Ch 865 (SB 926) Rogers Beverage containers· minimum redemption value

(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 A violation of the act is a crime and the penalties for violation are deposited into the California Beverage Container Recycling Fund, which is continuously appropriated to the department for expenditure to carry out the act 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

This bill would make a statement of legislative intent, and would require a beverage distributor of soft drinks or mineral waters, on and after October 1, 1989, and a distributor of beer and malt beverages, on and after November 1, 1989, to separately identify the amount of any minimum redemption value on an invoice submitted to a dealer, as specified, thereby imposing a state-mandated local program by creating a new crime, and thereby making an appropriation The department would be required to randomly inspect these invoices to ensure compliance with this requirement.

The bill would require a dealer, with a specified sales and storage area, on and after October 1, 1989, to separately identify the amount of any minimum redemption value in all advertising and would prohibit a dealer from including the minimum redemption value as part of the total price of a beverage container in any advertising. The bill would exempt violations of these provisions from the penalty provisions of the act

The bill would authorize a dealer to separately identify the amount of any minimum redemption value imposed on a beverage container on the customer cash receipt

The bill would apply specified procedures concerning the payment of delinquent accounts to the minimum redemption value imposed on beer and other malt beverages or wine and distilled spirits cooler beverages

The bill would require the department to inform all beverage distributors and dealers of the requirements of the bill by September 1, 1989, or 60 days after the effective date of the bill, whichever is later.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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.

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Ch. 866 (SB 950) Stirling Pupils. work permits.

Existing law authorizes the issuance of work permits to minors under the age of 18 years and over the age of 14 years to work outside of school hours, as specified Existing law, with specified exceptions, prohibits employers from employing a minor for more than 4 hours in any day in which that minor is required by law to attend school One of these exceptions is that the minor has been issued a permit to work under specified provisions of current law and is employed in accordance with those requirements

This bill would authorize a pupil 13 years of age to be issued a work permit at the school district's discretion, if he or she has completed grade 6, has been identified by the school district in which he or she is enrolled as exhibiting the potential to drop out of school, and is a participant in an employment program sponsored by one or more school districts The bill would require the permit to limit the period any minor age 13 may work under this authority to 2 hours on any given day, up to a maximum of 4 hours each week The bill would also make a conforming change in current law.

Ch 867 (SB 1182) Boatwright Loan violations: personal property brokers and consumer finance lenders

(1) Existing law requires a personal property broker or consumer finance lender that (1) charges, contracts for, or receives an amount different from the charges permitted by law, or (2) otherwise violates the provisions of its licensure law in the making or collection of a loan, to forfeit all right to receive any payment under the loan, unless the violation was unintentional, resulted from a bona fide error despite the lender's procedures reasonably adapted to avoid that type of error, and the lender notifies the borrower and rectifies the error, as specified, within 15 days of discovery

This bill would limit these forfeitures to cases of a willful act by the lender, would require forfeiture of interest and charges where no willful act is involved, and would extend to 60 days after discovery of a violation caused by a computation error, and 30 days in the case of other violations, the period within which the lender may avoid a forfeiture due to a bona fide error, as specified above, by notifying the borrower and rectifying the error

(2) Existing law, with certain exceptions, requires licensure of defined commercial finance lenders

This bill would exempt from licensure as a commercial finance lender any person who makes no more than one commercial finance loan in any 12-month period

Ch 868 (SB 1217) Beverly Savings associations

(1) Existing law authorizes commercial banks and savings associations to obtain specified criminal record information on prospective employees by submitting fingerprints to the Department of Justice or a local law enforcement agency Existing law authorizes these financial institutions to deny employment on the basis of unreasonable risk to the financial institution or its customers.

This bill would expand these provisions to make them applicable to affiliates of banks and subsidiaries and affiliates of savings associations. The bill would also authorize them to make these inquiries concerning, and deny employment under the above provisions to, their existing directors, officers, and employees

The bill would also permit the Superintendent of Banks to obtain this criminal history information with respect to an applicant for employment, a director, officer, or employee of a bank, bank holding company, or any subsidiary of a bank or bank holding company from local, state, or federal law enforcement agencies, as specified. The criminal history information obtained would be confidential and no recipient would be permitted to disclose its contents other than for the purpose for which it was acquired.

(2) Under existing law, a mutual savings association may issue stock upon amending its articles of incorporation, as specified Existing law specifies that the resulting stock association shall be deemed a continuation of the mutual association

This bill would declare that a prescribed federal regulation sets forth the law of this state in that regard, and that existing state law has reflected that federal regulation since adoption of the federal regulation

(3) Existing law prescribes registration fees for savings and loan holding companies.

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This bill would require these fees to be paid within 30 days from notice by the commissioner that the fee is due

(4) Under existing law, defined agencies of savings associations are required to keep records of association business for which no record is maintained at a home or branch office of the savings association

This bill would limit that requirement to keeping records of completed association business

(5) Existing law prohibits a savings association from investing in nonliquid assets or loans when the association fails to meet minimum liquidity requirements

This bill would adopt the minimum liquidity requirements in specified federal regulations for purposes of this prohibition, in lieu of the present statutory requirement

(6) Existing law specifies conditions under which savings associations may make defined real estate loans providing for adjustment of the interest rate, payment balance, or term

This bill would revise these conditions and would additionally specify conditions for the making of shared appreciation loans by savings associations

(7) Under existing law, the Department of Savings and Loan is, with certain exceptions, required to keep confidential information acquired by it in the regulation of savings associations

This bill would specifically authorize the Savings and Loan Commissioner to submit fingerprints of specified persons to law enforcement agencies in order to obtain prescribed information on criminal activity thereof The bill would also require that any subpoena duces tecum for specified confidential records or documents in the possession or custody of the Department of Savings and Loan be issued only after a hearing by a court of competent jurisdiction based upon specified findings, but these provisions would not apply to records or documents released prior to the effective date of the bill.

(8) Existing law prescribes monetary penalties for failure of a savings association to timely submit prescribed reports on its financial condition to the commissioner

This bill would make these penalties applicable where a savings and loan holding company or a subsidiary of a savings association or savings and loan holding company fails to timely submit specified reports Since these new penalties would be deposited in the Savings Association Special Regulatory Fund, which is continuously appropriated, the bill would be an appropriation measure

(9) Under existing law, the commissioner may order removal of any director, officer, or employee of a savings association found to have participated in an unsafe or unsound practice or breached a fiduciary duty. Under existing law, a person subject to such an order may not, without the permission of the commissioner, participate in the conduct of the affairs of that savings association, holding company, or subsidiary and may not serve as a director, officer, or employee of another savings association, savings and loan holding company, or subsidiary of such an association or holding company

This bill would require, as a condition to sanctions, that any participation in an unsafe or unsound practice be knowing and willful. The bill would also authorize, rather than require, the additional sanction (which the bill would also permit to be an alternative sanction) of prohibiting the person from participating in the conduct of the affairs of the savings association holding company, or subsidiary or from serving as a director, officer, or employee of another savings association, savings and loan holding company, or subsidiary of such an association or holding company

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

Ch 869 (SB 1222) Rogers. Agriculture pesticides

Under the Birth Defect Prevention Act of 1984, the Director of Food and Agriculture is required to monitor compliance with the timetable for the filling of all data gaps on all pesticide active ingredients which are registered or licensed in California

This bill would require the director to also review the timetable established by the Environmental Protection Agency for the accelerated registration program under amendments effective in 1989 to the Federal Insecticide, Fungicide, and Rodenticide Act

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Ch. 870 (SB 1448) Keene Crimes trespass: punishment.

(1) Under existing law, it is a misdemeanor offense to enter any lands under cultivation or enclosed by fence, belonging to or occupied by another, or to enter uncultivated or unenclosed lands where signs forbidding it are displayed, as specified, without the written permission of the owner of the land, the owner's agent, or of the person in lawful possession, if that person refuses to leave upon request or engages in specified acts upon the property.

The bill, with specified exceptions, would make it a public offense, punishable as an infraction or misdemeanor, to willfully enter any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or to willfully enter uncultivated or unenclosed lands where signs forbidding it are displayed, as specified, without the written permission of the owner of the land, the owners' agent, or of the person in lawful possession, without regard to whether the person leaves upon request or does not engage in any of those specified acts upon the property The bill would provide that for any infraction charged under this provision the defendant shall have the option to forfeit bail in lieu of making a court appearance, and if the defendant so elects, no further proceeding shall be had in the case Thus, the 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. 871 (AB 1037) Allen Hazardous substances. removal and remedial actions.

Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 provides for the issuance and sale of general obligation bonds in an amount not to exceed $100,000,000 and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund Existing law also requires the State Department of Health Services to adopt criteria for the ranking of hazardous substance release sites and to publish lists which establish the priority rankings for these sites. Existing law also imposes a tax upon the disposal of hazardous waste, and provides for the deposit of this money in the Hazardous Substance Account ("California Superfund").

The money in the fund and the account may generally be expended, upon appropriation by the Legislature, to pay for the various costs of removal and remedial actions related to the release of hazardous substances The department is prohibited from expending funds from the fund or the account unless the department issues certain orders or enters into an agreement, except as specified

This bill would authorize the State Water Resources Control Board or a California regional water quality control board to refer a hazardous substance release site to the department for listing on the priority ranking of sites. The bill would allow the department to expend funds from the fund or the account without issuing an order or entering into an agreement if the department lists the site on the priority ranking and the state board or regional board issues a specified order, determines noncompliance with the order, and notifies the potentially responsible party for the site.

The bill would require the department to notify the state board and appropriate regional board if the department makes a specified determination that the site will not be listed or that a removal or remedial action at the site will not commence within one year of listing The regional board and the state board would be allowed to take any authorized action concerning the site upon receiving this notice

Ch. 872 (AB 2240) Hughes. Education. California Mathematics Diagnostic Testing Program [5]

Existing law establishes various programs for the testing and assessment of student achievement and progress

This bill would establish the California Mathematics Diagnostic Testing Program, and would require the Trustees of the California State University to administer the program to develop assessment materials and diagnostic services designed to assist pupils' knowl-

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edge and skills in the area of mathematics, as specified.

This bill would require the establishment of an intersegmental advisory committee to be selected, as specified

This bill would require that the trustees develop a comprehensive program evaluation of this assessment program, and that the program be conducted in 1993, and every 3 years thereafter

This bill would declare the intent of the Legislature that the California State University allocate the sum of $484,100 to the California Academic Partnership Program in the 1989–90 fiscal year for the purposes of the Mathematics Diagnostic Testing Program and that this amount be allocated to that program, and that funding appropriated in this bill supplement and not supplant the funding allocated to that program

This bill would appropriate $119,500 from the General Fund to the trustees for this purpose, to be allocated as specified

Ch 873 (AB 506) Polanco Forcible entry and detainer

Existing law provides that a defendant in a forcible entry and detainer action has 5 days to answer the complaint after the summons is served upon him or her.

This bill would require the defendant to file his or her response within 5 days, including Saturdays and Sundays but excluding all other judicial holidays, after the complaint is served upon him or her, except as specified

Ch 874 (AB 1081) Allen. Hazardous materials· business plans

Existing law requires that any business which handles a hazardous material to adopt a business plan for response to the release of hazardous materials, and to annually submit an inventory to the local administering agency. Hazardous materials in consumer products are exempt from these requirements, except as specified.

This bill would additionally exempt from these business plan and inventory requirements oxygen and nitrous oxide ordinarily maintained by certain health care professionals, at their offices or places of business, if these materials are stored in a specified quantity The bill would authorize an administering agency to require a one-time inventory of these materials for a fee, not to exceed a specified amount, to pay for costs related to processing the inventory forms

Ch 875 (AB 1203) Hauser Mobilehomes, manufactured housing, and commercial coaches

Under the existing Mobilehomes-Manufactured Housing Act of 1980, a mobilehome is defined as a structure transportable in one or more sections, designed and equipped to contain not more than 2 dwelling units to be used with or without a foundation system

This bill would revise the definition of a mobilehome to, instead, mean a structure transportable under permit in one or more sections designed and equipped to contain not more than 2 dwelling units to be used with or without a foundation system, or a structure transportable under permit in one or more sections designed to be used with a foundation system and to be used as a dwelling unit, dormitory, residential hotel, or efficiency units The bill would also require these types of mobilehome units to meet certain handicap accessibility requirements Since fees permitted to be charged by the Department of Housing and Community Development for the registration and titling of those mobilehomes are required to be deposited in the continuously appropriated Mobilehome-Manufactured Home Revolving Fund, the bill would make an appropriation In addition, since violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program

Under the existing Mobilehomes-Manufactured Housing Act of 1980, various acts are declared to be unlawful if committed by a dealer or salesperson Existing law makes the Department of Housing and Community Development responsible for licensing salespersons of mobilehomes, manufactured homes, and commercial coaches

This bill would permit the department, on a one-time-only basis per applicant, to issue a 90-day certificate to an applicant for an original salesperson's license The bill would permit the holder of the certificate to exercise certain privileges of the license for a period not to exceed 90 days from the date of issuance The bill would also prohibit a

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dealer from employing more than 3 salespersons licensed pursuant to a 90-day certificate at each of the dealer's established places of business The bill would also permit the department to establish a fee to cover the costs for the issuance of the certificate and would require the department to make a specified report to the Legislature These fees would be deposited, under existing law, into the continuously appropriated Mobilehome-Manufactured Home Revolving Fund Consequently, the bill would make an additional appropriation. Moreover, since violation of these provisions also constitutes 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 876 (AB 1929) Epple Corporations cumulative voting and classified boards.

Existing law requires the directors of a corporation to be elected at each annual meeting of shareholders to hold office until the next annual meeting Under existing law, shareholders entitled to vote at an election of directors may cumulate their votes, as specified

This bill would permit a listed corporation, as defined, by amendment of its articles of incorporation or bylaws with the approval of the board and the corporation's outstanding shares, as specified, to divide the board of directors into 2 or 3 classes to serve for terms of 2 or 3 years respectively, as specified, or to eliminate cumulative voting, or both The bill would permit a corporation that is not a listed corporation to also adopt these provisions to be effective, however, only when the corporation becomes a listed corporation The bill would also provide that if directors for more than one class are to be elected at any one meeting of shareholders by cumulative voting, the votes may only be cumulated for directors to be elected within each class

Under existing law, a director may not be removed when the votes against removal would be sufficient to elect the director if voted cumulatively at an election at which the same total number of votes were cast and the entire number of directors authorized at the time of the director's most recent election were then being elected

This bill would provide with respect to the removal of a board member of a classified board of directors that a director may not be removed if the votes cast against removal of the director or not consenting in writing to the removal, would be sufficient to elect the director if voted cumulatively, without regard to whether shares may otherwise be voted cumulatively, at an election at which the same total number of votes were cast and either the number of directors elected at the most recent annual meeting of shareholders, or if greater, the number of directors for whom removal is being sought, were then being elected

Ch 877 (AB 1962) Clute Education facilities construction standards.

Existing law, operative until June 30, 1989, establishes the Educational Technology Local Assistance Program to facilitate, among other things, educational technology and the use of computers in schools

This bill would require the State Allocation Board to contract with the Office of the State Architect to study and develop recommendations for facilitating the computerization of classrooms in public schools for kindergarten and grades 1 to 12, inclusive. The study would be required to include an assessment of the feasibility and desirability of an interstitial floor structure, a cabling system, specified outlets, and protection for equipment and would be required to examine the viability of including specific structural support systems for advanced technology as part of the standards for the new construction of public educational facilities

This bill would require the Office of the State Architect to provide to the Legislature on or before January 1, 1991, a report of its findings If appropriate, the State Allocation Board would be required to adopt the standards as part of the requirements for the new construction of public educational facilities

This bill would appropriate $70,000 from the State School Building Lease-Purchase

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Fund to the State Allocation Board for the purpose of contracting with the Office of the State Architect for the study.

Ch 878 (AB 2494) Condit. Minors' temporary custody

Existing law authorizes a peace officer who takes a minor into temporary custody, without a warrant, as authorized pursuant to the juvenile court law, to deliver the minor to the custody of the probation officer, as specified Thereafter, the probation officer is required to make an immediate investigation and to release the minor immediately to the custody of his or her parent, guardian, or responsible relative, except as specified

This bill would require the peace officer to prepare a written statement, to be provided to the probation officer at the time the minor is delivered to the probation officer, regarding the probable cause and the reasons why the minor was taken into custody.

Because this bill would impose a new duty on peace officers, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 879 (SB 946) Stirling Correctional facilities contracts

Existing law authorizes the Director of Corrections to operate facilities to be known as community correctional centers

This bill would authorize the director to contract for the establishment and operation of separate community correctional reentry centers for men and women, provided that the per-inmate cost for operating those facilities under contract is less than the per-inmate cost of maintaining custody of the inmates by the department The bill would provide that the purpose of the community correctional reentry centers is to provide an enhancement program to increase the likelihood of a successful parole, and that no inmate shall be transferred to those facilities unless specified conditions are met

Ch 880 (SB 1214) Keene Financial institutions foreign savings associations

Under existing law and law to become operative on January 1, 1991, a foreign savings association subject to state or federal supervision, as specified, is not considered to be doing business in this state for purposes of laws prohibiting, limiting, or regulating the doing of business in this state by reason of engaging in certain activities, including, among others, the advertising or solicitation of savings accounts in this state through the media, as specified

This bill would, until January 1, 1992, apply the above exclusion to laws prohibiting, limiting, or regulating the selling, taking, or solicitation of savings accounts and would specify that neither the association nor any broker-dealer registered in accordance with the requirements of the Securities Exchange Act of 1934 or specified other persons is considered doing business in this state as a result of the offering or placement of a customer's funds by a registered broker-dealer into a savings account of a federally insured foreign savings association chartered under the laws of a state in which broker-dealers make available savings accounts of associations chartered under the laws of this state

Ch 881 (SB 1235) L. Greene. Redevelopment

Existing law requires that certain tax increment revenues which are required to be used by a redevelopment agency for the purposes of increasing and improving the community's supply of low- and moderate-income housing be held in a separate Low and Moderate Income Housing Fund until used

This bill would impose a state-mandated local program by specifying for these pur-

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poses that increasing, improving, and preserving the community's supply of low- and moderate-income housing includes preserving rental housing units assisted by federal, state, or local government under certain conditions.

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

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

Ch 882 (SB 1458) C Green Public meetings: state and local agencies.

Existing open meeting laws generally require that all meetings of state and local governmental agencies be open and public and require that these agencies provide advance public notice of meeting agenda However, these laws permit governmental agencies to hold closed sessions to confer with, or receive advice from, legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the agency in the litigation

This bill would permit state agencies operating under a joint powers agreement for insurance pooling to hold a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the state agency or any member agency under the joint powers agreement

This bill would also permit a joint powers agency formed for purposes of insurance pooling, or a local agency member of the joint powers agency, to hold a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency, and would permit the Local Agency Self-Insurance Authority formed pursuant to specified provisions, or a local agency member of the authority, to hold a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

This bill in addition, would incorporate additional changes in Section 11126 of the Government Code, proposed by AB 1284, to be operative only if AB 1284 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 883 (SB 1468) Campbell Medi-Cal: eligibility for benefits

Existing law provides basic health care coverage to qualified low-income individuals, as specified, through the Medi-Cal program, which is administered by the State Department of Health Services

This bill would provide that, to the extent that federal matching funds are made available, disabled persons who are otherwise eligible for Medi-Cal benefits, except for income due to employment, shall continue to be eligible for benefits for conditions excluded from coverage by private insurers, provided those persons' incomes do not exceed 200% of the maintenance income level established by the department

Ch 884 (SB 1519) Presley Personal property secondhand dealers and pawnbrokers

Existing law requires a "secondhand dealer," as defined, to become licensed and, among other things, to report acquisitions of certain identifiable secondhand personal property to local law enforcement authorities. Failure to comply with these provisions constitutes a misdemeanor

This bill would redefine "secondhand dealer" to include additional persons, as specified The bill would make "coin dealers," as defined, subject to these reporting requirements, with specified exceptions In addition, the bill would require secondhand dealers and coin dealers to produce certain tangible property for inspection by peace officers or by employees designated by the chief of police or sheriff The bill would also prohibit secondhand dealers and coin dealers from promising a seller that he or she may repurchase the property sold To the extent that these provisions would include more persons in the definition of "secondhand dealer" and, thus, subject more persons, including, in certain instances, "coin dealers" to the above-mentioned misdemeanor penalties, the

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bill would create a state-mandated local program by expanding the definition of a crime. The bill also would constitute a state-mandated local program by increasing the licensing and reporting responsibilities of local law enforcement authorities.

Existing law authorizes a peace officer, upon probable cause, to place a hold on property in the possession of a pawnbroker or secondhand dealer if he or she believes that the property is stolen

This bill would provide that if the alleged owner chooses not to file a criminal complaint against an identified alleged thief, he or she shall pay the pawnbroker, secondhand dealer, or coin dealer the "out of pocket" expenses paid in the acquisition of the allegedly stolen property

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. The pawnbroker or secondhand dealer is specifically authorized to deliver the property to a peace officer

This bill would make those provisions applicable to property in the possession of coin dealers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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

Ch 885 (SB 1525) Mello Long-term health care facilities ownership

Existing law specifies that certain information shall be provided to the State Department of Health Services by an applicant desiring a license to operate a health facility and permits the department to require other information for the proper administration and enforcement of laws relating to health facilities

This bill would additionally require the application to contain evidence satisfactory to the department that an applicant to operate a skilled nursing facility or intermediate care facility possesses financial resources sufficient to operate the facility for a period of at least 45 days The bill would also require each applicant for a license to operate either of those facilities to disclose to the department evidence of the right to possession of the facility at the time the application will be granted, as specified.

Existing law requires each applicant for a license to operate a skilled nursing facility or intermediate care facility to disclose to the department those persons and entities having a beneficial ownership interest of 10% or more in the applicant corporation or partnership Existing law prohibits, on and after January 1, 1978, any person from acquiring a beneficial interest of 10% or more in any corporation or partnership licensed to operate a skilled nursing facility or intermediate care facility or from becoming an officer or director of, or general partner in a corporation or partnership so licensed without the prior written approval of the department Existing law permits the department to deny approval of a license application or an application for approval to become an officer, director, or general partner if a person named in the application was an officer, director, general partner or owner of a 10% or greater beneficial interest in a licensee of a skilled nursing facility, intermediate care facility, or community care facility at a time when one or more violations of law were committed resulting in suspension or revocation of its license

This bill would lower the percentage of beneficial interest in the above provisions from 10 to 5% and would prohibit, on and after January 1, 1990, any person from acquiring beneficial interest of 5% or more in any corporation or partnership licensed to operate a skilled nursing facility or intermediate care facility or from becoming an officer or director in, or general partner in such a corporation or partnership without the approval of the department

The bill would additionally require the disclosure to the department of the names and

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addresses of any person or organization having an ownership or control interest of 5% or more in a management company operating a facility and would make other disclosure requirements The bill would require all information to be provided to the department upon the initial application for licensure and changes provided on an annual basis, that the failure to provide the information may result in revocation or denial of a license, and that the information shall be made available to the public

Existing law makes the violation of the laws relating to health facilities a misdemeanor and this bill by making new requirements with respect to those facilities would create new crimes 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 886 (AB 184) Speier Medical Board of California

Under existing law, the Board of Medical Quality Assurance is responsible for enforcing and administering provisions of law relating to the licensing and regulation of healing arts practitioners, as specified

This bill would change the name of this licensing and regulatory agency from the Board of Medical Quality Assurance to the Medical Board of California The bill would make conforming changes

This bill would provide that its change shall yield to the provisions of any act enacted by the Legislature during the 1989 calendar year which takes effect on or before January 1, 1990, and which affects any section affected by this act, whether enacted prior to, or subsequent to this act

Ch 887 (AB 889) Tucker Mental health professional licensing

Existing law prohibits a person from engaging in the practice of psychology, or from representing himself or herself to be a psychologist, without a license, as specified

Existing law provides that a person represents himself or herself to be a psychologist when he or she holds himself or herself out to the public by any title or description of services incorporating specified terms, including, but not limited to, psychologist, psychometrist, and psychoanalyst

This bill would include "psychology consultation" and "psychological consultant" into this list of specified terms

This bill would incorporate additional changes in Section 2902 of the Business and Professions Code, proposed by this bill and AB 184 or AB 858, or both, to become operative only if AB 184 or AB 858, or both, and this bill are chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 888 (AB 858) Margolin Psychology

Existing law provides that the Psychology Licensing Law is to be administered by the Psychology Examining Committee of the Board of Medical Quality Assurance

This bill would change the name of the examining committee to the Board of Psychology

Existing law prohibits a person from engaging in the practice of psychology, or from representing himself or herself to be a psychologist, without a license, as specified

Existing law provides that a person represents himself or herself to be a psychologist when he or she holds himself or herself out to the public by any title or description of services incorporating specified terms, including, but not limited to, psychologist, psychometrist, and psychoanalyst

This bill would include "psychology consultation" and "psychological consultant" into this list of specified terms

This bill would incorporate additional changes in Section 2902 of the Business and Professions Code, proposed by AB 184, to be operative only if AB 184 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

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Ch 889 (AB 1083) O'Connell Industrial loan companies. loans.

Existing law sets forth various limitations and regulations applicable to loans and purchase obligations of industrial loan companies, including specifications as to what security is required for real estate loans.

This bill would provide that whenever authorized by the Commissioner of Corporations, an industrial loan company may make loans and acquire obligations, the proceeds of which are used for home improvements, if the loans and obligations are secured by real property having a market value of at least 100 percent of the principal amount owing on the loan being made by the industrial loan company or obligation being acquired by the industrial loan company and on prior encumbrances, except nondelinquent tax liens, secured by the same real property It would authorize the making of home improvement loans only by industrial loan companies whose thrift obligations are insured by the Federal Deposit Insurance Corporation (FDIC) The bill would require the industrial loan company to file a written request, as specified, for authorization from the commissioner to conduct the business of making these loans

Existing law authorizes industrial loan companies to make "open end loans," as specified

This bill would additionally provide that whenever authorized by the commissioner, an industrial loan company whose thrift obligations are FDIC insured may make secured "line of credit loans " The bill would require that the security for these loans be of a kind and class declared eligible by the commissioner The bill would also require the industrial loan company to file a written request, as specified, for authorization from the commissioner to conduct the business of making these loans However, the bill would exempt from this requirement line of credit loans authorized pursuant to federal law, as specified

Ch 890 (SB 756) Marks Steel-jawed traps

(1) Existing law authorizes the use of steel-jawed traps to take specified mammals under certain conditions

This bill would require any person using those traps, except specified government officers and employees, to be licensed and the traps to be identified, as specified, and provide for the inspection and removal of animals from the traps The bill would make conforming changes to other laws relating to the use of steel-jawed traps Since 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 891 (SB 1633) C Green PERS members' interest payments

A provision of the Public Employees' Retirement Law which authorizes elections to redeposit previously withdrawn accumulated contributions requires payment of interest which would have been credited to the members' account as if the annual interest rate at the time of the redeposit election was in effect through payment completion

This bill would, instead, require payment of interest (1) in the amount equal to the interest which would have been credited to the members' account to the date of payment completion had the contributions not been withdrawn, and (2) if the election is to redeposit in more than one sum, interest on the unpaid balance as if the annual interest rate at the time of the redeposit election was in effect through payment completion

Provisions of that law also require, in cases of elections to purchase and receive public service credit or service credit for leaves of absence, a payment of interest on the contributions prescribed therefor, which would have accrued thereon if those contributions had been deposited at the commencement of the first subsequent period of member service, from that date to payment completion, assuming that the annual interest rate at the election had been in effect throughout that period

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This bill would delete those assumptions and would prescribe the service and the contribution rate to be used to compute that purchased service credit for members of the Second Tier. This bill would also, in cases of elections to purchase and receive public service credit and to contribute in other than one sum, require payment of interest on the unpaid balance beginning on the date of the election to receive the credit

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

Ch. 892 (AB 276) Margolin Workers' compensation.

(1) Existing law provides that the expense provision included in the classification of workers' compensation risks and premium rates approved or issued by the Insurance Commissioner shall be uniform as to all insurers and insureds

This bill would specify the expense provision percentage and its effective date and would require that risks and premium rates be applied uniformly to all insured employers.

(1.5) Existing law permits the Insurance Commissioner to change a classification or system previously approved or issued if the commissioner first holds a hearing to determine the effect of the proposed change upon the adequacy or inadequacy of rates

This bill would impose additional requirements on the commissioner with regard to the procedures for changing a classification or system

(2) Existing law requires a rating organization to provide satisfactory evidence to the commissioner that it will perform various acts as a condition of obtaining and retaining a license, including agreeing to permit 2 members of the public, one representing organized labor and one representing insured employers, to serve on the managing or governing committee of the organization

This bill would double the number of members required to serve on the managing or governing committee of the rating organization It would authorize the public members who serve on the governing committee, by majority vote, to retain certain experts to advise them on any matter before the committee It would also require the commissioner, commencing January 1, 1990, to require the licensed rating organization designated as the commissioner's statistical agent to monitor and measure changes in the cost of the various components of worker's compensation which may be affected by the changes enacted in the 1989–90 Regular Session of the Legislature, and to report to the commissioner annually through January 1, 1996, on the percentage of incurred losses It would further require the commissioner, within 60 days from the date the report is filed, to verify the results obtained and submit the results of this report to the Governor and the Legislature

(3) Under existing law, the Board of Directors of the State Compensation Insurance Fund is composed of the Director of Industrial Relations, who serves as chairperson, and 4 members appointed by the Governor

This bill would require instead that the board be composed of 5 members appointed by the Governor, as specified and would require that the Director of Industrial Relations serve as an ex officio, nonvoting member of the board It would increase the appointed members' salary from $50 to $100 for each day of attendance at the meetings

(4) Existing workers' compensation law authorizes the Division of Industrial Accidents to administer the state workers' compensation system.

This bill would change the name of this division to the Division of Workers' Compensation, and would create the Workers' Compensation Administration Revolving Fund as a special account in the State Treasury which would consist of money from the General Fund appropriated for certain purposes and specified assessments It would require the administrative director of the division to prepare and submit, by March 1 of each year, a report to the Governor and the Legislature covering the activities of the division during the prior year

(4.5) Existing law provides that an employee, for purposes of workers' compensation, includes every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. Various other persons performing voluntary services are specifically included within workers' compensation coverage

This bill would provide that whenever any qualified person is deputized or appointed

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as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or a transit district and is assigned specific police functions by that authority, the person is an employee of the county, city, city and county, town, or district in which the police department is located for purposes of workers' compensation

(5) The bill, among other things, would revise the administration of the workers' compensation system by creating 2 offices within the division. The Office of Benefit Assistance and Enforcement would be authorized to conduct audits of insurers, enforce civil penalties for violations by these insurers, provide information and assistance and claims mediation services, and monitor benefit delivery The Office of Benefit Determination would be authorized to review and approve specified vocational rehabilitation plans and to evaluate permanent disability

(6) The bill would also make revisions regarding vocational rehabilitation, notice and claims procedures, procedures for review of claims by medical evaluators, and time of payment of disability benefits, increase burial and death benefits, alter the terms and appointment schedule for appeals board members, change the name of the Medical and Chiropractic Advisory Committee to the Industrial Medical Council and alter its composition, terms, and appointment schedule It would, in addition, add provisions regarding the compensability of psychiatric injuries, the preparation of medical-legal reports, and the creation of a system of arbitration for resolving employer-employee disputes

(6 5) This bill would create the Health and Safety Commission consisting of 6 members, 3 representing organized labor, including one worker who has been injured on the job, and 3 representing employers, which would review and approve applications from employers and employee organizations for grants to assist in establishing effective occupational injury and illness prevention programs The bill would also create the Workplace Health and Safety Revolving Fund into which money from specified civil and administrative penalties would be deposited and which shall, upon appropriation by the Legislature, be expended by the Department of Industrial Relations, upon approval of the commission, for funding these grants

(7) This bill would create the Workers' Compensation Rate Study Commission consisting of 8 specified members, 2 each appointed by the Senate Committee on Rules and the Speaker of the Assembly, and 4 members appointed by the Governor, and would require the commission, by June 30, 1991, to issue a final report to the Governor, the Legislature, and the Insurance Commissioner containing the results of the commission's evaluation and recommendations for attaining prescribed goals. The commission would be abolished on September 28, 1991

(8) The bill would require the Department of Industrial Relations to contract for a study, in accordance with specified requirements, to establish workload standards for specified job functions It would further require the department to submit proposed workload standards based on the contractor's report by no later than January 1, 1992, and to periodically update these standards as needed

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 893 (SB 47) Lockyer Workers' compensation

Under existing workers' compensation law, the Division of Industrial Accidents is required to perform certain duties with regard to vocational rehabilitiation programs. Existing law further provides that a qualified injured worker shall receive disability benefits and living expenses when enrolled in a rehabilitation program

This bill would change the name of the division to the Office of Benefit Determination and would impose additional duties on the office with regard to vocational rehabilitation

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It would also provide for an injured worker enrolled in a rehabilitation program to receive a specified maintenance allowance when the worker's medical condition becomes permanent and stationary.

This bill would make revisions regarding the payment of temporary and permanent disability benefits, and the procurement of medical evaluations and reports It would also provide that, unless otherwise specified, AB 276 of the 1989–90 Regular Session shall apply only to injuries occurring on or after January 1, 1990.

This bill, in addition, would appropriate $2,500,000 from the General Fund to the Department of Industrial Relations as a loan for purposes of establishing various new positions in order to reduce the backlog in workers' compensation courts, to provide workers with increased information services from the department, to provide staff for the Industrial Medical Council, and to increase the resources to audit employer and insurer benefit payments to injured workers

Ch 894 (SB 167) Lockyer Judicial arbitration motor vehicle collisions

(1) Existing law establishes a program of judicial arbitration of civil actions The program is applicable only in those municipal court districts which have adopted the program by local rules of court.

This bill would require all civil actions pending on or after July 1, 1990, in a municipal court which has adopted judicial arbitration, as specified, which involve a claim against a single defendant, as defined, for money damages as a result of a motor vehicle collision, except those heard in small claims court, to be submitted to judicial arbitration within 120 days of the filing of the defendant's answer to the complaint, unless that deadline is extended by the court for good cause The action would be heard by an arbitrator selected by the court, subject to his or her disqualification for cause, as specified. The bill would authorize local court rules providing for voluntary or mandatory use of case questionnaires

The bill would impose a state-mandated local program by making an optional program mandatory

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

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

Ch 895 (SB 305) Boatwright Courts Contra Costa County

(1) Existing law provides a salary plan for regular official reporters and for the compensation of regular official reporters pro tempore of the superior court in Contra Costa County, as specified

This bill would revise the salary plan and compensation of superior court reporters in Contra Costa County

(2) Existing law requires one marshal's office in Contra Costa County to serve all of the county's judicial districts, as specified

This bill would repeal these provisions

(3) 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

(4) This bill would make related and conforming changes to these provisions

(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. 896 (SB 337) Davis Health facility construction and expansion. loan insurance

Under the California Health Facility Construction Loan Insurance Law, the Office of Statewide Health Planning and Development is authorized to insure health facility construction, improvement, and expansion loans, as specified, with no limits set upon the total amount of insurance which the office may authorize in any fiscal year.

This bill would limit the office's authorization to insure health facility construction, improvement, and expansion loans under this law to a total of not more than $2,000,000,000, except that the bill would authorize the office to exceed this limit for the refinancing of preexisting office-guaranteed loans under certain conditions

Existing law requires, as a condition of eligibility for the insurance described in the first paragraph, that the borrower offer reasonable assurances that the services of the health facility will be made available to all persons residing in the area to be served by the facility

This bill would authorize the office to determine that this requirement is considered to be met when a borrower has been unable to enter into a contract as a provider under the Medi-Cal program, if the borrower has bargained in good faith and other specified conditions have been met

Ch 897 (SB 1292) Maddy Crimes

(1) Existing law provides that in any case of any person charged with and found incompetent on a charge of, convicted of, or found not guilty by reason of insanity of a specified offense, that outpatient status shall not be available until that person has actually been confined in a state hospital or other facility for 180 days or more after having been committed as specified

This bill would add aggravated mayhem to that list of specified offenses

(2) Existing law provides for fitness proceedings against a mother who has applied to participate in a community treatment program, if the mother was convicted of a specified offense

This bill would add aggravated mayhem to that list of specified offenses

(3) Existing law provides that all information and records obtained in the course of providing intake, assessment, and services to persons with developmental disabilities shall be disclosed to governmental law enforcement agencies if there is probable cause to believe that a person with a developmental disability while hospitalized has committed or has been the victim of a specified offense

This bill would add aggravated mayhem to that list of specified offenses

(4) Existing law provides that information about mentally disordered persons involuntarily detained shall be released to governmental law enforcement agencies if there is probable cause to believe that a patient while hospitalized has committed or has been the victim of a specified offense

This bill would add aggravated mayhem to that list of specified offenses

(5) Existing law provides that no mentally retarded person may be committed to the State Department of Developmental Services unless he or she is a danger to himself or herself or others Dangerousness to self or others includes, but is not limited to, a finding of incompetence to stand trial when the defendant has been charged with a specified offense

This bill would add aggravated mayhem to that list of specified offenses

This bill, in addition, would make various nonsubstantive changes in current law to clarify specific statutory references and to delete and replace obsolete, incorrect, or duplicative statutes and statutory references

Ch 898 (SB 1293) Maddy Health facilities

(1) Under existing law, the Office of Statewide Health Planning and Development administers a health facility construction loan insurance program

Existing law further requires the office to submit to the Governor and the Legislature, on an annual basis, a state health plan, as specified

This bill would require the office to make an inventory of all existing health facilities, and to survey the need for construction, improvement, and expansion of public and

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nonprofit corporation health facilities, and on the basis of that inventory and survey, to develop a state plan for health facility construction, as specified

(2) The bill would enact the Rural Hospital Grant Program, which would express the intent of the Legislature to assist rural hospitals, as defined, which play a vital role in the health delivery system, as specified. The bill would require the Office of Statewide Health Planning and Development, in each even-numbered year, to contract for an actuarial study to determine the reserve sufficiency of funds in the Health Facility Construction Loan Insurance Fund. The bill would authorize the office, in each odd-numbered year, subject to authority in the Budget Act, to grant excess reserve funds to rural hospitals.

(3) Existing law provides that any reference in specified provisions of the Health and Safety Code to the Advisory Health Council shall be deemed to be a reference to the California Health Policy and Data Advisory Commission.

This bill would, instead, specify that any reference in the Health and Safety Code to the Advisory Health Council would be deemed a reference to the California Health Policy and Data Advisory Commission.

(4) 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. 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 requires that an application for approval of hospital building construction plans be accompanied by a filing fee, in an amount determined by the office necessary to cover the costs of administering its duties, within specified limitations. These fees are deposited in the Hospital Building Account in the Architecture Public Building Fund, which is continuously appropriated to the office to implement its duties under these provisions.

This bill would require the Director of the Office of Statewide Health Planning and Development to request the Department of Finance or the Auditor General to perform an audit of the uses of these fees, as specified.

(5) Under the so-called "Permit Reform Act of 1981," each state agency which issues licenses, certificates, registrations, or other authorizations, is required to adopt regulations concerning their procedures for issuing permits, including time periods for notifying applicants whether the application has been accepted or is deficient. Certain types of permits are exempt from these requirements.

This bill would require that any permit or authorization issued or provided pursuant to the Hospital Seismic Safety Act of 1983 be subject to the "Permit Reform Act of 1981."

(6) Existing law does not require the Director of the Office of Statewide Health Planning and Development, the State Architect, and the State Fire Marshal to establish explicit procedures to coordinate responsibilities of their respective agencies in addressing the mandates of the Hospital Seismic Safety Act of 1983.

This bill would require them to do so. The purpose of these procedures would be to establish a more timely plan review process and to eliminate any unnecessary delays in that process.

The bill would require the director, with the advice of the office of the State Architect and the State Fire Marshal, to submit a report to the Legislature no later than July 1, 1990, outlining problems and constraints in implementing this provision, if any.

The bill would also require the director, from time to time, to meet with the Director of Health Services, or his or her designee, to ensure that there are no postreview conflicts with licensing and certification in the implementation of projects which have been approved by the office.

(7) Existing law requires the office, by July 1, 1989, to set forth and implement criteria to exempt from the review process provided for pursuant to the act or expedite those projects for alterations of buildings of single story, wood frame, or light steel frame construction, to be used as skilled nursing or intermediate care facilities.

This bill would change the date by which the office must set forth and implement criteria for exemption from the plan review process or expedite the projects to July 1, 1991.

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(8) This bill would incorporate additional changes in Section 15071 of the Health and Safety Code, proposed by AB 2347, to be operative only if AB 2347 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

(9) Since the Hospital Building Account in the Architecture Public Building Fund is continuously appropriated to the office for the performance of its duties under the Hospital Seismic Safety Act of 1983, and since the bill would amend that act to impose additional duties upon the office, the bill would constitute an appropriation.

Ch. 899 (AB 251) Nolan. Enterprise zones

Existing law authorizes units of local government to propose the designation of areas within their respective jurisdictions as enterprise zones based upon specified findings that those areas are depressed areas and in need of private sector investment. Existing law specifies a procedure for local governments to apply to the Department of Commerce for actual designation, and in that connection, required the department, in accordance with specified evaluation criteria, to designate, prior to March 20, 1988, no more than 10 proposed areas as enterprise zones from among the applications submitted It permitted the department to designate no more than 2 of the 10 zones as high technology zones, as specified

This bill would provide that from applications received from local governments, the department may designate by December 1991, not more than 25 enterprise zones within the state, not more than 3 of which may be designated high technology enterprise zones and one of which may be designated an airport enterprise zone, as defined. It would provide that specified previously adopted applications and selection criteria would be applicable with respect to the designation of the additional enterprise zones It would also allow, upon approval by the department, for the expansion by 15% of any existing or new enterprise zones

It would require the department to take into consideration the location of existing zones and make every effort to locate new zones so as to not adversely affect existing zones

This bill would include within the definition of an eligible area an area within the proposed zone that has a history of gang-related activity, whether or not crimes of violence have been committed

Existing law also provides that the department, for purposes of the Employment and Economic Incentive Act, may designate as targeted economic development areas, and as neighborhood economic development areas, geographic areas which meet all of the specified criteria

This bill would specifically provide that the area designated as a targeted economic development area or a neighborhood economic development area may have, but is not required to have, a history of gang-related activity, whether or not crimes of violence have been committed

This bill would appropriate $149,000 from the General Fund to the Department of Commerce to fund 1½ personnel years to support 3 positions for 6 months each, to administer the Enterprise Zone Act, as amended by this bill

This bill would become operative only if SB 19 is chaptered

Ch 900 (AB 259) Clute. Postsecondary education student residency requirements

(1) Under existing law, public institutions of higher education are required to apply uniform rules in determining whether a student is to be classified as a resident or a nonresident. Existing law provides that a student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty is entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.

Existing law also provides that should a member of the armed forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution (1) be thereafter transferred on military orders to a place outside this state where the member continues to serve in the armed forces of the United States or (2) be thereafter retired as an active member of the armed forces of the United States,

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the student dependent shall not lose his or her resident classification until he or she has resided in the state the minimum time necessary to become a resident

This bill would provide an exception to these provisions by entitling a student dependent described above to resident classification at a campus of the California State University regardless of his or her length of residence in the state

(2) Existing law provides that a student who is a member of armed forces stationed in this state on active duty, except as specified, is entitled to resident classification until he or she has resided in the state the minimum time necessary to become a resident.

This bill would provide that a student who is a member of the armed forces, as described above, is entitled to resident classification at a campus of the California State University regardless of the length of his or her residency in the state

Ch 901 (AB 278) Floyd Crimes in-custody informants

Existing law makes it a felony for a person, among other things, to bribe or attempt to bribe, in order to influence, any witness, person about to be called as a witness, or person about to give material information pertaining to a crime to a law enforcement official

This bill, in addition, would (1) define an "in-custody informant," (2) provide for court instructions to the jury regarding the evaluation of an in-custody informant's testimony, and (3) require the prosecution, when calling an in-custody informant as a witness in a criminal trial, to file with the court a written statement setting out any and all consideration, as defined, promised to, or received by, the in-custody informant, thus imposing a state-mandated local program by increasing the duties of local prosecutors

In addition, the bill would require the prosecution to make a good faith attempt to notify, as specified, any victim of a crime which was committed by, or is alleged to have been committed by, an in-custody informant Because this provision would result in increased duties for local prosecutors, the bill would constitute a state-mandated local program

The bill also would (1) provide that no law enforcement or correctional official shall give, offer, or promise to give any monetary payment in excess of $50 in return for an in-custody informant's testimony in a criminal proceeding, (2) prohibit a law enforcement agency and an in-custody informant, acting as an agent for the agency, from taking some action, beyond merely listening to statements of a defendant, that is deliberately designed to elicit incriminating remarks, and (3) set forth legislative 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 902 (AB 593) Harvey Radioactive materials drinking water fees

(1) Existing law requires certain fees charged by the State Department of Health Services to be annually adjusted by the percentage change in the Budget Act for those items appropriating funds to the department

This bill would include within that provision fees charged to regulate nuclear medical technologists and fees, which this bill would impose, for the disposal of low-level radioactive waste to pay for the regulation of low-level radioactive waste, as specified The bill would also include within that provision fees charged for water bottling plants, bottled water distributors, vending machines, haulers, retail water treatment plants, and private water source operators The bill would impose a state-mandated local program, since failure to pay the fees for the disposal of low-level radioactive waste would be a crime pursuant to other provisions of law

(2) Existing law requires the department to enter into an agreement with the Division of Occupational Safety and Health to conduct inspection and enforcement activities

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regarding the storage, packaging, transporting, and loading of radioactive material and an agreement with the division to conduct technical evaluations of license applications under the Radiation Control Law.

This bill would instead authorize the department to enter into those agreements.

(3) Existing law requires the department to provide a schedule of fees for applicants for the licensing of radioactive materials and devices and equipment using these materials

This bill would revise that provision to authorize the department to impose those fees on persons possessing radioactive materials under licenses issued by the department or under other state or federal licenses and persons generally licensed for the use of specified devices and equipment The department would be authorized to adopt emergency regulations to establish and adjust fees for radioactive materials licenses, to be set in an amount to bring in a specified amount of revenue The department would also be authorized to adopt emergency regulations to adjust the fees imposed by the Radiation Control Law, and the Office of Administrative Law would be required to consider these regulations as necessary for the immediate preservation of the public peace, health and safety, and general welfare

(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 903 (AB 594) Hill Alcoholic beverages

Existing law authorizes the Department of Alcoholic Beverage Control to impose reasonable conditions upon a retail alcoholic beverage licensee, upon request of the licensee or an applicant for a license, in specified situations

This bill would, in addition, authorize the department to impose reasonable conditions on any alcoholic beverage licensee in the exercise of retail privileges in those situations

Ch 904 (AB 736) N Waters Agriculture pests

Existing law prescribes proceedings for the formation of districts for the purpose of controlling and eradicating citrus, stone, and pome fruit pests.

This bill would provide for the establishment of separate districts for controlling and eradicating citrus pests and stone and pome fruit pests

Ch 905 (AB 811) La Follette. Child Care Initiative Project

Existing law establishes a 3-year pilot project known as the California Child Care Initiative Project, whose objective is to increase the availability of quality child care programs in the state Existing law requires the Superintendent of Public Instruction to allocate all state funds appropriated for the project for the purpose of making grants to those child care resource and referral agencies that have been selected as pilot sites for the project Existing law requires the project to ensure that each dollar of state funds is matched by $4 from other sources, including private corporations, the federal government, or a local government Under existing law, these provisions will become inoperative on June 30, 1990, and will be repealed as of January 1, 1991

This bill would extend the project through the 1994–95 fiscal year and would require the project to ensure that each dollar of state funds is matched by $2, rather than $4, from other sources This bill would make these provisions inoperative on June 30, 1995, and would repeal them as of January 1, 1996

Ch 906 (AB 816) Bader Hazardous waste land use restrictions

(1) Existing law authorizes the State Department of Health Services to issue hazardous waste facilities permits and allows the department, in addition to any other condition which may be imposed by the department, to impose a requirement for the execution and recording of a written instrument which imposes an easement, covenant, restriction, or servitude, imposing specified use restrictions, on the land of the hazardous waste facility and on any adjacent land

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This bill would instead authorize the department to either enter into an agreement with the owner of a hazardous waste facility which requires the execution and recording of this written instrument or to require the execution and recording of this written instrument by permit modification, permit condition, or otherwise The bill would impose a state-mandated local program, since violation of these requirements would be a crime pursuant to other provisions of law

(2) Existing law authorizes the department to designate land as hazardous waste property or border zone property if there has been a significant disposal of hazardous waste on or within 2,000 feet of the property, and prohibits the use of that land for specified uses. The owner of land designated as hazardous waste property or border zone property is required to execute an instrument which imposes an easement, covenant, restriction, or servitude upon the land. A person is authorized to enter into an agreement with the department designating that person's property as hazardous waste property or border zone property Existing law specifies procedures for variances from, and removal of, a hazardous waste property or border zone property designation The assessor is required to consider, in the assessment of land, the effect upon value of any enforceable restrictions to which the use of the land may be subjected. The assessor is required to consider the easement, covenant, restriction, or servitude as an enforceable easement, covenant, restriction, or servitude and is required to appropriately reassess the land.

This bill would require the department to notify the planning and building department of each city, county, or regional council of governments when a recorded land use restriction, as defined, is imposed within the jurisdiction of that agency and would require the planning and building department to take specified action, upon receiving that notification, thereby imposing a state-mandated local program The building and planning department would be authorized to assess a property owner, as specified, a fee to cover the costs of taking these actions. The bill would authorize a person to enter into an agreement with the department regarding that person's property which provides for restricting specified uses of the property The bill would include land use restrictions within the procedures for variances and would provide for the removal of these land use restrictions The bill would require any person applying for a variance from, or a removal of, a land use restriction to pay the department all costs incurred by the department relating to the application The bill would additionally require the assessor to consider, in the assessment of land, the effect upon value of specified hazardous waste land use restrictions and to reassess any land when these restrictions are imposed, thereby imposing a state-mandated local program The bill would also make conforming changes

(3) 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 prohibited from expending funds from the fund or the account for a hazardous substance release site unless the department issues certain orders or enters into an enforceable agreement with a potentially responsible party for the site, except as specified

This bill would allow the enforceable agreement to provide for the execution and recording of a written instrument which imposes an easement, covenant, restriction, or servitude upon the present or future uses of the site. The bill would subject this land use restriction to the variance and removal procedures specified in paragraph (2) and would provide for the enforcement of the restrictions

(4) The bill would make other technical changes.

(5) The bill would declare that the changes made concerning land use restrictions regarding hazardous waste facilities, as specified in paragraph (1), and the changes made concerning enforceable agreements, as specified in paragraph (3), are declaratory of existing law.

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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This bill would provide that for certain costs no reimbursement is required by this act for specified reasons

However, this 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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 907 (AB 886) Cortese Environmental quality

(1) The California Environmental Quality Act authorizes a public agency to charge and collect a fee from a project proponent in order to recover its costs in preparing a negative declaration or environmental impact report

This bill would provide for the lead agency to charge and collect those fees and would provide that a lead agency may also charge and collect a fee from a project proponent for procedures necessary to comply with the act, except for specified expenses

(2) Existing law does not establish specific time periods for public review of a draft environmental impact report or negative declaration.

This bill would establish specified periods, and provide for the establishment of shorter periods by the Office of Planning and Research

(3) Existing law requires a public agency to provide public notice that it is preparing an environmental impact report or negative declaration within a reasonable time prior to its final adoption

This bill would require that notice to specify the comment period, date, time, and place of hearings, a brief description of the proposed project and its location, and other specified information

The bill would require those and other specified notices to be mailed to persons who have requested notice, would provide procedures for requesting notice, would authorize a fee to be charged for the costs of providing this service, except to other public agencies, and would require certain notices to be posted in the office of the county clerk, as specified

(4) Existing law requires a lead agency to consult with responsible and specified public agencies prior to completing an environmental impact report

This bill would additionally require the lead agency to consult with any city or county which borders on a city or county within which the project is located.

(5) By imposing new duties on local agencies under (2), (3), and (4), above, the bill would impose a state-mandated local program

(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 908 (AB 1196) Tanner Hazardous wastes solid waste disposal sites local programs

Existing law authorizes the California Waste Management Board, among other things, to provide grants from the Solid Waste Disposal Site Cleanup and Maintenance Account to cities and counties for local programs to help prevent the disposal of hazardous wastes at solid waste disposal sites, as specified, including programs to manage household hazardous waste

This bill would also authorize the board to provide those grants to local agencies with responsibility for waste management The bill would also add similar provisions which would become operative only if AB 939 is enacted

Ch 909 (AB 1879) Floyd State Fire Marshal.

(1) Existing law contains a California Fire Service Training and Education Program established in the office of the State Fire Marshal, which remains in effect only until January 1, 1991

This bill would extend this program indefinitely

(2) Existing law does not authorize the State Fire Marshal to suspend any fire extin-

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guisher license or certificate of registration pending investigation of any violation of specified provisions of law

This bill would authorize the State Fire Marshal, upon a preliminary finding of a violation of specified provisions, to suspend any fire extinguisher license or certificate of registration for a period not exceeding 30 days pending investigation of the violation

The bill would provide that any applicant who has been denied a license or certificate of registration or who has had a license or certificate of registration suspended, shall be entitled to a hearing, as specified

(3) 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, 1991, and violation thereof is a crime.

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

(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 910 (AB 1923) Wright. Castaic Lake Water Agency.

(1) 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 to enter into specified contracts relating to the sale of hydroelectric power for a term not to exceed 50 years

This bill would increase the maximum term of those contracts to 100 years

(2) Under existing law, the agency is authorized to establish and impose, in accordance with prescribed procedures, a facility capacity fee, in the nature of a connection fee, for the right to make a new retail connection to water distribution systems served by the agency to finance specified capital costs

This bill would provide for the collection of delinquent and unpaid facility capacity fees with the annual taxes collected by the county. thereby imposing a state-mandated local program on the county, and would establish procedures for the agency to make delinquent and unpaid fees, together with interest and penalties, a lien upon all real property in the county owned by the person The bill would require a notice that property is subject to facility capacity fees, as specified.

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

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

Ch 911 (SB 1076) Bergeson Residential care facilities for the elderly.

Existing law requires the State Department of Social Services to license and regulate residential care facilities for the elderly.

This bill would require the department to develop a written notice for the purpose of informing any individual who requests information regarding admission to a residential care facility for the elderly that the department's licensing analysts' inspection reports on all residential care facilities for the elderly are on file and are available for public review in the department's community care licensing district office nearest to each residential care facility for the elderly.

The bill would require the department to adopt regulations requiring that each residential care facility provide this notice, as well as the address of the nearest departmental community care licensing district office, to any individual who requests information regarding admission to a residential care facility for the elderly and to any resident of the facility

Since a violation of residential care facility for the elderly licensing and regulatory

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provisions is a misdemeanor, the bill would create a new crime, thus imposing additional duties upon local law enforcement agencies, and 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 912 (SB 550) Alquist Property taxation· welfare exemption museums.

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 provide that property used exclusively for charitable purposes of museums and owned and operated by a religious, hospital, scientific, or charitable fund, foundation, or corporation meeting specified requirements shall be deemed to be within the welfare exemption. This bill would further provide that property used exclusively for the charitable purposes of museums shall include property used for activities and facilities related to the primary charitable purposes of museums and reasonably related and incidental to those purposes

This bill would find and declare the state's policy of encouraging museum operation and that this bill is in furtherance of that policy This bill would also declare that the additions made by the bill do not constitute a change in, but are declaratory of, existing law

Ch 913 (SB 551) Presley Actions and proceedings professional negligence· minors

(1) 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 Additionally, a civil case to recover damages for wrongful death or personal injury is 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 However, a civil case involving a party who has reached the age of 70 years has preference over a civil case for wrongful death or personal injury where a party is under the age of 14.

This bill would provide that upon the granting of a motion for preference in a civil case to recover damages for wrongful death or personal injury by a party under the age of 14, an action based upon a health provider's alleged professional negligence, as defined, shall receive a trial date not sooner than 6 months and not later than 9 months from the date that the motion is granted.

(2) Existing law, the Arnold-Kennick Juvenile Court Law, details the procedures for declaring a minor to be a dependent child of the juvenile court Existing law also specifies procedures pursuant to which parental rights may be terminated.

This bill would make numerous changes in the provisions concerning those procedures, including specifying that no minor who is alleged to be a dependent child may be held in temporary custody in a building containing an adult jail or lockup unless the minor is under the direct and continuous supervision of a peace officer or another child protective agency worker, as specified; authorizing the use of trained volunteers to supervise these minors held in temporary custody in an adult jail or lockup, under specified circumstances, where the law enforcement agency has certified that a child protective agency worker is not available; requiring a county which elects to utilize the above-specified trained volunteers to adopt guidelines for the training of the volunteers which guidelines would have to be approved by the State Department of Social Services and to report, as specified, annually to the department, extending the termination date of the provisions, operative January 1, 1989, which specify the grounds for the declaration of juvenile court dependency from January 1, 1990, to January 1, 1992; providing that the

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provisions, operative January 1, 1990, which specify the grounds for the declaration of juvenile court dependency instead shall be operative January 1, 1992, revising the grounds for the declaration of juvenile court dependency by expanding the definition of sexual abuse, authorizing the court, in situations where the court does not order reunification services of a family, to permit the parent to visit the minor unless it finds that visitation would be detrimental to the minor, expanding the requirements of the assessment prepared by local county adoption agencies, among others, for certain hearings, deleting the requirement that the above-specified assessment prepared in cases involving a minor 10 years of age or older, indicate the minor's attitude toward placement and termination of parental rights, providing that an assessment prepared, at the direction of the juvenile court when the court orders a hearing to terminate parental rights under specified provisions, shall include a statement from the minor concerning placement and the adoption or guardianship, if the minor is 10 years of age or older, rather than 4 years of age or older, requiring the court, in a situation where a minor is not returned to a parent or guardian after the 18-month review hearing, to continue to permit the parent to visit the minor unless it finds that visitation would be detrimental, revising the notice requirements for specified hearings relating to termination of parental rights; providing that an order by the court directing that a specified hearing relating to termination of parental rights or establishment of a legal guardianship be held is not appealable, but is subject to review by extraordinary writ, providing that reviews conducted in the situation where a minor is in a placement other than a preadoptive home or the home of a legal guardian and the jurisdiction of the juvenile court has not been dismissed, shall include a determination of the services needed to assist a child who is 16 years of age or older make the transition from foster care to independent living and, making other technical and conforming changes, including changes in nomenclature.

(3) Existing law provides that subsequent to a permanency planning hearing conducted with respect to a minor adjudged a dependent child of the juvenile court prior to January 1, 1989, the agency responsible for the placement and care of the minor in foster care, as specified, shall ensure that the child receives periodic administrative review no less frequently than once every 6 months

This bill would include within the requirement of periodic review, minors adjudged dependent children on and after January 1, 1989, and would also delete the reference to permanency planning

(4) Because this bill would impose increased duties on local officials, including expanding the duties of county adoption agencies, it would create a state-mandated local program

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 914 (SB 753) Davis Criminal history information state lottery security Department of Transportation.

(1) Existing law requires the Department of Justice and local criminal justice agencies, respectively, to maintain state and local summary criminal history information, as those terms are defined, and to furnish that information to specified persons to assist them in their duties Existing law also provides that the Deputy Director for Security of the State Lottery Commission is responsible for assuring the integrity, honesty, and fairness in the operation and administration of the California State Lottery. Those provisions authorize an examination of the qualifications of all prospective employees, lottery game retailers, and lottery suppliers, as those persons are defined in the act

This bill would, in addition, authorize an examination of any criminal history of those persons, and would make those provisions applicable to both current and prospective

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employees, lottery game retailers, and lottery suppliers. The bill would also require that fingerprints be obtained from those persons, and furnished to the Department of Justice and the Federal Bureau of Investigation, as specified.

(2) The California State Lottery Act of 1984, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote.

Ch 915 (SB 201) McCorquodale. Forest practices: inspections, timber harvesting plans.

(1) Under the Z'berg-Nejedly Forest Practice Act of 1973, the Department of Forestry and Fire Protection is required to provide at specified times, as needed, inspections of an area in which timber operations are conducted.

This bill would authorize the Department of Fish and Game, the California regional water quality control boards, and the State Water Resources Control Board, if accompanied by Department of Forestry and Fire Protection personnel and after 24-hour advance notification is given to the landowner, to enter and inspect land during normal business hours at any time after commencement of timber harvesting plan activities on the land and before the director issues a report of satisfactory stocking or before the end of the first winter period after the filing of a stocking work completion report, whichever is later

The bill would require photographs taken during inspections to be clearly labeled and to be part of the department's inspection record The inspection record would be subject to the California Public Records Act.

(2) Under the act, generally, no person may conduct timber operations unless the person has submitted a timber harvesting plan to the department and has been granted a license from the State Board of Forestry Under the act, the timber harvesting plan is effective for a period of 3 years; however, stocking work may continue longer, but is required to be completed within 5 years after the conclusion of other work Provisions of law in effect only until January 1, 1990, authorize the effective period of a timber harvesting plan on which work has been commenced but not completed to be extended for an additional one-year period, up to a maximum of 2 one-year extensions, with respect to any area for which a completion report has not been filed, if good cause is shown and all timber operations are in conformance with the plan, the act, and applicable rules and regulations, and upon filing a prescribed notice of extension with the department not sooner than 30, but at least 10, days prior to the expiration date of the plan

This bill would continue those provisions until January 1, 1994

(3) Existing law authorizes the submission of amendments to the original timber harvesting plan, as specified, and prohibits the undertaking of substantial deviations from the original plan until the amendment has been filed with, and acted upon, by the department, as prescribed Existing law specifies that an amendment may not extend the effective period of the plan, except as specified. These provisions are to remain in effect only until January 1, 1990.

This bill would continue those provisions until January 1, 1994.

(4) Existing law requires a timber owner or owner's agent to file a report, as specified, with the department, within one month after completion of the work described in the timber harvesting plan, excluding specified work, and provides, until January 1, 1990, that a report on a portion of the area covered by the plan which has been completed may be filed annually, if all the work described in the plan has not been completed

This bill would continue the authorization to file an annual report until January 1, 1994

(5) Existing law requires the director, within 6 months of the receipt of the work completion report, as defined, among other things, to determine by inspection whether the work described in the report, excluding specified work, has been properly completed, as prescribed This provision is to remain in effect only until January 1, 1990.

This bill would continue that requirement until January 1, 1994

(6) Existing law requires, until January 1, 1990, that a timber owner or owner's agent file a stocking report within 5 years after completion of timber operations on an area

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identified in a work completion report, as defined.

This bill would continue that requirement until January 1, 1994

(7) This bill would incorporate additional changes in Sections 4585, 4587, and 4604 of the Public Resources Code, proposed by SB 1566, to be operative only if SB 1566 and this bill are both chaptered and become effective on January 1, 1990, and this bill is chaptered last

Ch 916 (SB 821) Vuich Schools buildings earthquake safety.

Existing law generally provides that a leased building that does not meet certain safety requirements may not be used as a school building after September 1, 1990, except in limited circumstances, as specified

Existing law requires, 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 Existing law 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

Existing law also requires 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 or 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 Existing law requires that this notice accompany, to the greatest extent possible, any existing notification to parents or guardians regarding these specialized educational services and opportunities

The provisions of the preceding 2 paragraphs are scheduled to repeal January 1, 1992

This bill would require that the governing board of each school district, each county board of education, or each county superintendent of schools, as appropriate, to notify, in writing, as specified above any adult attending a special education program authorized by law, prior to the pupil's attendance at the class on a university campus This bill would require that any adult attending a special education program authorized by law be considered a pupil of that campus for the purposes of the law contained in the Education Code, relating to the structural safety of school buildings This bill would delete the scheduled repeal date and would thereby extend these requirements indefinitely. These requirements imposed on local educational agencies would constitute a state-mandated local program

Existing law authorizes the county boards of education to establish and maintain one or more community schools

This bill would require, as of July 1, 1990, each county superintendent of schools that elects to operate a community school pursuant to existing law to do one or more of the following: utilize available school facilities, apply for emergency portable classrooms, and enter into a lease agreement, as specified This bill would also require, as of that date, each county superintendent of schools operating a community school to report to the State Allocation Board, as specified, on or before September 1, 1993, and every 3 years thereafter

This bill would require the State Allocation Board to consider community school pupils housed in leased facilities that do not conform to specified regulations as unhoused for the purposes of determining priority for the leasing of portable classrooms pursuant to 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 $1,000,000 statewide and other

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procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 917 (SB 906) Dills California State Lottery

(1) The existing California State Lottery Act defines the term "Lottery Contractor," for purposes of the act, as a person with whom the lottery has contracted for the purpose of providing goods and services required by the lottery.

This bill would revise this definition to include an organization with whom the lottery has so contracted.

(2) The existing California State Lottery Act requires that meetings of the California State Lottery Commission be open and public in accordance with the Bagley-Keene Open Meeting Act

This bill would revise the code citation to the Bagley-Keene Open Meeting Act

(3) The existing California State Lottery Act provides that the lottery shall be operated so as to produce the maximum amount of net revenues to benefit the public purpose described in the act, which is to supplement the total amount of money allocated for public education in the state

This bill would expressly provide that the state lottery shall be operated so as to produce the maximum amount of net revenues to supplement the total amount of money allocated for public education in the state The bill would also repeal obsolete provisions of the act

(4) Existing law prohibits selling any state lottery ticket or share for more than the retail sales price established by the commission

This bill would also prohibit selling any state lottery ticket or share for less than the retail sales price established by the commission

(5) Existing law provides that in the event that the commission reaches a binding determination that more than one claimant is entitled to a particular state lottery prize, the sole remedy of the claimants is the award to each of them of an equal share in the prize and the commission shall direct the Controller to disburse the award to the claimants in equal shares

This bill would repeal this provision

(6) The existing California State Lottery Act provides that if a valid claim is not made for a state lottery prize directly payable by the commission within the period applicable for that prize, the unclaimed prize money shall revert to the benefit of public education.

This bill would further provide that if a valid claim is not made for any Lotto prize within the applicable period, the unclaimed prize money shall also revert to the benefit of public education.

(7) Existing law provides that when there is no probate for the estate of a deceased state lottery prize winner, the prize shall be distributed to his or her survivors in the manner prescribed for the distribution of benefits due a deceased beneficiary under the Public Employees' Retirement System

This bill would provide that when there is no probate for the estate of a deceased state lottery prize winner, the prize shall be paid to his or her survivors in a specified order

(8) The existing California State Lottery Act provides that a state lottery ticket or share shall not be purchased by, and a prize shall not be paid to, a member of the commission or to any officer or employee of the commission or to any spouse, child, brother, sister, or parent of that person Any person who knowingly sells or purchases a ticket or share in violation of this provision of the act, or who knowingly claims or attempts to claim a prize with a ticket or share that was purchased or sold in violation of this provision, is guilty of a misdemeanor.

This bill would change this disqualification to any commission member, officer, or employee, any officer or employee of the office of the Controller who is designated in writing by the Controller as having possible access to confidential lottery information, programs, or systems, and any spouse, child, brother, sister, or parent of that person who resides within the same household of the person By changing the definition of an

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existing crime, this bill would impose a state-mandated local program.

(9) Existing law requires the commission to engage an independent firm to conduct twice a year an audit of security in the operation of the state lottery.

This bill would require the audit to be conducted every 2 years.

(10) Existing law requires the commission to report to the Legislature by July 1, 1987, on the level of participation of small businesses, socially and economically disadvantaged businesses, and California businesses in all contracts awarded by the commission

This bill would require the commission to make this report annually.

(11) Existing law authorizes the commission to require any lottery contractor to post an acceptable performance bond, letter of credit, or other form of security or guarantee of performance in an amount equal to the full amount estimated to be paid annually to the contractor under the contract

This bill would change this amount to that amount sufficient to protect the state lottery in case of default by the contractor

(12) The existing California State Lottery Act specifies the allowable expenses of the commission, including its expenses for promotion

This bill would permit the commission to supplement the prize pool of a game or games as a promotional expense if the commission determines that a supplement will benefit the public purpose of the act

(13) Existing law authorizes the Controller to offset any amount due a state agency from a person or entity against any amount owing that person or entity by any state agency, including any tax refund The amount due any person or entity from the state or any agency thereof is the net amount otherwise owing that person or entity after any offset as provided for in those provisions.

This bill would provide that the payment of on-line game prizes of $99 or lower by California State Lottery retailers shall be exempt from those provisions.

(14) Existing law generally authorizes a court to permit a convicted criminal defendant who has successfully completed probation to withdraw the plea of guilty by the defendant and enter a plea of not guilty, or the court to set aside the guilty verdict against the defendant, and in either case to dismiss the accusations or information against the defendant, and thereby release the defendant from all penalties and disabilities resulting from the criminal conviction However, this action does not relieve the defendant of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency

This bill would further provide that this court action does not relieve the defendant of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for contracting with the state lottery

(15) The California State Lottery Act of 1984, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house.

This bill, which would declare that it furthers the purposes of the act, would therefore require a ⅔ vote

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

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

Ch 918 (SB 942) 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. Existing law further directs the State Allocation Board to fund the construction of 4 elementary or junior high schools that would be designed to minimize the displacement of existing residential, commercial, and industrial structures, as specified, 2 of which schools would be in the northern portion of the state and 2 of which schools would be in the southern portion of the state

This bill would delete the requirement that the 4 elementary or junior high schools

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to be funded under that authority be divided geographically between the northern and southern portions of the state

Ch 919 (SB 990) Watson Drug abuse and alcohol treatment or recovery facilities

Under existing law, the State Department of Social Services licenses certain residential alcohol and drug treatment facilities as community care facilities The State Department of Alcohol and Drug Programs is authorized to establish minimum standards for direct and indirect services relating to alcohol and drug treatment

Existing law excludes any alcoholism recovery facility from the California Community Care Facilities Act

This bill would, instead, exclude alcoholism or drug abuse recovery or treatment facilities, as defined, from the California Community Care Facilities Act The bill would require that these facilities and programs be licensed by the State Department of Alcohol and Drug Programs, as specified, would make related changes, and would require the department to adopt regulations no later than October 1, 1991, to implement these changes

Existing law exempts the gross receipts from the sale, storage, use, or consumption in this state of meals and food products for human consumption furnished or served to and consumed by residents of various facilities including, but not limited to, alcohol recovery facilities, from taxation, as specified

This bill would, instead, exclude from taxation the gross receipts of alcohol or drug abuse recovery or treatment facilities

Ch 920 (SB 1026) Hart Infectious diseases acquired immune deficiency syndrome

(1) Existing law makes various findings and declarations concerning acquired immune deficiency syndrome

This bill would delete those findings and declarations and, instead, find and declare that the State Department of Health Services, working with the California AIDS Leadership Committee, has developed a draft state AIDS plan for comprehensive, coordinated government action against AIDS and HIV infection The bill would state that it is the intention of the Legislature to implement those recommendations pertaining to infectious-disease screening of blood and other body parts and fluids and to notifying donors of those screening results

(2) Existing law prohibits the use of blood and blood components in vivo for humans unless the blood or blood components have been tested and found nonreactive for human immunodeficiency virus (HIV)

This bill would require the department to adopt regulations requiring the screening for infectious diseases of all donors of organs, tissues, or body fluids intended for introduction into the body of another person by means of transplantation, therapeutic insemination, ingestion, or other means or procedure and would specify that this screening shall include, but not be limited to, testing for the presence of HIV

(3) Existing law requires the State Department of Health Services to develop permissive guidelines for blood banks and plasma centers on the method or methods to be used to notify a donor of an HIV test result and also imposes specific requirements with respect to those notifications

This bill would delete the specific requirements with respect to the notifications. Because a violation of the provisions regarding the donation of blood and blood products is a misdemeanor, this bill would change the definition of a crime, thereby imposing a state-mandated local program

This bill would permit the department to promulgate any additional regulations it deems necessary to enhance the safety of donated blood and plasma and to safeguard the accuracy of HIV test results by requiring confirmatory testing

(4) Existing law provides that no public entity or private blood bank or plasma center shall be liable for an inadvertent, accidental, or otherwise unintentional disclosure of the results of a test for the probable causative agent for AIDS

This bill would provide that the above immunity applies to an HIV test which is defined in existing law as any clinical laboratory test approved by the federal Food and

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Drug Administration for HIV, component of HIV, or antibodies to HIV

(5) Existing law requires counties designated by the State Director of Health Services to make a test for the antibody for the probable causative agent of AIDS available, as specified, and authorizes the department to replace the antibody test for the probable causative agent of AIDS with a superior antibody test, as the state department deems appropriate.

This bill would permit the department to replace the antibody test with another type of HIV test, thereby imposing additional duties on counties, and 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

This bill also 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 921 (SB 1152) Lockyer Mental health firearms

Existing law requires that, whenever a person who has been detained for examination of his or her mental condition, is found to own, have in his or her possession or under his or her control any firearm or other deadly weapon, any law enforcement agency or peace officer shall confiscate and retain custody of the firearm or other deadly weapon and not return the firearm except upon order of the superior court

This bill would require that where the detained person is released without commitment, the confiscating law enforcement agency shall have 15 days, unless, good cause is shown, to initiate a petition in superior court for a hearing to determine whether the return of the firearm or deadly weapon would be likely to result in endangering the person or others, and to send notice to the person that he or she has 15 days to respond to the court clerk, and that failure to respond will result in a default order and forfeiture of the weapon

This bill would require that if the person responds, the court clerk shall set the hearing to be held between 30 to 60 days of receipt of the response

This bill would require that the court clerk notify the district attorney By requiring that the court clerk perform these duties, this bill would impose a state-mandated local program

This bill would require that if no hearing is initiated by the law enforcement agency within 30 days of the release of the detained person without commitment, the firearm or other deadly weapon shall be returned By requiring that these procedures be followed, 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 declare that it is to take effect immediately as an urgency statute

Ch 922 (SB 1159) Mello Rail commuter service San Francisco-San Jose-Gilroy

Under existing law, the Department of Transportation, pursuant to a contract with the Southern Pacific Transportation Company, operates the San Francisco Peninsula commuter rail service between San Francisco and San Jose Under existing law, the Peninsula Rail Transit District will assume responsibility for providing that service

This bill would, upon the completion of specified conditions, require commuter rail service to be provided between San Jose and Gilroy and communities between those cities It would authorize the district to provide that service only upon the completion

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of those conditions

The bill would specify the extent to which state and federal funding could be applied to the costs of providing the service between San Jose and Gilroy

Ch 923 (SB 1161) Stirling. Corrections employment of prisoners

Existing law provides for the establishment of the Prison Industry Authority, to operate enterprises employing prisoners in state correctional institutions Under existing law, things produced by those enterprises may be purchased by specified public agencies

This bill would provide that the Director of Corrections may provide for the restoration and rebuilding by specified inmates of donated salvageable vehicles, which may be sold at public auction to private persons The bill would provide that the proceeds of the sale after deduction of the cost of materials would be deposited into a special account in the Special Deposit Fund The bill would provide for the allocation of that money, upon appropriation, to a nonprofit agency for the assistance of crime victims, or to the Restitution Fund in the State Treasury for indemnification of victims of crimes

Ch 924 (SB 1440) Dills Driver training programs

Under existing law, there is appropriated annually from the Driver Training Penalty Assessment Fund to the General Fund, then to the State School Fund, sums certified by the Superintendent of Public Instruction as necessary to reimburse school districts, county superintendents of schools, the Department of the Youth Authority, and the State Department of Education for the actual cost of instructing pupils in the operation of motor vehicles

This bill would increase the maximum amount per pupil from $80 to $97 and from $247 to $290 for pupils who are physically handicapped, mentally retarded, and educationally handicapped, as specified, thereby constituting an appropriation The bill would require the superintendent to certify the sum necessary to reimburse those entities on a quarterly basis for each current fiscal year

The bill would establish a unit for driver instruction within the State Department of Education to be comprised of 3 consultants and necessary support staff

Under existing law, the Superintendent of Public Instruction is required to determine the amount of total direct and direct support cost incurred during the preceding fiscal year for the establishment and maintenance of automobile driver training

This bill would require the superintendent to make that determination for each current fiscal year, rather than for the preceding fiscal year

The provisions summarized above would become operative on July 1, 1990

Ch 925 (SB 1543) Rosenthal Telecommunications

Existing law creates within the Department of General Services a Division on Telecommunications, with specified duties Among other things, it required the division to prepare and transmit by March 31, 1987, a report to the Legislature describing the actions taken by the department to plan and advocate the most advantageous use of telecommunications technology in state government operations and efforts to reduce costs

This bill would require the division to prepare and transmit this report annually by March 31

This bill would require the division, contingent upon the department awarding a contract, to work with the department's advisory board to prepare for inclusion in the report next following the award by the department of its proposed integrated voice and data telecommunications network (CALNET) contract a full description of the awarded contract, containing specified items This bill would require the reports to include, after consultation with the Public Utilities Commission, any impact that the implementation of CALNET has had upon the rates and services of regulated local telephone utilities The bill would require that subsequent reports up to and including the report to be transmitted March 31, 1993, to the Legislature also include progress reports of the implementation and progress of CALNET

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Ch 926 (AB 28) Johnston Employment training

Existing law provides that, until January 1, 1991, the Employment Training Fund shall be expended as allocated by the Employment Training Panel for reimbursement of actual training costs incurred by employers and training agencies in job training programs approved by the panel. Each employer, with specified exceptions, is required to pay a specified contribution into the Employment Training Fund until January 1, 1991

This bill would extend the January 1, 1991, repeal of the provisions establishing the Employment Training Fund, the provisions providing for expenditures by the Employment Training Panel for reimbursement of actual training costs in approved training programs, and the provisions requiring employers to make contributions to this fund, until January 1, 1994

Existing law provides for an Employment Training Panel of 7 persons, and requires the panel to maintain 2 regional offices, with one located in the southern part of the state

This bill would require the panel to maintain 3 regional offices, with 2 located in the southern part of the state and one located in the northern part of the state

This bill would revise the definition of "eligible participant" for purposes of the provisions relating to employment training, and would provide definitions of additional terms

This bill would revise the procedures of the panel, including procedures to better serve the training needs of small businesses

This bill would require the panel to establish and update an annual plan, based on the demand of employers for trained workers, changes in the state's economy and labor markets, and continuous reviews of the effectiveness of panel training contracts, based on specified priorities

Existing law permits the panel to allocate money in the Employment Training Fund for specified purposes

This bill would, in addition, permit the panel to allocate money in the fund for payment for additional purposes, thereby creating an appropriation by permitting the money in the fund to be used for these additional purposes

Existing law provides for the appointment of an executive director of the panel who is exempt from the state civil service, and requires the Governor to appoint 2 assistant directors who are exempt from civil service and serve at the pleasure of the panel

This bill would instead require the Governor to appoint the executive director for a term of 4 years, permit the removal from office of the executive director for cause by a vote of 5 of the 7 members of the panel, require the Governor to appoint 2 assistant directors who are exempt from civil service and serve at the pleasure of the Governor, and require that one assistant director have experience in serving the needs of small businesses, with specified duties, and that one assistant director be responsible for developing and managing the panel's audit and compliance programs

Existing law requires the panel and the Department of Commerce to agree to a statement of coordination and purpose relating to the mutual assistance to be provided by the panel and the department

This bill would instead require the Small Business Development Center program in the Office of Small Business in the Department of Commerce to provide information and applications for funding by the panel to its clients

This bill would permit the panel to allocate up to $2,700,000 annually for funding special employment training designed as research projects for the purpose of increasing understanding of the requirements for effective new hire and retaining programs, as specified, thereby making an appropriation by permitting the money in the fund to be used for additional purposes

This bill would provide that on January 1, 1990, the terms of all previously appointed members of the panel shall expire, and the appointing authorities shall appoint new members to serve new terms beginning on that date

Ch. 927 (AB 32) Tanner Clinical laboratories.

Existing law provides for the licensing and regulation of clinical laboratories by the State Department of Health Services. The law authorizes the department to have access to a clinical laboratory and examine records thereof to ascertain compliance with laws

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regulating clinical laboratories

This bill would authorize any authorized representative of the department to enter or inspect any building, premise, equipment, materials, records, or information, at any reasonable time to secure compliance with laws regulating clinical laboratories, to inspect or copy records, as specified, and to secure any evidence for those purposes, as specified

Existing law requires persons engaged in cytotechnology to meet standards established by the State Department of Health Services.

This bill would require any person performing examinations of cytological slides on and after January 1, 1991, to be licensed as a cytotechnologist and would establish requirements and a schedule of fees for issuing and renewing those licenses

Existing regulations of the State Department of Health Services prohibit a cytotechnologist from being required to examine more than 75 one-slide gynecologic cases or 50 2-slide gynecologic cases per day Those regulations also require the reexamination of 10% of all gynecologic smears, as specified, and require laboratories to participate in a proficiency testing program

This bill would prohibit a cytotechnologist from examining more than 80 gynecologic slides in a 24-hour period and would require the employment of a full-time cytotechnologist, as defined, for each 19,200 gynecologic slides examined per a 12-month period

The bill would require a clinical laboratory to maintain records, slides, and cell blocks, as specified

The bill would require 10% of the negative or normal slides examined by each cytotechnologist employed by a clinical laboratory to be rescreened by a cytopathologist or supervising cytotechnologist other than the original examiner

The bill would require laboratories located out of state who are providing services in this state to be certified by the department as substantially equivalent to a licensed laboratory in this state and authorizes the department to establish fees for those laboratories

The bill would require the department to establish standards for the evaluation of cytologic slides, for reporting the adequacy of cytologic slides, for a cytotechnologist competing program, and for a proficiency testing program for clinical laboratories providing cytology services

The bill would require the department to develop or adopt, on or before January 1, 1991, a proficiency testing program for laboratories providing cytology services and to submit a preliminary report to the Legislature on or before January 1, 1992, and a final report on or before January 1, 1994, relating to regulations developed and adopted pursuant to this act

The bill would also require laboratories to send informational letters on a quarterly basis to persons submitting cytologic samples for evaluation on all cases of dysplasia through malignancy, would require the reevaluation of patient slides in specified cases, and would require a copy of those letters and any responses to be maintained for 5 years

The bill would authorize the department to set an annual fee for clinical laboratories providing cytology services, as specified

The bill would revise the grounds and procedures for the denial, suspension, or revocation of any license issued pursuant to provisions regulating clinical laboratories

The bill would prohibit any person or entity which has owned or operated a clinical laboratory which had its license revoked from owning or operating a laboratory for which a license is required within 2 years of the revocation of the license.

The bill would provide that any clinical laboratory which has been involuntarily excluded from participation under the Medicare program, the Medicaid program, or has had its certificate revoked under specified provisions of federal law, shall have its license automatically suspended by the department for the period the laboratory is excluded or has its certificate revoked

The bill would authorize the department to bring an action to enjoin violations of provisions regulating clinical laboratories and to enter into agreements with the Secretary of Health and Human Services for specified reasons.

Existing law makes a violation of any of the provisions of law relating to clinical

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laboratories a misdemeanor, 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 928 (AB 73) Elder. Subsurface installations. excavation. penalties.

Existing law establishes regional notification centers as nonprofit associations of operators of subsurface installations Pursuant to existing law, every person planning to conduct any excavation is required to contact a regional notification center at least 2 days prior to excavation and, if practical, to delineate the areas to be excavated In turn, the center is required to provide an inquiry identification number Pursuant to existing law, these centers, and the affected members notified, are required to provide specified information regarding any subsurface installations which might be affected by the proposed excavation

Existing law imposes civil penalties in an amount not to exceed $5,000 for any member or excavator who violates these and related provisions, and requires that any penalties imposed be deposited in the General Fund

This bill would define the term "practical" for the purpose of delineating the areas to be excavated, and would require the excavator to identify the area to be excavated in another manner, sufficient to enable the operator to determine the area of the excavation to be field marked, if delineation is determined to be impractical

This bill would provide that an operator or excavator who negligently violates the provisions be subject to civil penalties not to exceed $10,000, and that an operator or excavator who knowingly and willfully violates the provisions be subject to civil penalties not to exceed $50,000

This bill would specify that a civil action may be brought by the Attorney General, the district attorney, or the local or state agency which issued the permit to excavate This bill would require that penalties collected as a result of a civil suit shall be paid to the general fund of the public agency bringing the action

This bill would require that if more than one agency is involved in enforcement, the penalties and fines collected shall be apportioned between them by the court in a manner that will fairly offset the relative costs or losses incurred by the public agencies

This bill would also define "operator" and "excavator" for purposes of the subsurface installation protection provisions, and would provide that inquiry identification numbers provided by notification centers may be validated for more than 14 days unless if mutually agreed to, and may be revalidated, as specified. This bill would specify that excavators are liable for any damages resulting from their failure to comply with the notification requirements, and would preclude, to a specified extent, damage claims by those owners or operators who themselves fail to comply with requirements of the regional notification center system This bill would also provide that excavators, as defined, provide notification to notification centers regarding proper markings of the location of subsurface installations and proper excavation techniques. This bill would require notification centers to keep records of specified notifications from excavators and operators for not less than 3 years

This bill would exempt specified property owners and owners of residential real property from the regional notification center system in cases where excavation efforts do not require a permit issued by a public agency

This bill would also make technical nonsubstantive changes, reorganizing the provisions into newly titled, separate articles

Ch 929 (AB 137) Johnson Juvenile court schools

Existing law requires local boards of education to provide for the administration and operation of public schools in juvenile homes, halls, day centers, ranches, juvenile camps, and regional youth educational facilities These public schools are known under existing law as juvenile court schools.

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Existing law authorizes a county board of supervisors to establish within the county a youth correctional center to provide appropriate facilities for the rehabilitative treatment of young offenders, as specified

This bill would revise these provisions to require the Orange County Office of Education to provide for the administration and operation of public schools in Orange County youth correctional centers existing and providing services prior to the effective date of the bill, thereby imposing a state-mandated local program

This bill would exempt Orange County youth correctional centers or the employees or agents of Orange County youth correctional centers from liability for the repayment or reimbursement of funds received prior to January 1, 1990, and expended for the operation of Orange County youth correctional centers It would confirm, validate, and declare legally established existing Orange County youth correctional centers as juvenile court schools

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

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

Ch 930 (AB 332) Nolan Crime theft of vehicles and vessels

(1) Existing law provides for the forfeiture of assets of any person convicted of engaging in a pattern of criminal profiteering activity, as defined Those provisions include activities involving grand theft, as defined, which includes the theft of automobiles

This bill would make conforming changes to those provisions to take into account changes the bill would make to the grand theft provisions (see paragraph (3))

(2) Under existing law, it is a misdemeanor or felony offense, punishable as specified, for any person to actively participate in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and to willfully promote, further, or assist in any felonious criminal conduct by members of that gang For purposes of that provision, "a pattern of criminal gang activity" is defined to include certain specified crimes

This bill would include among those specified crimes in that definition, the crime of grand theft involving a vehicle, trailer, or vessel, as specified Thus, the bill would impose a state-mandated local program by increasing the scope of an existing crime. The bill would also incorporate the provisions of Chapter 144 of the Statutes of 1989

(3) Existing law provides that theft is divided into 2 degrees, grand theft and petty theft. Grand theft is punishable by imprisonment in the county jail for up to one year or in state prison Petty theft is punishable by a fine of not more than $1,000 or by imprisonment in the county jail for up to 6 months, or both Grand theft is theft of property of a value of over $400 or, among other things, theft of any automobile

This bill would revise the provisions relating to grand theft to provide that the stealing or taking of any motor vehicle, trailer, special construction equipment, or vessel is grand theft, punishable by imprisonment in the state prison for 2, 3, or 4 years or by a fine of not more than ten thousand dollars ($10,000), or both, or by imprisonment in the county jail not to exceed one year or a fine of $1,000, or both. The bill would make subsequent violations, as specified, exclusively felonies The bill would also require that, except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any person who is convicted of a felony violation of those provisions, where the person has been previously convicted of specified offenses, nor shall an alternative sentence in county jail be given under other provisions of law The bill would require the court to specify its reasons if probation is granted

(4) Existing law provides that it is a misdemeanor to, without the permission of the owner, take an automobile, bicycle, motorcycle, or other vehicle, or motorboat or vessel, for the purpose of temporarily using or operating them Existing law punishes as a misdemeanor or felony a violation of the above provision where a person has previously been convicted of the same 2 or more times, as specified

This bill would make a conviction of the above provision exclusively a felony in the

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case of any person who has previously been convicted of the above 3 or more times, or in the case of a person who has twice been convicted of the above and who has previously been convicted of specified offenses.

(5) Existing law makes it either a misdemeanor or felony for any person to buy, receive, conceal, sell, or withhold stolen property, as specified.

This bill would make it a felony punishable by imprisonment in the state prison for 2, 3, or 4 years, or a fine of $10,000, or both, for any person having been twice previously convicted of receiving stolen property in violation of the above provision involving any vehicle, trailer, or vessel, to be convicted of the same involving the same types of properties, thereby constituting a state-mandated local program by creating a new crime.

(6) Existing law makes it a public offense for a person to drive or take the vehicle of another person, without that person's consent, with intent to permanently or temporarily deprive the owner of title to or possession of the vehicle. Conviction of that offense is generally punishable by imprisonment in the county jail for not more than one year or in the state prison or by a fine of not more than $5,000, or by both the fine and imprisonment. However, if the vehicle is one of specified emergency vehicles, the offense is punishable by imprisonment in the state prison for 2, 3, or 4 years, or by a fine of not more than $10,000, or by both the fine and imprisonment.

This bill would make that driving or taking of a nonemergency vehicle, without consent, a public offense punishable by imprisonment in the state prison for 2, 3, or 4 years or by a fine of not more than $10,000, or both, or by imprisonment in the county jail not to exceed one year or a fine of $1,000, or both. The bill would make subsequent violations, as specified, exclusively felonies. The bill would make the driving or taking of an emergency vehicle, without consent, punishable by imprisonment in the state prison for 2, 4, or 6 years and by a fine of not more than $10,000. The bill would also require that, with respect to felony offenses, where the person has been previously convicted of specified offenses, relating to emergency or nonemergency vehicles, the trial court not suspend the sentences or grant probation, except as specified, nor grant any alternative sentence in the county jail.

(7) Existing law provides that any person who has been previously convicted of felony vehicle theft or grand theft involving an automobile, as specified, shall be punishable by imprisonment in the state prison for 2, 3, or 4 years, or by a fine of $10,000, or both.

This bill would make a conforming change to those provisions.

(8) Under existing law, whenever any person applies to a probation officer to commence juvenile court proceedings to declare a person a ward of the juvenile court on the basis of criminal conduct the application shall be in the form of an affidavit. The probation officer is required to cause the affidavit to be taken to the prosecuting attorney if he or she decides that proceedings should be commenced. Existing law further provides that a probation officer shall cause an affidavit alleging that a minor is within the jurisdiction of the juvenile court on the basis of certain listed criminal conduct to be taken to the prosecuting attorney within 48 hours.

This bill would include, as criminal conduct requiring the probation officer to cause an affidavit to be taken to the prosecuting attorney within 48 hours, instances where it appears to the probation officer that a minor was 14 years of age or older at the date of the offense and the offense is grand theft of a motor vehicle, trailer, vessel, or construction equipment, as proposed by this bill, or is the unlawful driving or taking of a vehicle without consent. To the exent that the bill would require a higher level of service upon probation officers, it would constitute a state-mandated local program.

(9) The provisions of the bill would be repealed and former law reenacted on January 1, 1993, unless a later statute enacted before that date extends or deletes that date.

(10) This bill would incorporate additional changes in Section 653.5 of the Welfare and Institutions Code proposed by SB 1275 to become operative only if this bill and SB 1275 are both chaptered and become effective January 1, 1990, 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

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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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch 931 (AB 501) Eastin Public assistance. GAIN. teenage parents

Existing law requires the Superintendent of Public Instruction to adopt rules and regulations for the effective administration of pregnant minors programs operated by school districts and county superintendents of schools Existing law requires the superintendent, in awarding new and continuing funds for programs serving pregnant and parenting teens to give highest priority to those school districts, consortiums of school districts, or county superintendents of schools which satisfy the criteria and standards prescribed by the superintendent for the award of these funds, and which have a plan, approved by the superintendent, for coordinating these programs including, but not limited to, the coordination of public and private social welfare and health service programs, as specified

Existing law provides through the Greater Avenues for Independence (GAIN) program for an employment and training services program for Aid to Families with Dependent Children (AFDC) recipients, which is administered by each county welfare department in conformance with regulations adopted by the State Department of Social Services Applicants for, or recipients of, aid are required to register for the program, with the exception of, among others, parents caring for children under the age of 6 and children attending school full time These persons may, however, volunteer for the program

This bill would establish the New Chance Program, to provide specified programs and services to teenage parents for a 3-year period. The resources provided for the program by the state would be administered by the State Department of Education over the 3-year period, in cooperation with the State Department of Social Services and the Manpower Development Research Corporation, a public nonprofit corporation The bill would make the appropriation of state funds for the purposes of the program contingent upon the receipt of additional funds by the Manpower Development Research Corporation

This bill would require the department to select up to 4 program sites which elect to participate in the program to implement and test the effectiveness of the program Each participating program site would be required to provide specified education, employment development and training, health, and support services to a minimum of 100 teenage mothers This bill would require that the program be evaluated, as specified, and would require the department to ensure that each site coordinates existing resources and programs available to school districts for teenage parents This bill would require the department to encourage program sites to develop additional funding sources from public and private agencies and organizations, or any other appropriate funding source

This bill would require the department to seek the approval of the Job Training Coordinating Council to utilize education coordination grants funds made available under the federal Job Training Partnership Act which are set aside for GAIN programs, to pay for the state share of program costs for the second and third years of operation The first year of operating funds would come from discretionary funds made available under the federal Carl D. Perkins Vocational Education Act

This bill would require the State Department of Social Services to cooperate with the State Department of Education in the provision and coordination of services to teenage parents under the New Chance Program The bill would require that, notwithstanding specified provisions of current law, participation in the program shall satisfy the mandatory participation requirement for the GAIN program. This bill would require the

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department to cooperate with the State Department of Education in the determination of the acceptable levels of participation for purposes of specified provisions of current law.

This bill would require county GAIN programs to cooperate with the department and the State Department of Education in the provision and coordination of services under the New Chance Program at program sites The bill would require county programs, to the extent that those services are consistent with their GAIN program plans, to provide supportive services and education and training services, if not available from other sources, to teenage parents who participate in the New Chance Program. This bill would require these county services to be administered in a manner consistent with those provided under the New Chance Program at the program sites This bill would impose a state-mandated local program by requiring counties to provide these additional services

This bill would make various findings and declarations in regard to 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would state that no reimbursement is necessary for a specified reason.

Ch. 932 (AB 511) Klehs Toll bridges coupons and tickets. sale.

(1) Under existing law, the Department of Transportation controls the operation and maintenance of toll bridges other than the Golden Gate Bridge, which is operated by the Golden Gate Bridge, Highway and Transportation District, including the collection of tolls

This bill would direct the department, whenever it offers for sale to the public coupons or commuter ticket books redeemable for the toll on any bridge within the region under the jurisdiction of the Metropolitan Transportation Commission, and the district, whenever it offers similar coupons or commuter ticket books, to make them available at locations convenient to the public, not limited to toll bridge facilities, and by mail

The bill would direct the department, with the assistance and cooperation of the commission, to study the feasibility of making coupons or commuter ticket books redeemable for the toll at any of these bridges, including specified matters, and to report thereon to the Legislature by July 1, 1990 By imposing these requirements on the commission, the bill would impose a state-mandated local program.

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

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

Ch. 933 (AB 580) Bane Automobile insurance excess profit

Existing law limits the underwriting profit on policies of private passenger automobile insurance written in California and requires a refund or credit to policyholders for premiums paid in excess of that limit commencing July 1, 1991. Existing law requires the Insurance Commissioner to issue an order to show cause why excess profits should not be returned if for the preceding 6 years the after tax underwriting profit exceeds by more than 5% the earned premiums. If a hearing is requested, the insurer may seek to establish that excess profits have not been earned, and after the hearing and consideration of relevant evidence, including actual expenses, the commissioner may issue an order setting forth the amount of excess profits to be returned, but the order may not require the return of amounts that would reduce the insurer's earnings below the prima facie reasonable rate of return Existing law defines the prima facie reasonable rate of return for private passenger automobile insurance, given economic conditions prevalent in 1988, as an after tax profit of 5% of earned premium

This bill would repeal those provisions

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Ch 934 (AB 583) Costa Drainage water management projects

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 a loan in the amount of $100,000 pursuant to the bond law to the Buena Vista Water Storage District for a groundwater feasibility study, thereby making an appropriation

Ch 935 (AB 614) Hansen Flood control. Cache Creek Settling Basin.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects

This bill would adopt and authorize the Cache Creek Settling Basin Unit of the plan of improvement for flood control and other purposes on Cache Creek, in accordance with specified congressional actions, at an estimated cost to the state of such sums as may be appropriated for state participation by the Legislature upon the recommendation and advice of the Reclamation Board The bill would provide for the state to pay nonfederal costs, as specified, and to maintain and operate the unit.

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

Ch. 936 (AB 688) M Waters. Courts· probation and supervision

Under existing law, except in unusual cases where the interests of justice would best be served if a person is granted probation, probation shall not be granted to any person who has been convicted of designated criminal offenses

This bill would add to that list of designated criminal offenses any person who possesses a short-barreled rifle, short-barreled shotgun, machinegun, or silencer in violation of specified provisions of law

Because this bill would prohibit probation in a case where the crime is punishable by imprisonment in the county jail, it would create a state-mandated local program

Existing law provides that if the juvenile court determines that a minor is a ward of the court because, among other things, he or she violated a law of the state, the court may, without adjudging the minor to be a ward of the court, place the minor on probation under the supervision of the probation officer for a period not to exceed 6 months Moreover, if a minor is adjudged to be a ward of the court, the court may order the minor to be on probation without the supervision of the probation officer

This bill would provide that in cases involving specified controlled substance offenses, except misdemeanor offenses involving marijuana, and in cases involving specified firearm offenses, the court may place a minor on probation only in unusual cases when the court determines that the interests of justice would best be served and states reasons on the record for that determination

This bill would incorporate additional changes in Section 1203 of the Penal Code, proposed by AB 2212, to be operative as if AB 2212 and this bill are both chaptered and both become effective January 1, 1990, 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 937 (AB 804) Peace Sales and use taxes· exemptions. endangered species

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

This bill would exempt from the tax the gross receipts from the sale, and the storage, use, or other consumption in this state of endangered animal or plant species, as defined, if both the seller and the purchaser are nonprofit zoological societies.

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

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Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

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

This bill would take effect immediately as a tax levy, but would become operative on the 1st day of the 1st calendar quarter commencing more than 90 days after the effective date

Ch 938 (AB 854) Killea Hazardous materials reporting requirements

Existing law imposes various reporting requirements upon persons and businesses which manage hazardous materials A business which handles hazardous materials is required to annually submit an inventory form to the local administering agency Existing law requires the Secretary of the Environmental Affairs Agency to prepare a report by October 1, 1986, concerning hazardous materials, as specified Existing law requires the Office of Emergency Services and each administering agency to adopt reporting requirements in cooperation with the Chemical Emergency Planning and Response Commission, which is established by the Governor as the state emergency response commission pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986

This bill would make a statement of legislative intent and would require the Environmental Affairs Agency, with the guidance of the commission, to develop a hazardous materials compliance assistance manual containing specified information The bill would require the agency to make known and distribute the manual, upon request, by July 1, 1991 The Secretary of the Environmental Affairs Agency would be authorized to impose a fee to pay the costs in developing, maintaining, reproducing, and distributing the manual The agency would be required to submit a report, as specified, to the Legislature by July 1, 1991, concerning the hazardous materials reporting system

Ch 939 (AB 1098) Clute Horseracing satellite wagering facilities

(1) Under existing law, the California Horse Racing Board may authorize an association licensed to conduct a racing meeting in the northern zone to operate a wagering facility at its racetrack on races conducted in the northern zone, except during the part of the day racing is being conducted at its racetrack, under prescribed conditions

This bill would delete this exception

(2) Under existing law, satellite wagering facilities in the northern zone may conduct satellite wagering on racing in the northern zone and on night harness and quarter horse racing in the central and southern zones during the periods of the day when there is no night racing in the northen zone Satellite wagering facilities in the central and southern zones may conduct wagering on racing conducted in the central and southern zones, except that until January 1, 1993, satellite wagering facilities in the Counties of Kern and Santa Barbara may conduct satellite wagering on racing in all 3 zones

This bill would delete the condition that satellite wagering be during the period of the day when there is no night racing and provide for similar provisions for satellite wagering facilities in the central and southern zones

(3) Existing law requires any association or fair, with facilities in the northern zone, which conducts satellite wagering to conduct wagering on all racing offered to the satellite wagering facility, as long as the satellite wagering facility is not sustaining a loss on either a day meeting or night meeting, as determined by the board, and, if sustaining a loss on either a day or night meeting, as long as that loss is reimbursed by either a described organization or an association Existing law requires any association or fair, with facilities in the central or northern zone, which conducts satellite wagering to conduct wagering on all racing in the central or southern zone that is offered to the satellite wagering facility, as long as the satellite wagering facility is not sustaining a loss on either a day meeting or night meeting, as determined by the board, and, if sustaining a loss on either a day or night meeting, as long as that loss is not reimbursed by either a described organization or an association

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This bill would conform the above requirements for the central and southern zone to be the same as for the northern zone and would apply these requirements only to any such fair The bill would authorize any association other than a fair that operates a satellite facility to accept and conduct satellite wagering on an audiovisual signal.

(4) This bill would incorporate additional changes in Sections 19596.5 and 19596.6 of the Business and Professions Code, proposed by AB 992, to be operative only if AB 992 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

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

Ch 940 (AB 1107) Moore Energy resources research and development petroleum supply and pricing motor vehicle inspection fund

(1) Under existing law, the Department of Consumer Affairs is required to implement a motor vehicle inspection program. The fees and penalties collected pursuant to the program are deposited into the Vehicle Inspection and Repair Fund and are available to the department, as specified, and, upon appropriation, to any other state agency directly involved in the implementation of the program.

This bill would impose an additional penalty of $300 per citation on operators of heavy-duty motor vehicles, except as prescribed, that have excessive smoke emissions, thereby imposing a tax for purposes of Article XIII A of the California Constitution The bill would require these penalties to be deposited in the Diesel Emission Reduction Fund, which the bill would create The bill would also appropriate on July 1, 1990, up to $150,000 from the fund to the State Energy Resources Conservation and Development Commission to carry out the specified duties to provide technical assistance and support for the development of petroleum diesel fuels

(2) Under the Warren-Alquist State Energy Resources Conservation and Development Act, the commission, with prescribed powers and responsibilities, is charged with administering numerous energy research and development programs.

This bill would require the commission, within the limits of available funds, to provide technical assistance and support for the development of petroleum diesel fuels which are as clean or cleaner than alternative clean fuels and clean diesel engines The bill would specify that technical assistance and support may include the creation of research, development, and demonstration programs

(3) Under the Petroleum Industry Information Reporting Act of 1980, until January 1, 1990, major oil producers, refiners, marketers, oil transporters, and oil storers are required to provide information on petroleum to the commission, as specified The commission is required to prepare and submit an analysis of the submitted information and other specified information to the Legislature and the Governor, as prescribed.

This bill would delete that termination date, thus extending those provisions indefinitely

Ch 941 (AB 1122) Eastin Department of Motor Vehicles· flexible hours

Existing law declares that it is the intent of the Legislature that the Department of Motor Vehicles implement procedures to ensure service to the public

This bill would require the department to study allowing offices of the department to be open for flexible hours, including Saturdays The bill would require the department to select as many as 16 offices of the department statewide to be used in a pilot project to demonstrate the impact of flexible office hours, to assess the pilot project, and require the pilot project to begin on July 1, 1990, and to terminate on or before January 1, 1992 The department would be required to submit a preliminary report of the study and assessment to the Legislature by June 30, 1990, and a final report not later than January 1, 1992

Ch. 942 (AB 1131) Vasconcellos Special funds. contingency reserves for economic uncertainties.

(1) Under existing law, the annual budget acts have created, and have continued in existence, contingency reserves for economic uncertainties in each special fund. At the beginning of each fiscal year, the annual budget acts have appropriated from each of

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these reserve accounts funds sufficient for any appropriation made by the Budget Act or other statute from the special funds in which the reserve accounts have been created At the close of each fiscal year, the annual budget acts have also appropriated the unappropriated balance in each special fund to the reserve account in that special fund.

This bill would enact these provisions in the Government Code and provide for their continuous operation with regard to each fiscal year

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

Ch. 943 (AB 1159) Kelley Agricultural land preservation contracts termination

Existing provisions of the Williamson Act authorize any city or county to enter into contracts, as provided, to limit the use of agricultural lands for the purposes of preserving those lands Existing law also provides, as specified, for the nonrenewal or cancellation of those contracts, and for a report by the Department of Conservation to the Legislature on or before May 15 of each year setting out, among other things, the number of pending and approved cancellation requests and the number of acres affected during the prior fiscal year

This bill would require cities or counties to provide notice, as specified, to the Director of Conservation of intended contract nonrenewals, withdrawal of nonrenewals, contract expirations, and contract cancellations, and to publish findings, as specified, regarding contract cancellations This bill would also require that notice of contract cancellation be given to owners of nearby contract property, as specified, regardless of whether that property is in the same agricultural preserve By requiring cities and counties to provide additional notices to the director and publish findings, this bill would impose a state-mandated local program This bill would also authorize a city or county to charge a fee, as specified, to recover the costs of services provided in the contract cancellation process

This bill would repeal and recodify provisions requiring the Department of Conservation to issue its annual report to the Legislature

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would provide that no reimbursement shall be made for a specified reason

Ch 944 (AB 1187) Hill Transportation night deliveries and pickups study

This bill would make certain legislative findings and declarations relative to freeway traffic congestion in major metropolitan areas and would require the Department of Transportation to study ways to encourage high volume motor carriers, shippers, and receivers operating in the Los Angeles area to switch to night shipping and receiving and, for this purpose, to appoint a committee, composed as specified

The bill would require the committee to study the operations of one or more businesses or industries engaged in high volume shipping or receiving, and one or more motor carriers engaged in that transportation, to determine what tax, regulatory, or operational changes would make night shipping, receiving, and transportation economically attractive The bill would require the committee to cooperate with and to monitor local agencies, as specified

The bill would require the committee to report to the department on a date specified by the department, and the department to report to the Legislature by January 1, 1991

The bill would appropriate $50,000 from the State Highway Account in the State Transportation Fund to the department for purposes of the bill

Ch 945 (AB 1459) Isenberg Wage violations bond court order

Existing law authorizes the Labor Commissioner to require an employer who has been convicted of violating state law regulating payment of wages, or an employer against whom a judgment for nonpayment of wages remains unsatisfied, as specified, to deposit a bond with the Labor Commissioner in a sum as the commissioner deems sufficient and

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adequate

Existing law authorizes a court to grant a temporary restraining order pursuant to specified procedures, including notice to the opposite party.

This bill would authorize any current employee, or a legal representative who is an attorney licensed in California, to bring an action for a temporary restraining order to prohibit an employer from doing business in this state unless the employer deposits with the court a bond to secure compliance by the employer with state law regulating the payment of wages or compliance with a judgment for nonpayment of wages This action could be brought only when the employer has, within the last 10 years, been convicted of violating those laws or has failed to satisfy such a judgment, and an affidavit is filed which shows reasonable proof that the employer has again violated those laws or failed to satisfy such a judgment

This bill would also authorize a former employee who was a party to an earlier action against an employer in which a judgment for the payment of wages was obtained, and who alleges that the employer has failed to satisfy the judgment for the payment of wages, to petition the court for a temporary restraining order to prevent an employer from doing business in this state unless the employer posts a bond with the court

This bill would require that actions brought pursuant to its provisions be given precedence over other cases, except as specified, and would also provide that nothing in these provisions shall be construed to impose any mandatory duties on the Labor Commissioner

Ch 946 (AB 1488) Katz Hazardous waste forfeiture

Existing law authorizes an authorized agent of the State Department of Health Services to issue an order of quarantine when any hazardous waste is managed in violation of the laws and regulations concerning hazardous waste Existing law also prohibits the disposal of hazardous waste at an unauthorized point or facility and prohibits the transportation of hazardous waste to an unauthorized point or facility, and imposes criminal penalties upon persons convicted of these crimes

This bill would vest the interest with the state, and would make subject to forfeiture, specified vehicles and trucks used for the transportation or disposal of hazardous waste in violation of the provisions regulating hazardous waste, if the registered owner of the vehicle has previously been convicted of a violation of certain provisions and either there exists a specified court order or the owner is not a registered hazardous waste hauler The bill would vest the title to that property in the state upon the commission of the act giving rise to the forfeiture The bill would require the person who illegally transported or disposed of, or caused the transportation or disposal of, the hazardous waste to pay specified costs, incurred by local agencies as a result of the vesting of the vehicle's title in the state

The bill would allow any peace officer of the state to seize any vehicle subject to forfeiture under the bill and would specify the procedures for petitioning the forfeiture and related matters

The bill would specify the apportionment of the proceeds of sale of a forfeited vehicle in a specified manner, including that, after certain amounts have been distributed, 10% of the balance be deposited in the Asset Forfeiture Distribution Fund and be available upon appropriation by the Legislature

The bill would repeal these provisions on January 1, 1994, unless a later enacted statute deletes or extends that date

Ch 947 (AB 1543) Lempert Advertising false or misleading

Existing law provides that it is unlawful to make false advertising claims that purport to be based on factual, objective, or clinical evidence, or that compare a product's effectiveness or safety to that of other brands or products, as specified

This bill would make those provisions applicable additionally to misleading claims, as specified It would provide that a plaintiff shall have the burden of proof in establishing a violation of these provisions.

The bill would also state legislative intent

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Ch. 948 (AB 1564) Connelly Asbestos notifications.

(1) Existing law requires the owner of any building constructed prior to 1979, who knows that the building contains asbestos-containing construction materials, to provide notice to all employees of that owner working within the building, as specified. Existing law requires the notification to include results of any bulk sample analysis, air monitoring, or other specified monitoring conducted by or for the owner or within the owner's control, as specified.

This bill would require the notification to include a summary of the results of the above-described information This bill also would authorize an owner to elect to prepare an asbestos management plan, as specified, and in a case where an owner elects to prepare an asbestos management plan, other notice requirements would apply. This bill furthermore would recodify several provisions regarding notice requirements and make other changes related to the above. This bill, furthermore, when there is more than one owner of a building or part of a building, would authorize the owners to agree in writing to designate one particular owner to prepare any required notice, and any owner, other than the owner preparing the notice, to use that notice if specified conditions are satisfied

(2) Existing law requires an owner of a building subject to the above notification requirements to provide notice within 15 days of the receipt by the owner of specified information and annually thereafter

This bill would require an owner to provide notice within 15 days of the first receipt of specified information and annually thereafter The bill also would require an owner to provide a supplemental notice if new specified information has been obtained during the previous 90 days, as specified.

(3) Existing law provides for modified notification requirements in circumstances where asbestos-containing construction material in the building is limited to an area or areas that are unique and physically defined if other requirements are satisfied

This bill would also provide for modified notification requirements in circumstances where asbestos-containing construction material in the building is limited to an area or areas that are accessed only by building maintenance employees or contractors and are not accessed by tenants or employees in the building, other than on an incidental basis, if other requirements are satisfied.

(4) Existing law requires a specified warning notice to be posted if any construction, maintenance, or remodeling is conducted in an area of a building where there is the potential for employees to come into contact with, or release or disturb, asbestos or asbestos-containing construction materials

This bill would provide for alternative contents of the required warning notice

(5) Existing law contains several definitions relating to the above asbestos notification requirements

This bill would define the term "agent" and would make a technical change to the definition of the term "building" in regard to the above

(6) Existing law requires the owner to make available, for review and photocopying, to all of his or her employees or those employees' representatives at an accessible time and place, all existing asbestos survey and monitoring data, specific to the building, upon request, and requires the place to be within the building, as specified. This bill similarly would require any asbestos management plan which has been prepared to be made available This bill also would delete the provisions of "upon request" and would require the place to be within the building or another building which is leased or also owned by the owner, located on the same property as the building, and accessible and convenient to the employer, as specified

(7) Existing law provides that, effective July 1, 1989, any owner who knowingly or intentionally fails to comply with the above information provisions, or knowingly or intentionally presents any false or misleading information to employees, is guilty of a misdemeanor

This bill would add that any owner who knowingly or intentionally presents any false or misleading information to any other owner is guilty of a misdemeanor and also would revise information requirements. Therefore, the bill would impose a state-mandated

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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

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

Ch 949 (AB 1600) Speier AIDS

(1) Existing law establishes various programs related to acquired immune deficiency syndrome (AIDS)

This bill would require the Director of Health Services to award contracts to early intervention projects to provide long-term services to persons infected with the human immunodeficiency virus, the etiologic virus of AIDS, as specified The purposes of the projects would be to provide appropriate medical treatment to prevent or delay the progression of disease that results from HIV infection and to coordinate services available to HIV infected persons and to provide information and education, including behavior change support, to HIV infected persons to prevent the spread of HIV infection to others

The bill would require early intervention projects that are awarded grants to provide specified services The bill also would require an early intervention project to establish a core case management team for each client, as specified, to assess the needs of the client and to develop, implement, and evaluate the client's written individual service plan The bill furthermore would require each client to have a case manager to monitor and assist the client through services provided by the project and to provide information, guidance, and assistance to the client regarding other specified services

This bill would require an applicant for a contract to operate an early intervention project that is not part of a county health department to submit its application to the county health department for review and comment It would also require the county health department to provide comment on the application to the department within a time period to be specified by the department, thereby imposing a state-mandated local program by creating new duties for county health departments

The bill would require the director to commence awarding contracts to projects on or before July 1, 1990, and would permit the director to select projects from each of certain specified models The bill also would require the State Department of Health Services to collect data from the early intervention projects, to assess the effectiveness of the different models of early intervention projects, and to report its findings to the Legislature on or before January 1, 1992, and on or before January 1 of each subsequent year The bill furthermore would require the department to continuously collect data regarding the utilization of services from each early intervention project and would require the department to develop and distribute to each early intervention project forms for data collection

The bill would make findings by the Legislature relating to the above and state the legislative intent that every person with HIV infection have access to services provided under the bill

This bill would require the department to establish a reimbursement schedule for services provided by early intervention projects, and to implement or cause to be implemented by early intervention projects a sliding fee schedule for services provided by early intervention projects provided to individuals under this bill It would permit the department to apply for any funds available from the federal government for the reimbursement of services to be provided by early intervention projects It would require the department to develop and disseminate guidelines to assist early intervention projects in identifying public and private payers of early intervention services, to the extent permitted under existing law, to use Medi-Cal funds to reimburse for services provided by early intervention projects that are covered benefits, to use AIDS vaccine research funding for HIV-related drug treatments and related services provided by early intervention projects, if AB 2251 of the 1989 portion of the 1989–90 Regular Session is enacted; and to use moneys from the General Fund to cover expenses for services

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provided by early intervention services that are not otherwise reimbursed or covered by a client's private insurance, to the extent moneys which may be utilized for this purpose are appropriated to the department from the General Fund.

(2) Existing law requires 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 HIV.

Existing law also contains various provisions related to implementation of this program

This bill would repeal the provisions requiring these followup programs.

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

This bill would provide that, 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 950 (AB 1688) Tucker Peace officers

(1) Existing law enumerates specified persons who are peace officers whose authority extends to any place in the state for purposes of performing their primary duty or when making an arrest under specified provisions of law. The authority of these peace officers to carry firearms is subject to prior authorization and terms and conditions specified by the employing agency Included within this category of peace officers are persons employed as port wardens and special officers of the Harbor Department of the City of Los Angeles

This bill would delete those peace officers from the above-described category of peace officers, and, instead, would include that category of peace officers within another category of peace officers whose authority extends to any place in the state without restrictions as to arrest powers and authority to carry specified firearms

(2) Under existing law, the Commission on Peace Officer Standards and Training may establish and maintain minimum standards relating to peace officer members of, among other entities, districts These entities are entitled to apply for state aid from the Peace Officers' Training Fund For those purposes, the definition of "district" does not include a harbor district

This bill would add harbor districts to that definition for those purposes Because this bill would make additional entities eligible to receive state funds payable from the Peace Officers' Training Fund, which is a continuously appropriated fund, it would make an appropriation

The bill incorporates changes in Section 830.1 of the Penal Code proposed by SB 353 and SB 655 to be operative only if SB 353 or SB 655, or both, are chaptered and this bill is chaptered last

Ch 951 (AB 1890) Cortese Earthquake protection

Existing law does not require water heaters to include instructions explaining how they are to be anchored or strapped to resist horizontal displacement due to earthquake motion

This bill would require all new and replacement water heaters sold in California on or after July 1, 1991, to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion It would require all water heaters manufactured for sale in California on or after July 1, 1991, to include a statement in the installation instructions that water heater units must be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion

The bill would require manufacturers to add language to their current instruction label on the front of the water heater which discloses the danger of falling or horizontal

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displacement due to an earthquake, as specified.

Violations of the above requirements would be misdemeanors, thus imposing a state-mandated local program. The bill would also impose specified civil penalties for violations of these requirements

The bill would require the Public Utilities Commission, to direct the investor owned gas and electrical utilities, not later than January 1, 1991, to develop an educational program for bracing, anchoring, and strapping water heaters to resist falling or horizontal displacement due to earthquakes

The bill would require the Office of the State Architect to prepare generic installation instructions with standard details illustrating the strapping, bracing, and anchoring of water heaters for typical installations in single-family homes that comply with specified requirements, to be made available for reproduction by appliance retailers at a cost to cover the state's cost to prepare the details, and respond to requests

The bill would permit a retailer to provide a consumer with generic installation instructions with standard details either approved by the Office of the State Architect.

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

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

Ch 952 (AB 1895) Bradley Building standards

Under the existing State Building Law, a building standard is defined to expressly exclude, among other things, any regulation adopted by the Department of Health Services or the Water Resources Control Board concerning hazardous waste facilities, as defined, or concerning the discharge of waste to land. That law also defines a "model code" to mean any building code, including the Uniform Housing Code of the International Conference of Building Officials.

This bill would, instead, define a building standard to expressly exclude, among other things, any regulation adopted by that department or that board concerning the discharge of waste to land or the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste This bill would also delete the Uniform Housing Code of the International Conference of Building Officials from the definition of "model code" and would include the Uniform Fire Code of the International Conference of Building Officials and Western Fire Chiefs Association, Inc , within that definition

Existing law requires administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards to be forwarded to the Building Standards Commission for approval, adopted in compliance with basic minimum procedural requirements, and published in the administrative chapters of the California Building Standards Code

This bill would exempt from those requirements, any administrative regulations adopted by the Department of Housing and Community Development

Existing law specifies that the adoption, amendment, or repeal of a building standard or administrative regulations that apply directly to the implementation or enforcement of building standards only become effective upon its publication in the triennial edition of the Building Standards Code, or at any later date as approved by the Building Standards Commission

This bill would instead specify that the adoption, amendment, or repeal of any building standard becomes effective 180 days after its publication in that code, or any later date as approved by that commission

Existing law specifies that certain uniform industry codes as referenced in the State Building Standards Code, and any amendments to the State Building Standards Code adopted by a city, county, or city and county, are effective 180 days after publication in the State Building Standards Code by the State Building Standards Commission

This bill would instead, make those codes, and any amendments adopted by a city, county, or city and county thereto, effective 180 days after publication in the State Building Standards Code or at a later date after publication established by the commission.

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Existing law further specifies that any project which has been submitted for a building permit prior to the approval of a model code is only subject to those building standards in effect at the time the project was submitted for building permit approval

This bill would instead, specify that any project which has been submitted for a building permit prior to the effective date of a model code is only subject to the building standards in effect at the time the project was submitted for building permit approval

Existing law requires each state department concerned and each city and each county to have an up-to-date copy of the State Building Standards Code available for public inspection

This bill would impose a state-mandated local program by requiring with one exception, a city and county to have that code and other specified state regulations relating to buildings available for public inspection

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 953 (AB 2088) M Waters School buildings

Existing law authorizes counties and cities to enforce statutes and local ordinances regulating substandard conditions in buildings

This bill would authorize a county or city to inspect school buildings, as defined under existing law, pursuant to local ordinances regulating substandard conditions in buildings used for human habitation and pursuant to guidelines that this bill would require the office of the State Architect to adopt The bill would require the results of the inspections to be forwarded to the office of the State Architect

Ch 954 (SB 702) Morgan Income taxes contributions

The existing Personal Income Tax Law provides for deductions against taxes for designations on tax returns for contributions to the State Children's Trust Fund, the California Fund for Senior Citizens, the Vietnam Veterans Memorial Account, the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, United States Olympic Committee Fund, and the California Alzheimer's Disease and Related Disorders Research Fund All of those provisions, except those pertaining to the Vietnam Veterans Memorial Account, are effective only until January 1, 1992, and as of that date are repealed The provisions pertaining to the Vietnam Veterans Memorial Account allow a designation for taxable years beginning on or after January 1, 1987, and before January 1, 1991

This bill would provide that the provisions, except those relating to the Vietnam Veterans Memorial Account, shall remain in effect only until January 1, 1992, and are repealed as of that date unless a later enacted statute which is enacted before that date deletes that date, in which event the provisions would be repealed on January 1 of the first year after 1992 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000 It would provide that the provisions relating to the Vietnam Veterans Memorial Account shall remain in effect only until January 1, 1991, and are repealed as of that date unless a later enacted statute which is enacted before that date deletes that date, in which event the provisions would be repealed on January 1 of the first year after 1991 for which the Franchise Tax Board estimates by September 1 that the contributions will be less than $250,000 It would make specified legislative findings and declarations regarding the effectiveness of designations on tax returns It would require the Franchise Tax Board to make a specified notification whenever any of the provisions providing for designation is repealed by virtue of contributions being less than $250,000 It would also require the Franchise Tax Board and the Controller to make a specified report to the Legislature whenever administrative costs

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exceed a specified percentage of amounts contributed to the check-off programs

This bill would also provide specified repeal dates with respect to new designations proposed by SB 1353, SB 1009, and SB 1474 The provisions would become operative only if those bills are chaptered

Ch 955 (SB 1069) Boatwright Sudden infant death syndrome

Existing law requires the coroner to inquire into and determine the circumstances, manner, and cause of deaths where the suspected cause of death is sudden infant death syndrome (SIDS) and requires the coroner or a deputy to personally sign the certificate of death in those cases Existing law also requires the coroner, within 24 hours or as soon as feasible thereafter, where the suspected cause of death is SIDS, unless the infant's physician of record certifies SIDS as the cause of death and a parent objects to an autopsy, to perform a postmortem examination or autopsy

This bill would require the State Department of Health Services to convene a sudden infant death syndrome autopsy protocol committee to adopt a protocol for performance of autopsies in cases where there is a sudden and unexpected infant death and would require all autopsies performed by the coroner in those cases to be conducted in accordance with the protocol. This bill also would require the coroner to state on the certificate of death that sudden infant death syndrome was the cause of death when the coroner's findings are consistent with a specified definition of SIDS.

This bill would authorize the coroner to take tissue samples from infants who have died suddenly and unexpectedly for research purposes if the tissue removal is not likely to cause visible disfigurement The bill would specify that a coroner shall not be liable for damages in a civil action for any act or omission done in compliance with the above The bill also would require the department to establish procedures and protocols for access by researchers to any tissues, or other materials or data authorized pursuant to the above

Since this bill would create additional duties for coroners, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 956 (SB 1153) Bergeson Water supply

(1) Existing law authorizes local health officers to collect fees from those water users required to install backflow prevention devices to offset the costs of implementing cross-connection control programs, and maintaining programs, in cooperation with water suppliers, to protect the public water supply against backflow through service connections These programs are required to be conducted in accordance with regulations adopted by the State Department of Health Services.

This bill would permit local health officers, with the consent of the water supplier, to collect fees from the water supplier, and at the discretion of the water supplier, permit the water supplier to pass these fees through to water users

This bill also would provide that nothing within specified provisions of law shall prevent a water supplier from directly charging those water users required to install backflow prevention devices for the costs of the above programs

This bill furthermore would authorize local health officers to (a) maintain programs for the certification of backflow prevention device testers, which are consistent with the backflow protection regulations adopted by the department, to assure that testing and maintenance of backflow prevention devices are performed by qualified persons, (b) suspend, revoke, or refuse to renew the certificate of a tester, if after a hearing before the local health officer or his or her designee, he or she makes a finding of one of several

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specified forms of conduct, and (c) collect fees from certified testers to offset the cost of the certification program.

(2) Under the California Safe Drinking Water Bond Law of 1986 and the California Safe Drinking Water Bond Law of 1988, grants may be made to local agencies by the Department of Water Resources to finance proposed projects and investigations for system improvements upon authorization of the Legislature

This bill would provide authorization under those bond laws for specified projects.

(3) This bill would impose a state-mandated local program by making any person who violates any provision regarding the above programs, any order of the local health officer pursuant to the above programs, or knowingly files a false statement or report required by the local health officer pursuant to the above programs guilty of a misdemeanor, 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

Ch 957 (SB 1283) Seymour Mortgage credit certificates

Existing law authorizes the California Housing Finance Agency to administer various programs concerning the provision of housing

This bill would specifically authorize the agency to establish a mortgage credit certificate program pursuant to specified provisions of existing law

This bill would require the Secretary of State to transmit a copy of this legislation to specified federal officers and representatives

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

Ch 958 (SB 1388) Keene Firearms carrying concealed weapons

Existing law makes it a misdemeanor, with limited exceptions, for any person to carry a concealable weapon concealed within any vehicle or concealed upon the person without having a license, as specified

This provision, however, does not prohibit, with limited exceptions, any citizen of the United States over the age of 18 years who resides or is temporarily within this state from owning, possessing, keeping, or carrying a concealable weapon anywhere within the citizen's place of residence, place of business, or on private property, as specified, and no permit or license is required for that purpose

This bill, with regard to the latter provision, would include legal residents within the purview of this provision and would provide that the concealable weapon may be carried either openly or concealed

The bill also would include a declaration of intent

Ch 959 (SB 1425) C Green Firearms assault weapons

Under the provision of Chapter 19 of the Statutes of 1989, it is a felony punishable by imprisonment in the state prison for 4, 6, or 8 years for any person, as defined, within this state to manufacture or cause to be manufactured, distribute, transport, or import into the state, keep for sale, or offer or expose for sale, or give or lend any assault weapon, as described, except as provided

This bill would provide that in addition and consecutive to the punishment specified above, any person who transfers, lends, sells, or gives any assault weapon to a minor shall receive an enhancement of one year

Ch 960 (SB 1457) C. Green State highways. Routes 231 and 241

Under existing law, the use of state or federal funds for any purpose related to State Highway Route 231 or Route 241 is prohibited until an irrevocable offer to dedicate specified lands to the County of Orange is recorded, as specified

This bill would limit that prohibition to the use of funds for the construction, as specified, maintenance, or operation of those routes.

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

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Ch 961 (SB 1531) Dills Apprenticeship education.

Existing law requires that attendance of apprentices enrolled in any class maintained by a high school, unified school district, regional occupational center or program, community college, or adult school, as specified, be reported separately to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, as appropriate

Existing law contains provisions regarding apportionments to school districts and community college districts for persons attending these classes

This bill would specify that reimbursement for these apprenticeship programs is contingent upon the required reporting of attendance

Existing law specifies that each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction, be reimbursed at the rate of $3 65 per hour for the 1985–86 fiscal year

This bill would eliminate this requirement

Existing law also requires that for the 1987–88 fiscal year and each fiscal year thereafter, the reimbursement rate for each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction be established in the annual Budget Act.

This bill would permit school districts and county offices of education to use funds available in Section A of the State School Fund for an apprenticeship program that is transferred to the school district from a community college district, upon the approval of the Superintendent of Public Instruction The bill would permit community college districts to use funds available in Section B of the State School Fund for an apprenticeship program that is transferred to the community college district from a school district, upon approval of the Chancellor of the California Community Colleges This authorization to expend an existing appropriation for a new purpose would constitute an appropriation

This bill would authorize the Director of the Department of Finance, in the event that a deficit occurs in either Section A or Section B of the State School Fund for apprenticeship programs for which there is a reimbursement entitlement, to transfer any unspent funds from one section of the State School Fund to fund a deficit in another section of the State School Fund

This bill would require that any transfer authorized by these provisions be subject to the approval of the Director of the Department of Finance, subject to the requirement that the transfer may not be authorized sooner than 30 days after written notification of the necessity therefor is provided to the chairpersons of the appropriate budget committees of the Legislature and to the Chairperson of the Joint Legislative Budget Committee, or sooner than any lesser period of time designated in each instance by the Director of the Department of Finance, or his or her designee

Ch 962 (SB 1539) Dills 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 correctional facility employees and a specified classification of forensic facility employees employed by the State Department of Mental Health or the Department of Forestry and Fire Protection and the related supervisors, as specified, within the state safety membership category for future service only The inclusion of additional employees in the state safety member category would increase the amount of the state's continuously appropriated monthly contributions, which would constitute a General Fund appropriation

Ch 963 (SB 1670) Vuich General obligation bonds school districts

Existing law limits the total amount of general obligation bonds that may be issued by a school district to 1 25% or, in the case of a unified school district, 2 5%, of the taxable property of the district, as specified

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Existing law also provides for a single countywide tax rate area for the assignment of the assessed value of unitary and operating nonunitary property in the county, and establishes formulas for the computation of applicable countywide tax rates for that property and for the allocation of property tax revenues attributable to that property among school districts and other taxing jurisdictions in the county For purposes of computing the bonding capacity of a school district, the last equalized assessment of a county must be modified according to a 3-year averaging factor, as specified

This bill would specify that, for purposes of calculating the bonding capacity of a school district, the taxable property of the district would be deemed to include the assessed value of all unitary and operating nonunitary property of the district for the prior fiscal year, pursuant to a specified calculation For purposes of computing the bonding capacity of a school district, no modification of the last equalized assessment of a county would be required.

Ch 964 (AB 544) Moore Cable television corporations property

Existing law provides that every person who knowingly and willfully makes unauthorized connections to, whether physically, electrically, or inductively, or attaches any unauthorized device or devices to, any cable, wire, or other component of a franchised or licensed cable television system or to a television cable or set, or makes or maintains any modification or alteration to any device installed with the authorization of a franchised or licensed cable television system, for the purpose of intercepting or receiving any program carried by a franchised or licensed cable television system is guilty of a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment in the county jail not exceeding 90 days, or both Each connection or attachment constitutes a separate violation It also provides for specified civil relief for any such action.

This bill also would prohibit the making or maintaining of any unauthorized connection or attachment for the purpose of interfering with, altering or degrading any cable television service being transmitted to others, or of transmitting or broadcasting any program or other service not intended to be transmitted or broadcast by the system, thereby imposing a state-mandated local program by creating a new crime A violation of this provision would constitute a misdemeanor punishable by a fine not exceeding $10,000 or by imprisonment in the county jail, or both Each connection or attachment would constitute a separate violation The existing provisions for civil relief also would be applicable to any such action

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

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

Ch 965 (AB 814) Floyd State government ethnic classifications

Existing law requires any state agency which conducts any survey as to the ancestry or ethnic origin of state civil service employees, or maintains any statistical tabulation of minority group employees, to categorize employees whose ancestry or ethnic origin is Filipino as Filipinos in the survey or tabulation.

This bill would require any state agency which conducts these surveys or maintains those tabulations to use separate collection categories and tabulations for each major Asian and Pacific Islander group in the survey or tabulation

This bill would also require any state agency, board, or commission which directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories for each major Asian and Pacific Islander group

Ch 966 (AB 833) Filante Property taxation Marin and Fresno Counties

Existing law establishes procedures and contains requirements under which ad valorem property tax revenues are allocated within each county

Based upon certain legislative findings and declarations, this bill would provide that the allocation of property tax revenue resulting from specified calculations in the 1979–80 fiscal year to the 1988–89 fiscal year, inclusive, in Marin and Fresno Counties, as

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distributed as of July 1, 1989, shall be deemed correct, and no reductions or increases in apportionments shall be made for the fiscal years from the 1979–80 fiscal year to the 1988–89 fiscal year, inclusive This bill would provide that with respect to allocations to cities and special districts, allocation shall only be deemed correct upon passage by the affected entity and the county of an affirming resolution

This bill would also declare the Legislature's intent with regard to the validation in the future of other mistakes in property tax revenue allocations.

This bill would make findings as to the necessity of a special act.

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

Ch. 967 (AB 862) Jones State employees· flexible benefit plans

Existing law authorizes nonrepresented employees, as defined, who are participating in a flexible benefits program, to elect to receive, in lieu of a portion of their salaries, one or more benefits that qualify to be excluded from gross income. For the purposes of these provisions, nonrepresented employees include nonelected officers or employees in the executive or judicial branch of state government who are not state civil service employees

This bill would change the designation of "nonrepresented employees" to "eligible employees" and would expand this definition to include elected officers of the executive and judicial branches and all state employees, as defined in the Ralph C Dills Act, and all state employees in the judicial branch, and would revise the conditions of eligible employee participation

This bill would establish the Flexelect Benefit Fund consisting of specified moneys, which would be continuously appropriated to the Department of Personnel Administration for expenditure to implement the flexible benefits program and to pay related administrative costs

This bill would also require, on or after July 1, 1990, any remaining funds in the State Employees' Dependent Care Assistance and Health Care Assistance Fund to be transferred to a specified account in the Flexelect Benefit Fund to pay the related administrative costs

Existing law authorizes 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 program will be superseded on July 1, 1990, by the full implementation of a flexible benefit plan for state employees covering dependent care and health care

This bill would repeal these obsolete provisions as of July 1, 1990

Ch 968 (AB 865) Wright Health insurance claim reimbursement

Existing law, with respect to health care service plans, policies of disability insurance, and nonprofit hospital service plans provide for claim reimbursement as soon as practical but no later than 30 working days after receipt of the claim unless contested, except that if a nonprofit hospital service plan or health care service plan is a health maintenance organization, reimbursement is required 45 days after receipt, unless the claim is contested A claimant is required to be notified in writing within 30 working days if his or her claim is contested

This bill would require that the notice specify whether the claim is being contested or denied and to identify the portion of the claim that is contested and the specific reasons for contesting It would also provide that if an uncontested claim is not reimbursed, as specified, within the time limitation, interest shall accrue, as specified

The bill would also require, in the case of overpayment to an institutional or professional provider reimbursement to the insurer or health care service plan, within certain time limits

Ch 969 (AB 983) Bane Environmental hazards consumer booklet

Existing law authorizes the Real Estate Commissioner to prepare a pamphlet concerning real estate transactions Existing law also requires a transferor of specified real property to deliver certain information to the prospective transferee

This bill would require the Department of Real Estate to seek the advice and assist-

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ance of the State Department of Health Services, and, by January 1, 1991, to develop a booklet on common environmental hazards that affect real property. The bill would appropriate $65,000 from the Education and Research Account in the Real Estate Fund to the Department of Real Estate for its costs in carrying out this requirement.

The bill would require the Department of Health Services to publish and distribute the booklet to the public for a fee, as specified

The bill would provide that, if the booklet is delivered to a transferee in connection with the transfer of real property, the seller or broker is not required to provide additional information concerning, and the information is deemed to be adequate to inform the transferee about, common environmental hazards that can affect real property

Ch 970 (AB 992) Bates Horseracing

(1) Under existing law, the California Horse Racing Board is required to determine the number of usable stalls that each association or fair is required to make available and maintain in order to conduct a horseracing meeting

This bill would require that offsite stabling for racing meetings in the northern zone be at a board approved facility, selected by the association or fair conducting the meeting with the concurrence of the organization representing the participating horsemen, and the bill would require, with respect to thoroughbred meetings in that zone, the association or fair to provide the stabling, as specified, or, at the option of the horse owner, the vanning of horses from an offsite location to the racing meeting

(2) Under existing law, on wagers of harness, quarter horse, Appaloosa, mixed breed, and fair meetings at satellite wagering facilities, 6% of the amount handled or the amount of actual operating expenses, as determined by the board, whichever is less, is required to be distributed to a specified organization for operating the audiovisual signal system

This bill would delete the provision specifying that the amount distributed to the organization for operating the audiovisual signal be 6% of the amount handled, as an alternative amount

(3) Existing law requires 1% of the total amount handled at satellite wagering facilities in the northern zone to be distributed for promotion of the program at satellite wagering facilities

This bill would instead require, for satellite wagering facilities in the northern zone, that 0.6% be allocated for promotion purposes and 0.4% be distributed to associations and fairs to reimburse them for offsite vanning and stabling required by the board, as prescribed. The bill also would provide that the amount of the reimbursement for stabling shall not exceed the average cost to the association or fair of maintaining stalls at its racetrack

(4) The bill would repeal its provisions on January 1, 1992

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

Ch 971 (AB 1228) Campbell Insurance binders

Existing law generally authorizes the issuance of covering notes to bind insurance temporarily pending the issuance of the insurance policy. These "binders" may not exceed 90 days' duration, except as extension is permitted by written approval of the Insurance Commissioner

This bill would specify that written binders with respect to insurance, other than life or disability insurance or insurance of $1,000,000 or more, are to be deemed an insurance policy for purposes of proving coverage and for purposes of collateral insurance policies. These binders would be valid for up to 90 days, but the bill would specify that expiration thereof would not constitute cancellation or nonrenewal of insurance. The bill would subject any party to a contract that refuses to accept a binder as proof of insurance required by the contract to liability for damages, attorney's fees, and costs, unless the refusal is for reasonable cause. The bill would specify various types of "reasonable cause" for this purpose. The bill would also entitle the aggrieved party to injunctive relief. The bill would authorize the commissioner to suspend the license of any agent issuing or purporting to issue a binder without authority from the insurer to issue that type of binder

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Ch. 972 (AB 1394) Wyman Respite care.

Existing law requires the State Department of Health Services to administer a 3-year demonstration program for the purpose of providing respite care, as defined, to frail elderly, functionally impaired, developmentally disabled, and mentally disordered persons in general acute care hospitals, skilled nursing facilities, and intermediate care facilities, and repeals the provisions regarding the demonstration program as of January 1, 1990 Existing law also requires the Office of Statewide Health Planning, in consultation with the department, to submit a report to the Legislature on the implementation of the program on or before July 1, 1989

This bill would extend the repeal of the demonstration program provisions until July 1, 1991 This bill also would provide that the report to the Legislature would be required to be submitted on or before July 1, 1990, by the department

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

Ch 973 (AB 1398) Filante Developmental disabilities

Existing law specified various duties and responsibilities of the State Department of Developmental Services regarding the service delivery system for persons with developmental disabilities including, but not limited to, entering into contracts for the provision of developmental services, and developing a cost statement to be used for setting rates for providers of transportation services

This bill would authorize the department to develop alternative procedures for establishing rates for providers of transportation services, including, but not limited to, a process based upon contract bids or proposals

This bill would authorize the State Department of Developmental Services to contract to provide services required by federal law for persons not currently eligible under provisions of state law, as specified

This bill provides that funds required for this act shall be provided from funds appropriated pursuant to Items 4260-001-890 and 4300-101-001, and would authorize the transfer of up to $175,000 from Item 4300-101-001 to Item 4300-001-001, of Section 2 00 of the Budget Act of 1989, Chapter 93 of the Statutes of 1989, for the purposes of this act, as specified, and would thereby constitute an appropriation

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

Ch 974 (AB 1843) W Brown Solid waste tires

(1) Existing law requires the California Waste Management Board to formulate and adopt state policy for solid waste management, including minimum standards for solid waste handling and disposal

This bill would, additionally, require the board to adopt specified regulations for issuing permits for waste tire facilities, as defined The bill would require every person, except specified tire dealers, who stores or stockpiles more than 500 waste tires, as defined, at a specific location in a calendar year, and every owner and operator of a waste tire facility, as defined and as specified, to file a registration statement of specified content with the board, subject to specified civil liability

The bill also would impose a state-mandated local program by prohibiting, under specified penalties, any person from directing or transporting waste tires to, or accepting waste tires at, a waste tire facility on or after specified dates unless the operator has a permit under this bill, or any person from knowingly directing or transporting waste tires to, or accepting waste tires at, a waste tire facility for which a permit has not been issued by the board for the facility The bill would provide for the issuing of the permits to major waste tire facilities, as defined, and minor waste tire facilities, as defined, and would provide for exemptions from the latter for retreading businesses and agricultural purposes, as defined

The bill would provide for suspension and revocation of the permits after notice and hearing, as specified, and would authorize the board to clean up or abate the effects of waste tires stored, stockpiled, or accumulated in violation of the bill The bill would provide for recovery of the costs of that abatement and cleanup.

The bill would provide for civil penalties, imposed administratively or by the court, for negligent or intentional violations of the bill in an amount not to exceed $10,000 per

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violation or, for continuing violations, $10,000 per day The bill would require the penalties collected to be deposited in the California Tire Recycling and Management Fund, which the bill would create.

(2) Existing law requires an environmental impact report to be prepared for resource recovery projects which burn tires, but does not otherwise expressly regulate the disposal or recycling of used whole tires except as to their reuse on vehicles

This bill would require the board to adopt regulations authorizing shredded tire storage at landfills and to award funds for tire recycling activities. These awards and related administrative costs would be funded by a 25¢ per tire disposal fee imposed on persons leaving tires for disposal with sellers of new and used tires on and after July 1, 1990, and until June 30, 1999, that would be remitted to the board or its agent, as specified, by the seller after deduction of a specified reimbursement of costs The bill would require the board to deposit the fee revenue in the California Tire Recycling Management Fund The bill would declare that the money in the fund is to be appropriated in the annual Budget Act to the board for specified purposes

The bill would require the Department of General Services to give a specified preference in state purchases to recycled tire products

The bill would, as of July 1, 1990, transfer $1,000,000 from the Environmental License Plate Fund to the California Tire Recycling Management Fund as a loan and appropriate those moneys for purposes of implementing the bill The bill would require the loan to be repaid, with specified interest, on or before June 30, 1991

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

Ch 975 (AB 1951) Eaves Airports and navigation facilities federal funds project applications

(1) Under existing law, the Department of Transportation may act as agent in accepting, receiving, and disbursing federal money made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility, upon the request of any political subdivision or political subdivisions acting jointly

This bill would prohibit any political subdivision or political subdivisions acting jointly, except any political subdivision owning or operating a primary airport, as defined, from submitting, to the Federal Aviation Administration, any project application, under the federal Airport and Airway Safety and Capacity Expansion Act of 1987, unless the project preapplication and planning grant application have first been reviewed and accepted, and the project ranked by the department The bill would require the department, in conjunction with representatives of local airport-operating entities and the Federal Aviation Administration, to develop criteria to rank projects governed by its provisions. The bill would permit political subdivisions, acting jointly or with the state, to contract directly with the Federal Aviation Administration with respect to accepted and ranked projects The bill would impose a state-mandated local program on local entities by requiring the submission of applications to the department

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

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Ch. 976 (AB 2514) O'Connell Insurance

Existing law contains provisions that regulate rates of certain lines of insurance. Among those provisions is a provision that prohibits an advisory organization from doing business in the state unless it has filed certain information with the Insurance Commissioner. However, Proposition 103, an initiative statute, repealed provisions that authorized insurers to use rates, rating systems, underwriting rules, or policy or bond forms of rating or advisory organizations in certain circumstances

This bill would authorize members and subscribers of advisory organizations to use the policy or bond forms of advisory organizations but would prohibit agreements to adhere to those forms. It would require the forms to be submitted to the commissioner for consideration and approval, and would provide for disapproval by the commissioner The bill would make related changes

Since the bill would, in part, enact provisions similar to those repealed by Proposition 103, it would be an amendment of that proposition which would require a ⅔ vote for enactment by the Legislature

Ch 977 (AB 2403) Wright Mental health services

Under existing law, clinics, as defined, are licensed and regulated by the State Department of Health Services, and are required to satisfy various requirements

This bill would exempt community mental health centers, as defined, from these clinic licensing and regulatory requirements

The bill would define a community mental health center as a nonprofit agency which provides outpatient mental health services, as specified

The bill would require that for purposes of law, including the Health and Safety and Insurance Codes, that a community mental health center be deemed a licensed facility.

Ch 978 (SB 293) Davis Taxation corrections and adjustments.

Existing law provides for rules and procedures for the correction by certain county officers of errors on property tax rolls Existing law further provides that persons who purchase replacement property for real estate taken by governmental action are entitled to have the base-year value of the replacement property for property taxation purposes limited to the base-year value of the property taken Existing law also authorizes persons over 55 years of age who reside in property 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 which is purchased or newly constructed within 2 years of the sale of the original property

This bill would provide that a county assessor of a county with a population exceeding 8,000,000, upon determining that corrections of property tax assessments or applications of base-year value limitations or transfers cannot be accomplished prior to the delinquency of currently due amounts, may so notify the county auditor-controller and county tax collector. This bill would require the tax collector, upon notification, to accept and make, as applicable, in-lieu amounts and adjustments to property tax records reflecting the correction of property tax assessments or application of base-year value limitations or transfers This bill would also require the tax collector to notify the assessee that an in-lieu amount will be accepted, and of the amount and time for payment

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

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

This bill would make findings on the necessity for a special statute

The provisions of the bill would be effective only until January 1, 1995, unless a later enacted statute, enacted prior to January 1, 1995, deletes or extends that date

This bill would declare that it is to take effect immediately as an urgency statute, but would become operative only if the board of supervisors of a specified county, upon the request of the county assessor, adopts a resolution making the bill applicable to that county

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Ch 979 (SB 452) Hart Prisoners medical treatment

Existing law prohibits biomedical research on any prisoners in the state

This bill would specify that the prohibition against biomedical research does not prohibit physicians who provide medical treatment to prisoners from treating patients who are prisoners with any investigational new drug which is made available for serious or immediately life-threatening diseases, as specified, if the physician determines that access to that drug is in the best medical interest of the patient and the patient has given informed consent The bill would also provide that neither a public entity nor public employee would be liable for any injury caused by the administration of an investigational new drug, as specified

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

Ch 980 (SB 463) Seymour Vehicles violations

Existing law prescribes the amount of the fine for violations of the Vehicle Code or any local ordinances adopted pursuant to the code

This bill would increase the fine for operating a bus, motor truck, or truck tractor having 3 or more axles, or any motor truck or truck tractor drawing any other vehicle, in violation of specified speed limit provisions, from $100 to $200 for the first conviction for persons who exceed those speed limit provisions by 10 miles per hour or more

Ch 981 (SB 474) Mello State Coastal Conservancy agricultural land

(1) Existing law provides for the State Coastal Conservancy, with prescribed duties and responsibilities, including, among others, implementing a program of agricultural protection within the coastal zone, as defined Under existing law, if the conservancy is unable to purchase an interest in specified agricultural land, the conservancy is required to request the State Public Works Board to acquire the interest under the power of eminent domain, as prescribed

This bill would authorize, rather than require, the conservancy to request the board to acquire the interest in that land under those circumstances

(2) Existing law appropriates funding to the conservancy for agricultural land preservation, coastal restoration, public access, and resource enhancement It provides that the appropriations for resource enhancement is available for expenditure for either capital outlay or local assistance

This bill would modify that provision by making the funding for all those purposes to be available for either capital outlay or local assistance. and, by so doing, would constitute an appropriation

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

Ch 982 (SB 536) Beverly Nonresidential leases restrictions on transfer

Under existing case law, if a restriction on transfer precludes a tenant from assigning or subletting his or her interest in a commercial lease without the landlord's consent and the lease does not specify any standards to govern the giving or withholding of consent, a standard that the landlord's consent may not be unreasonably withheld is implied

This bill would codify this case law as to a restriction on transfer executed on or after September 23, 1983 However, the bill would specify that if a restriction on transfer, executed before September 23, 1983, requires the landlord's consent for the tenant's transfer but provides no standard for giving or withholding consent, the landlord's consent may be unreasonably withheld

The bill would also specify that a restriction on transfer of a tenant's interest in a nonresidential lease no matter when executed may require the consent of the landlord for transfer subject to any express standard or condition for giving or withholding consent, including a provision that the landlord's consent may not be unreasonably withheld or a provision that the landlord's consent may be withheld subject to express standards or conditions

Existing law provides that a lease may permit the lessor to continue the lease in effect for so long as the lessor does not terminate the lessee's right to possession Under existing law the lessor may enforce all rights and remedies under the lease if, among other things, the lease permits the lessee to sublet the property or assign the lessee's interest in the

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lease subject to standards or conditions that are not unreasonable or the lease permits the lessee to sublet the property or assign the lessee's interest in the lease conditioned on the consent of the lessor and the lease expressly provides that the giving or withholding of consent shall not be unreasonably withheld

This bill would specify that the standards and conditions under which the lessee may sublet or assign his or her interest in the property be express and that the standards and conditions be reasonable both at the time the lease is executed and at the time the lessee seeks to sublet or assign the real property

The bill would no longer require as a condition for a landlord to use the above remedy that a lease expressly provide when the landlord's consent is required to transfer an interest in the lease that the giving or withholding of the landlord's consent may not be unreasonably withheld Instead, this bill would additionally specify that the remedy is available to the lessor if the lease includes a standard implied by law that the lessor's consent shall not be unreasonably withheld

Ch 983 (SB 592) Marks Elections

Existing law provides that a person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by that person or, in absence of that designation, in the precinct designated by the county clerk

This bill would change the reference from county clerk to county elections official and would provide instead that the person shall be registered as domiciled in the precinct designated by the county elections official unless the person requests, as specified, the county elections official to designate a different precinct

Existing law provides that if a person is domiciled in a house or apartment lying in more than one city, the person's domicile shall be determined on the basis of the street address

This bill would delete this provision

Existing law provides that the county clerk may accept an affidavit of registration or a newly executed affidavit when evidence supports that the affidavit was executed by the 29th day prior to the election and that the affidavit was mishandled by a 3rd party, including the postal service It limits this evidence to the postmark on the affidavit

This bill would include as acceptable evidence, for that election only, possession of a valid affidavit receipt or a photocopy of a properly executed affidavit up to the 27th day prior to the election

Existing law provides that no precinct boundary shall cross the boundary of any Assembly or senatorial district or of an incorporated city or ward, among others

This bill would include in this provision a board of equalization district and an incorporated city district, or city council district

Existing law provides that a ballot argument or a rebuttal argument for a statewide measure which includes in its text the name of a person other than the author of the argument who is represented as being for or against the measure shall not be accepted unless the argument is accompanied by the signed consent of the person

This bill would include in this provision a ballot argument or rebuttal argument which includes in its text the title of a person

Existing law provides that before circulating a county initiative petition, among others, the proponents must file with the clerk a notice of intention accompanied by the written text of the initiative It requires that the notice of intention and the title and summary of the proposed measure be published at least once in a newspaper of general circulation

This bill would require that the notice of intention include the names and business or residence addresses of at least one but not more than 5 proponents, and would specify that the proponents shall publish the notice and title and summary of the measure

Existing law provides, with respect to a county ordinance against which a referendum petition is presented, that if the board of supervisors does not repeal the ordinance, it shall submit the ordinance to the voters at a regular election or at a special election called for the purpose It provides that the ordinance shall not become effective unless and until a majority of the voters vote in favor of it

This bill would instead require that the board submit the ordinance at the next

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regularly scheduled county election occurring not less than a specified time period or at a special election called for that purpose not less than a specified period after the date of the order It would require that a majority of the voters voting on the ordinance approve it to become effective

Existing law provides that a ballot argument or a rebuttal argument for a county measure, a city measure, a district initiative measure, or a school measure which includes in its text the name of a person other than the author of the argument who is represented as being for or against the measure shall not be accepted unless the argument is accompanied by a signed consent of the person

This bill would include in these provisions a ballot argument or rebuttal argument which includes in its text the title of a person

Existing law provides, with respect to a city ordinance against which a referendum petition is presented, that if the legislative body does not repeal the ordinance, it shall submit the ordinance to the voters at a regular election or at a special election called for that purpose

This bill would require submission of the ordinance at the next regular election or at a special election, as specified

Existing law authorizes the legislative body to delay the date of the special election in order to avoid holding more than one special election within any 6-month period.

This bill would delete this provision

Existing law imposes misdemeanor penalties on any person who willfully interferes with the prompt transfer of a completed affidavit of registration to the county clerk or retains a completed registration card without authorization for more than 3 days, among other things

This bill would provide that the misdemeanor penalty shall be a fine not to exceed $1,000 It would impose a state-mandated local program by deleting the requirement that the person act willfully and instead require that the acts be done knowingly or negligently, and include within the prohibited acts the retaining of a completed registration card without authorization after the close of registration

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

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

Ch 984 (SB 638) Alquist Secretary of State State Archives building complex

Existing law requires the Secretary of State to conduct a feasibility study to assess the needs, costs, and appropriate location for a new facility or conversion of an existing facility, or both, to house the collections and operations of the California State Archives for at least the next 50 years

This bill would require the Director of General Services, as agent for the Secretary of State, to construct a Secretary of State and State Archives Building Complex and related facilities on a specified site, would permit the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes to finance the complex and facilities, and would permit the board to borrow funds from the Pooled Money Investment Account for the complex and facilities

This bill would permit the director to lease the complex and facilities from the board pursuant to specified provisions for use by the Secretary of State and State Archives.

The bill would require prior notice to legislative committees, as specified

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

Ch. 985 (SB 716) Watson. Community colleges· nonresident tuition

(1) Existing law requires community college districts to charge a tuition fee to nonresident students, as prescribed

The bill would impose a state-mandated local program by requiring the governing board of each community college district to give notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect and by requiring the governing board of each community college district, in adopting

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a tuition fee for nonresident students, to consider nonresident tuition fees of public community colleges in other states The bill also would require that tuition fee increases be gradual, moderate, and predictable

(2) Existing law requires that the tuition fee established for nonresident students represent one of 3 specified amounts

This bill would add, as a 4th alternative, that the fee represent an amount not to exceed the amount that was expended by the district for the current expense of education, but in no case less than the statewide average, as specified

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 986 (SB 790) Robbins Courts

(1) Effective January 1, 1989, a provision of the Judges' Retirement Law which required any person who became 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, except in cases of job-related disability, was repealed and another provision became operative which requires any judge to have at least 4 years of judicial service in order to be eligible for disability retirement, except in cases of job-related disability

This bill would restore the former provision but make it applicable only to any person becoming a judge between January 1, 1980, and December 31, 1989 This bill would also specify that the currently operative provision would apply only to any person who becomes a judge on or after January 1, 1989

(2) Existing law provides that the board of supervisors of an option county under the Brown-Presley Trial Court Funding Act may, at county cost, provide municipal court judges serving in any municipal court in the county on or after October 1, 1987, with retiree health benefits substantially equal to the retiree health benefits provided to superior court judges.

This bill would provide, instead, that the board of supervisors of an option county may, at county cost, provide municipal court judges serving in any municipal court in the county with retiree health benefits substantially equal to the retiree health benefits provided to superior court judges

Ch 987 (SB 912) Petris Rent control

Existing law prohibits a penalty or any other sanction from being assessed upon an owner of a residential unit who is in substantial compliance, as defined, with an ordinance, charter or regulation that controls or establishes a system of controls on the price at which those units may be offered for rent or lease and which requires the registration of rents

This bill would specify that once an owner who has not been in compliance with an ordinance, charter, or regulation, is in compliance with that ordinance, charter, or regulation, under certain conditions all annual rent adjustments which would have been permitted during the period of noncompliance, are to be restored prospectively, except in specified jurisdictions where the local agency may phase in rent increases, as specified

Existing law requires an ordinance, charter, or regulation that controls or establishes a system of controls on the price at which residential rental units may be offered for rent or lease and requires the registration of rents in effect on January 1, 1987, to provide for the establishment and certification of permissible rent levels, including the completion of all appeals and administrative proceedings connected therewith, by January 1, 1988

This bill would prohibit a local agency after July 1, 1990, from maintaining any action to recover excess rent against any property owner who has registered the unit with the

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ocal agency within the specified time limits if the initial certification of permissible rent evels affecting that particular property has not been completed, except under certain conditions

Existing law specifies that, in the absence of misrepresentation or fraud, the permissible rent levels reflected in the certificate issued by the local agency to the landlord or tenant is binding upon the local agency, with certain exceptions

This bill would, instead, require that misrepresentation to be intentional. This bill would also impose a state-mandated local program by permitting a landlord to request a certificate of permissible rent levels for rental units which have a base rent established, but that are vacant, and not exempt from registration The bill would also provide, in those cities, counties, or cities and counties, a tenant with certain remedies if the tenant was evicted by the owner based upon a so-called claim of "owner-occupancy" and would provide, in those cities, counties, or cities and counties, a tenant with certain remedies against an owner who willfully and intentionally charged the tenant rent in excess of the certified lawful rent ceiling

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

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

Ch 988 (SB 920) Rogers Seismic safety building design

Existing law establishes a Seismic Safety Commission to promote seismic safety and to perform other related duties, prescribes certain earthquake protection standards for building and reconstruction, and, among other things, requires the State Architect to certify seismic gas shutoff valves.

This bill would require the Seismic Safety Commission, in cooperation with the State Architect, to develop a state policy on acceptable levels of earthquake risk for new and existing state-owned buildings to be submitted to the Legislature by January 1, 1991. The bill would require the State Architect to develop and adopt by January 1, 1992, regulations for the application of earthquake hazard mitigation technologies to buildings, as specified The bill would require the State Architect to recommend to the Legislature a long-term plan to study the retrofitting of existing state buildings and to recommend incorporating new earthquake hazard mitigation technologies where appropriate The bill would also require the State Architect to assist in the development of information to increase public and professional understanding of earthquake hazard mitigation technologies and to perform other related duties

This bill would require the State Architect to select suitable buildings for the use of earthquake hazard mitigation technologies on 3 state buildings as demonstration projects

This bill would require the Coordinating Council of the Building Standards Commission, to the maximum extent feasible, to consolidate various hearings which may be required by public agencies in the design review and approval process for any project involving buildings using earthquake mitigation technologies and to make recommendations to the Legislature for expediting and facilitating that process

Existing provisions of Article XIII A of the California Constitution limit ad valorem taxes on real property to 1% of its full cash value "Full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or thereafter, the appraised value of real property when purchased, newly constructed, or a change of ownership has occurred after the 1975 assessment

This bill would provide that for the purposes of this constitutional provision, "newly constructed" or "new construction" does not include the portion of reconstruction of or installation in the building of seismic rehabilitation improvements, as specified, or earthquake hazard mitigation technologies, as specified The bill would specify that this exclusion shall take effect only upon the adoption by the people of SCA 33

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Ch 989 (SB 949) Stirling. Prisoners literacy skills

Existing law requires the Department of Corrections to determine the reading level of each prisoner upon commitment, and to report to the Legislature regarding specified information related to the number of prisoners enrolled in reading programs, the recidivism rates of prisoners based upon their reading levels, and various costs and time estimates by the department for the implementation of a systemwide reading program

This bill would require the director of the department to implement in every state prison, literacy programs that are designed to ensure that, upon parole, inmates are able to achieve a 9th-grade reading level The bill would require the department to prepare an implementation plan, and to request the necessary funds, to ensure that the reading program is available to specified percentages of the prison population by specified dates.

Ch 990 (SB 1006) Leonard Taxation. sales and use taxes. exemption low-emission vehicles

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 Existing law also provides that "low-emission motor vehicles" are those motor vehicles certified by the State Air Resources Board as meeting applicable emission standards and certain additional requirements

This bill would require that the state board, at the time new motor vehicles are certified for air quality purposes, identify low-emission motor vehicles and require specified labeling of those vehicles It would require the State Energy Resources Conservation and Development Commission to determine the incremental cost for light, medium, and heavy duty low-emission motor vehicles, with the initial determinations for these vehicle classes to be completed by December 31, 1990 The bill would exempt from sales and use taxes, as provided, the incremental cost of the sale or use of a low-emission motor vehicle, defined to be the difference between the estimated cost of a low-emission motor vehicle and the cost of a comparable gasoline or diesel fueled vehicle

This bill would require that the state board identify devices and applications which convert conventional vehicles into low-emission vehicles, and require specified labeling of identified devices This bill would also exempt, as provided, from sales and use taxes the gross receipts from the sale or use of any retrofit device converting a conventional vehicle into a low-emission vehicle, as defined The exemptions would be repealed as of January 1, 1995

This bill would require, as part of currently required reports, a report by the commission to the Legislature regarding the impact and administration of the incentives designed to encourage the purchase and use of low-emission vehicles, including the sales and use tax exemptions provided for in this bill. This bill would also require the Legislative Analyst to submit a report to the Legislature no later than January 1, 1993, on the impact and effectiveness of those sales and use tax exemptions.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

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

This bill would take immediate effect as a tax levy, but its operative date would depend on the date the State Energy Resources and Conservation Commission determines and reports the incremental cost for low-emission motor vehicles

Ch. 991 (SB 1022) McCorquodale Air pollution: San Joaquin Valley.

Existing law, the Atmospheric Acidity Protection Act of 1988, requires the State Air Resources 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.

This bill would additionally require the state board to conduct a study of the effects

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of acid deposition on agriculture in the San Joaquin Valley, and to submit the study to the Legislature by July 1, 1992

Ch. 992 (SB 1092) Robbins Insurance.

Existing law provides that it is an unfair and deceptive act or practice in the business of insurance to disseminate before the public by advertising or otherwise making statements regarding insurance business that are known to be or should be known to be untrue, deceptive, or misleading

This bill would provide that it is an unfair and deceptive act or practice in the business of insurance for an insurer to advertise insurance that it will not sell, as specified It would provide for various exemptions from that prohibition A violation would be subject to administrative sanctions by the Insurance Commissioner, and a willful violation would be a misdemeanor, punishable by a fine not to exceed $10,000 Since the bill would create a new crime, it would impose a state-mandated local program

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

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

Ch 993 (SB 1098) Rosenthal Fire safety in care facilities

Existing law requires community care facilities, residential care facilities for the elderly, and child day care facilities, as defined, to be licensed by the State Department of Social Services, unless operated by a state or local public agency which must comply with the standards established by the Director of Social Services for those facilities, and requires inspection and licensing to be done by the department Existing law permits the department to require various information in granting a license or license renewal

This bill would state findings and declarations of the Legislature concerning fire safety regulations for those facilities

This bill would require that a prospective applicant for a license to operate a community care facility, residential care facility for the elderly, or child day care facility be notified at the time of the initial request for information regarding application for licensure that prior to obtaining a license the facility shall secure and maintain a fire clearance approval from the local fire enforcing agency or the State Fire Marshal, whichever has primary jurisdiction The bill would require that the prospective applicant be notified of the preinspection of a facility, other services related to preinspection, and preinspection fees

This bill would require the local fire enforcing agency or the State Fire Marshal, whichever has primary jurisdiction, upon request of a prospective licensee, to conduct a preinspection of the facility prior to the final fire clearance, including consultation and interpretation of fire safety regulations The bill would require the primary fire enforcing agency to complete the final fire clearance inspection within 30 days of the request for the final inspection or as of the date the prospective facility requests the final prelicensure inspection by the State Department of Social Services, whichever is later The bill would permit a specified fee to be charged for the preinspection By requiring local agencies to conduct these preinspections, this bill would impose a state-mandated local program The bill would require the primary fire enforcing agency to complete the approval within 30 days of receipt of a request for a final fire clearance approval

Existing law requires the State Fire Marshal to prepare and conduct voluntary regular training sessions concerning the application of fire safety laws.

This bill would require the sessions to include the interpretation of regulations pertaining to community care facilities, residential care facilities for the elderly, and child day care facilities

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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. 994 (SB 1177) Royce. Adoption

Existing law specifies procedures for the adoption of children. Existing law provides a preference for adoptive placement of a dependent child of the juvenile court with foster parents who have cared for the child, under specified circumstances. Existing law also authorizes the State Department of Social Services to adopt regulations setting priorities for placement of children for adoption reflecting, among other factors, racial background and ethnic heritage

This bill would specify that if any child has been in foster care for a period of more than 4 months, the child has substantial emotional ties to the foster parent or parents, the child's removal from the foster parent or parents would be seriously detrimental to the child's well-being, and the foster parent or parents make a written request to be considered to adopt the child, the foster parent or parents shall be considered along with all other prospective adoptive families to adopt the child The department or agency making the placement would be required to take into consideration any relevant factors that it deems necessary and the decision of the department or agency regarding adoptive placement of the child would be presumed to be in the child's best interests to be rebutted in an action filed by the foster parent or parents, as specified.

Ch. 995 (SB 1215) Lockyer Youths

Under existing law, an assault or battery committed by a person confined in an institution under the jurisdiction of the Youth Authority upon an individual who is not confined in the institution that inflicts serious injury upon the victim is punishable by imprisonment in the state prison or in the county jail for not more than one year, or by a fine of not more than $5,000, or both

This bill would provide that such an assault or battery that inflicts serious bodily injury is punishable by imprisonment in the state prison for 2, 3, or 4 years, or in the county jail for not more than one year

Ch 996 (SB 1255) Robbins Medi-Cal

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons

Under existing law, the California Medical Assistance Commission is authorized to negotiate with hospitals for contracts with the State Department of Health Services for the provision of Medi-Cal benefits to eligible recipients.

This bill would establish the Disproportionate Share and Emergency Services Fund to receive money from various sources, for additional reimbursement of eligible disproportionate share hospitals contracting with the State Department of Health Services for the provision of Medi-Cal benefits, and would make related changes

The bill would also appropriate $250,000 from the Disproportionate Share and Emergency Services Fund for the 1989–90 fiscal year for the combined administrative costs of the California Medical Assistance Commission and the State Department of Health Services

Ch 997 (SB 1354) Alquist Redevelopment

Existing law requires not less than 20% of all taxes which are allocated to a redevelopment agency for certain redevelopment projects merged to be deposited by the agency in the Low and Moderate Income Housing Fund The agency is permitted to use those funds to assist in the construction or rehabilitation of housing units for households of certain income levels inside the project area, or outside the project area if the agency or legislative body determines, by resolution, that the use will be of benefit to the project area

Existing law also requires, with certain exceptions, that all new or substantially rehabilitated housing units developed or otherwise assisted, with moneys from the Low and Moderate Income Housing Fund, pursuant to an agreement approved by a redevelopment agency on or after January 1, 1988, remain available at affordable housing costs to certain households for the longest feasible time, but for not less than 15 years for rental units, and not less than 10 years for owner-occupied units. Existing law permits the agency to impose covenants or restrictions to implement these requirements.

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This bill would specify that notwithstanding those restrictions on the uses of those taxes allocated to an agency for certain merged projects, the agency may use those funds for the purposes of increasing and improving the community's supply of low- and moderate-income housing within the territorial jurisdiction of the agency However, in that event, the bill would require that those new or substantially rehabilitated housing units remain available at affordable housing costs to certain households for the longest feasible time, but not less than 30 years for rental or owner-occupied units. The bill would also permit the agency to subordinate any of those covenants or restrictions to a lien, encumbrance, or regulatory agreement of those housing units, pursuant to specified alternatives

Ch 998 (SB 1460) Dills South Coast Air Quality Management District

The Lewis Air Quality Management Act requires the governing board of the South Coast Air Quality Management District to adopt, and the State Air Resources Board to review, a plan to achieve and maintain state and federal ambient air quality standards The state board is required to adopt and submit to the Environmental Protection Agency the portions of the plan which meet the federal Clean Air Act, as specified

This bill would require the state board to determine if it has sufficient information to determine whether the plan meets requirements of the federal act and the California Clean Air Act of 1988 and is adequate to attain state standards The bill would require the state board to notify the south coast district of the information needed, and to assist the south coast district, as specified. The bill would require the state board to adopt those portions of the plan that comply with the state and federal acts and are adequate to attain state ambient air quality standards

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

Ch 999 (SB 1491) Russell Mental health

Existing law authorizes the involuntary detention for evaluation and treatment of persons who are dangerous to self or others, or "gravely disabled," as defined

Existing law defines gravely disabled to include, but not be limited to, a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.

This bill would provide that notwithstanding this definition of "gravely disabled," a person is not "gravely disabled" if that person can survive safely without involuntary detention with the help of responsible family, friends, or others who are both willing and able to help provide for the person's basic personal needs for food, clothing, or shelter.

This bill would provide that, unless they specifically indicate in writing their willingness and ability to help, family, friends, or others are not to be considered willing or able to provide this help

This bill would declare that the purpose of this bill is to avoid the necessity for, and the harmful effects of, requiring family, friends, and others to publicly state, and requiring the court or certification review officer to publicly find, that no one is willing or able to assist the mentally disordered person in providing for the person's basic needs for food, clothing, or shelter

Ch 1000 (SB 1558) Deddeh Submission of claims

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 Existing law further specifies 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

This bill would instead specify that if a request for payment has not been properly filed at an earlier date, then the request shall be deemed to be properly filed on the next business day after the contractor provides written notification to the public entity's designated jobsite representative that the contractor accepts the proposed final estimate

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as prepared by the public entity

This bill would provide that the above provision would not apply to the California State University

Ch 1001 (SB 1593) Alquist Clinics

Existing law requires the State Department of Health Services to license specified categories of clinics, and to adopt regulations imposing minimum standards for these clinics, as specified

Existing law also requires the Office of Statewide Health Planning and Development to prescribe minimum construction standards of adequacy and safety for the physical plant of clinics

This bill would provide that a facility seeking licensure as a surgical clinic would be deemed to have met these minimum construction standards if the facility meets specified requirements, including a requirement that a licensure application has been made no later than July 1, 1989, a requirement that the department limit authorized services under the license to those the department determines can be safely provided in the existing facility, and a requirement for a seismic hazards evaluation report, as specified.

Ch 1002 (SB 1632) Marks Handicapped persons hard of hearing

(1) Existing law provides that a handicapped person has the same rights as other persons to the full and free use of public facilities

Existing law requires that defined deaf persons be supplied with a qualified interpreter whenever the person is a party or witness in civil or criminal proceedings, as specified Existing law also requires that a sign language interpreter be provided to any juror who is handicapped by loss of hearing in order to facilitate communication during jury deliberations, as specified

This bill would require that on and after January 1, 1991, in any civil or criminal proceeding, any of specified persons who are hard of hearing, as defined, upon request, shall be provided with a functioning assistive listening system or computer-aided transcription equipment The bill would require each county to have at least one portable assistive listening device for use by the courts, as specified This bill would exclude from existing law requiring interpreters for deaf persons in civil or criminal proceedings, hard-of-hearing persons provided with, and able to fully participate in the proceedings through the use of, an assistive listening system or computer-aided transcription equipment provided pursuant to the bill

This bill would also require that in any civil or criminal proceeding in which the hard-of-hearing person is a witness, attorney, judicial employee, judge, or juror, as specified, and has requested the use of these systems, that the proceedings not commence until the system is in place and functioning.

Because of the imposition of the above requirements, the bill would create a state-mandated local program

The bill would authorize a court reporter to be present during jury deliberations, if needed, to operate computer-aided transcription systems required for a hearing-impaired juror

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1003 (SB 1694) Keene State property. California Conservation Corps facility, prison funding

Existing law authorizes the Director of General Services to, among other things, lease-purchase or lease with the option to purchase any real property for the use of any

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state agency, as specified, but prohibits the director from doing so for office space if the initial option purchase price is over $2,000,000, without authorization by the Legislature.

This bill would authorize the director to provide for a California Conservation Corps facility and office space in the City of Fortuna in Humboldt County and authorize the initial option purchase price to exceed $2,000,000.

Chapter 1479 of the Statutes of 1988, among other things, appropriates $2,600,000 for site studies, planning, and related activities for new medical or psychiatric facilities or a combination thereof.

This bill would make an appropriation by authorizing the use of that appropriation also for site studies and suitability reports, environmental studies, master planning, architectural programming, and schematics for new general population facilities.

This bill would also appropriate from the 1988 Prison Construction Fund $2,700,000 for specified purposes with respect to the work-based camp facility in Humboldt County; and $2,500,000 for specified purposes with respect to a proposed 2,000-bed medium security prison, with a 200-bed minimum security unit, in the vicinity of Coalinga in Fresno County, subject to specified conditions

The bill would state that it will take effect immediately as an urgency statute

Ch 1004 (AB 50) Elder STRS reports IRC 415 limitations

(1) The existing State Teachers' Retirement Law requires the retirement system to submit annual reports to the Legislature, which include specified information regarding rates of return by asset type.

This bill would require that report also to include the book valuation return on a 5-year, 3-year, 2-year, and 1-year basis

(2) Existing federal income tax laws provide special benefit limitations for public retirement plans Public retirement plans risk loss of their federal tax-exempt status unless they elect to be bound by specified benefit payment limitations A public retirement plan may elect to exempt members who became plan participants prior to January 1, 1990, from these limitations if the plan also elects to be bound by these limitations for all members who join on or after that date

The existing State Teachers' Retirement Law provides specified benefits upon retirement for members of the State Teachers' Retirement System (STRS).

This bill would make that election for purposes of that law This bill would provide that benefits payable to any person who becomes a member on or after January 1, 1990, shall be subject to the Section 415 limitations, as specified, and would require the Teachers' Retirement Board to provide to each employer a related notice for distribution to each person who, for the first time, becomes a member on or after January 1, 1990. This bill would also expand the scope of representation under the statutes governing public school employer-employee relations to include alternative compensation or benefits for employees adversely affected by those pension limitations, as specified This new expansion would impose state-reimbursable, state-mandated local negotiating costs since it would expand the subjects which are negotiable under the existing statutes relating to public school employer-employee relations This bill would also make related legislative findings and declarations

This bill would also appropriate $100,000 from the Teachers' Retirement Fund to the Teachers' Retirement Board for expenditure for these purposes

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch 1005 (AB 200) Cortese Crimes: obstructing officers

Existing law makes it a misdemeanor offense, punishable as specified, for any person to willfully resist, delay, or obstruct any public officer, peace officer, or medical technician, as defined, when they are discharging or attempting to discharge the duties of their office or employment

This bill would, in addition, make it a public offense punishable as a misdemeanor or felony, as specified for any person to remove or take any weapon or firearm, or to attempt to remove or take, as specified, any firearm from the person of or immediate presence of a public officer or peace officer during the commission of any of those crimes Thus, the bill would impose a state-mandated local program by creating new crimes

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

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

Ch 1006 (AB 265) Elder State Teachers' Retirement System Medicare

Pursuant to existing law, the Board of Administration of the Public Employees' Retirement System administers an agreement with the federal government for social security coverage of employees of the state and the political subdivisions thereof which contract for coverage

The Legislature has expressed the intent that, to the extent possible, members of the State Teachers' Retirement System earn credit towards Medicare coverage

This bill would authorize each school district, from July 1, 1990, to July 1, 1993, and the State Teachers' Retirement System, on and after July 1, 1993, to apply to the Board of Administration of the Public Employees' Retirement System for elections among their respective certificated employees who are members of the State Teachers' Retirement System for the election of Medicare coverage of those certificated employees who elect it

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

This bill would also authorize additional positions in the Public Employees' Retirement System to implement this bill and authorize the Board of Administration to charge and assess each affected public agency for resulting state costs

This bill would appropriate $302,304 for fiscal year 1990–91, $138,488 for fiscal year 1991–92, and $36,051 for fiscal year 1992–93 from the Public Employees' Retirement Fund for certain state costs

This bill would make certain provisions operative on July 1, 1990, and inoperative on July 1, 1993, and would repeal them as of January 1, 1994

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1007 (AB 359) Friedman State government Department of Justice legal services

Existing law provides that the costs of legal services rendered by the Attorney General to other state agencies shall be fixed and determined by the Attorney General and shall be a charge against the funds, other than the General Fund, designated by the State Board of Control

This bill would instead provide that for state agencies, departments, or programs

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which are charged for the costs of legal services rendered by the Attorney General, the Attorney General shall charge an amount sufficient to recover the costs incurred in providing the legal services It would further provide that, except as approved by the Department of Finance, charges for legal services may not be made against the General Fund, but may be made against any other fund or special account in the General Fund

This bill would provide that it is to become operative on July 1, 1989, and would declare that it is to take effect immediately as an urgency statute

Ch. 1008 (AB 415) Roybal-Allard Attorneys sexual misconduct.

Existing law provides that the State Bar Court may recommend to the Supreme Court the suspension or disbarment of an attorney for unprofessional conduct committed in the course of the practice of law, involving, among other things, corruption, dishonesty, or moral turpitude

This bill would require the State Bar of California, with the approval of the Supreme Court of California, to adopt a rule of professional conduct governing sexual relations between attorneys and their clients, as specified, and would also provide that an intentional violation of this rule constitutes a cause for suspension or disbarment

This bill would also require the State Bar to submit the proposed rule to the Supreme Court for approval no later than January 1, 1991

Ch. 1009 (AB 488) Campbell State highways Route 80 construction

Under existing law, the Department of Transportation is required to improve and maintain state highways, and funds are appropriated to the department for these purposes

This bill would authorize the department to pay annually to Contra Costa County and to each of the Cities of Richmond, San Pablo, Pinole, Hercules, and El Cerrito, but not to exceed $75,000, adjusted for the rate of inflation as specified, for the added costs of maintenance and operation of San Pablo Avenue caused by increased traffic detoured onto that avenue because of construction work on State Highway Route 80 These provisions would be repealed as of the date the California Highway Commission certifies to the Secretary of State that the construction is complete

The bill would provide that it becomes effective only if SB 1716 is enacted and becomes effective

Ch 1010 (AB 496) Lancaster. Unemployment insurance

(1) Existing law creates and defines the Benefit Audit Fund and provides that assessments for overpaid unemployment compensation benefits shall be deposited into this fund These provisions further provide that they shall remain in effect until January 1, 1990, and as of that date are repealed

This bill would extend the duration of these provisions by deleting the language repealing them as of January 1, 1990

(2) Existing law permits the Director of the Employment Development Department to take specified steps to recover overpayment of unemployment compensation benefits and unemployment compensation disability benefits, including filing a civil action against the liable person within one year after certain actions have been taken. Existing law also permits the director to initiate summary judgment proceedings against a liable person to recover overpayment of unemployment compensation benefits due to fraud, misrepresentation, or willful nondisclosure on the part of the recipient

This bill would increase the time period for filing a civil action and initiating summary judgment proceedings from 1 year to 3 years in cases where the individual has been overpaid benefits due to fraud, misrepresentation, or nondisclosure on the part of the recipient It would also permit the director to initiate summary judgment proceedings against a liable person to recover overpayment of unemployment compensation disability benefits due to fraud, misrepresentation, or willful nondisclosure on the part of the recipient

(3) Existing law authorizes recording an abstract, or a copy, of a judgment against a person liable for overpayment of unemployment compensation benefits with the county recorder of any county which shall constitute a lien against all real or personal property

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of the person in that county.

This bill would also authorize recording an abstract, or a copy, of a judgment against a person liable for overpayment of unemployment compensation disability benefits and would require the Employment Development Department to take prescribed actions after the lien has been satisfied

(4) Existing law provides that for purposes of unemployment insurance law the term "employment" does not include service performed in the employ of the United States Government or any instrumentality of the United States

This bill would provide that "employment" also does not include service performed in the employ of any other state or its political subdivisions

(5) Under existing law, any person who willfully fails to collect or truthfully account for and pay over the tax or amount required to be withheld pursuant to the Unemployment Insurance Code is guilty of a felony, punishable by a fine not to exceed $2,000, or imprisonment, or both

This bill would increase the maximum fine for violation of this provision from $2,000 to $20,000

Ch 1011 (AB 514) Kelley Agriculture. veterinary laboratory project

This bill would appropriate $2,300,000 from the General Fund to the Department of Food and Agriculture for continued construction of the Veterinary Laboratory Conversion Project in Sacramento

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

Ch 1012 (AB 526) Murray Crimes enhancements

Existing law defines the term "violent felony" for purposes of the enhancement of prison terms for new offenses because of prior prison terms

This bill would add attempted murder to the list of crimes constituting a "violent felony" for those purposes

Ch 1013 (AB 533) Bentley Elderly persons

Under existing law, the Department of Aging 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 December 31, 1989

This bill would delete the termination date for that requirement.

Ch 1014 (AB 689) Moore. Telephones services and billing

(1) Under the existing Public Utilities Act, a nonpublic utility provider of telephone services, including a hotel, motel, hospital, university, or other place of temporary accommodation, which charges its patients or guests for those services is required to post a notice on or near the telephone providing the user with specified information concerning the provider of operator-assisted services furnished to that telephone

This bill would prohibit such a nonpublic utility provider of telephone services which provides service to hospital patients from charging more for a nontoll call than the authorized charge for that call placed from a private coin-activated telephone plus 25¢, and would prohibit charging more for a toll call than the telephone corporation's applicable charge plus the surcharge, if any, applicable to that call if placed from a public coin-activated telephone plus 25¢. The bill would prohibit charging for an uncompleted call, except as specified The bill would require the displaying or posting of a notice specifying the applicable charges, consistent with these provisions, and the telephone number of the commission's Consumer Affairs Division

The bill would direct the commission to adopt and enforce operating requirements applicable to the furnishing of operator-assisted services for nonpublic utility providers of telephone services, including the displaying or posting of a notice on or near the telephone containing specified information concerning operator-assisted services and the telephone number of the commission's Consumer Affairs Division, requiring the operator-assisted services provider to orally identify itself by name, and requiring the

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telephone equipment to permit connection with other operator-assisted service providers

(2) Under the Public Utilities Act, the commission is required to adopt and enforce operating requirements governing privately owned coin-activated telephones available for public use.

This bill would prohibit a telephone corporation furnishing local service from providing billing and collection services for any telephone corporation, or for any person or corporation providing billing and collection services for any telephone corporation, which has not obtained a certificate of public convenience and necessity The bill would prohibit a telephone corporation providing billing and collection services for any call placed by its subscriber from a privately owned coin-activated telephone from transmitting any charge in excess of the maximum tariff rate or charge for that call placed from that telephone, and to include reasonable costs of verification of the charge in its fees for conducting the billing and collection service

(3) Since, under other provisions, a violation of the requirements of the bill by a telephone corporation, a nonpublic utility provider of telephone services, a provider of operator-assisted services, or a person or corporation providing billing and collection services, or of any rule or order of the commission, would be a crime, the bill would impose a state-mandated local program

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

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

Ch 1015 (AB 692) Hansen Regional occupational centers and programs

Under existing law, no pupil is eligible to be admitted to a regional occupational center or program, nor may his or her attendance be credited to a regional occupational center or program, until he or she has attained the age of 16 years, unless the pupil meets one or more of specified conditions

Under existing law, pupils under 16 years of age eligible for enrollment in regional occupational centers and programs upon referral by a school counselor, school administrator, or classroom teacher include pupils in immediate need of employment training which is designed to lead to employment upon completion of the training

This bill would delete that category of pupils from those provisions

The bill also would require that pupils under 16 years of age who are eligible for enrollment in regional occupational centers and programs upon referral by a school counselor, school administrator, or classroom teacher be enrolled in a high school, defined by the bill to mean a school that maintains any of grades 9 to 12, inclusive

Existing law requires the State Department of Education to submit prescribed information concerning regional occupational centers and programs annually to the Legislature

This bill additionally would require the State Department of Education to submit this information to the Director of Finance

Existing law prohibits the average daily attendance of pupils enrolled in a regional occupational center or program upon referral by a school counselor, school administrator, or classroom teacher from exceeding a designated amount

This bill would prohibit the average daily attendance claimed for those pupils from exceeding 3% of the average daily attendance funded in the prior year for the center or program or the amount determined pursuant to existing law, whichever is greater

The bill also would delete related obsolete provisions

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

Ch. 1016 (AB 894) Allen Public social services Medi-Cal

(1) Existing law provides for the Medi-Cal program, under which health care services are provided to public assistance recipients and other categories of low-income persons Persons receiving aid under the AFDC program are automatically eligible for the Medi-Cal program

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Existing law also provides that families who have at any time ceased to receive AFDC benefits solely due to the termination of a provision concerning the disregard of specified amounts of earned income, shall continue to remain eligible for Medi-Cal benefits for a period of 9 months. This bill would repeal that provision

This bill would instead provide that, commencing April 1, 1990, to the extent required by specified federal law, a family who was receiving aid pursuant to a state plan approved under the federal law relating to aid to families with dependent children in at least 3 of the 6 months prior to the month the family became ineligible for assistance due to specified reasons, shall remain eligible for Medi-Cal benefits during the succeeding 6-month period The bill would require the State Department of Health Services to notify eligible families of their status, and to offer these families the option of remaining eligible for Medi-Cal services for an additional 6-month period

This bill would, commencing April 1, 1990, authorize the department, consistent with federal law, to pay specified health insurance coverage costs for an eligible family, when coverage is offered by an employer of the caretaker relative or employer of the absent parent of a dependent child. It would allow the beneficiary to choose between continuing Medi-Cal coverage or obtaining health insurance coverage during the additional 6-month period

(2) Under existing law, a Medi-Cal beneficiary's share of cost is determined on a monthly basis. Once the beneficiary has incurred expenses for Medicare and other health insurance deductibles or coinsurance charges and necessary medical and remedial services during the month that are not subject to payment by a 3rd party and which equal or exceed his or her share of cost, the individual is entitled to receive health care services under Medi-Cal

This bill would delete the provision requiring that the deductibles, charges, and expenses be incurred during the month.

(3) This bill would require the State Department of Health Services to report, prior to the hearings on the 1990–91 Governor's Budget, to specified legislative committees on the implementation of the provisions of this bill

Ch 1017 (AB 905) Costa Geothermal resources revenues

Under existing law, where the surface of state-owned lands used for development of geothermal resources is under the jurisdiction of a state department or agency other than the State Lands Commission, 50% of the revenue received by the state each fiscal year pursuant to those leases for the development of geothermal resources on state lands under the jurisdiction of that other department or agency shall be made available for appropriation by the Legislature for the support of, and for apportionment and transfer by the Controller to, that state department or agency

This bill would require instead that 50% of those revenues be available for appropriation by the Legislature solely for the programs of that other state department or agency

Ch 1018 (AB 1076) Kelley Local agencies

Existing law requires the Controller to conduct a feasibility study for special districts concerning the automation of the process of reporting financial transactions to the Controller

This bill would state the results of the study report and would require the Controller to develop and implement an electronic data processing system which will allow special districts the option of submitting their annual reports of financial transactions to the Controller by electronic media.

The bill would appropriate the sum of $250,000 to the Controller for the purposes of the act.

Ch. 1019 (AB 1091) Costa. Horseracing thoroughbred premiums and awards

Existing provisions of the Horse Racing Law provide for distribution of funds and awards on various horse meetings and races, including thoroughbred racing

This bill would revise the distribution of funds on thoroughbred meetings or thoroughbred races at mixed breed or fair meetings, including breeder awards, owner premiums, stallion awards, and California-bred race awards, and define various terms for the pur-

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poses of these provisions

The bill would require the California Horse Racing Board to report, as prescribed, to the Governor and the Legislature with respect to the funds deposited by associations conducting race meetings including thoroughbred racing.

The bill would make legislative findings and declarations as to the stake races for California-bred thoroughbreds conducted as the California Cup Day

The bill would incorporate additional changes in Section 19616 of the Business and Professions Code, proposed by AB 82, to be operative only if AB 82 and this bill are both enacted and become effective on January 1, 1990, and this bill is enacted last.

Ch 1020 (AB 1624) Harvey Excavations

Existing law makes every person owning or being in possession of land who knowingly permits the existence on the premises of certain abandoned excavations, which are dangerous to certain persons and who fails to securely cover the abandoned excavation, guilty of a misdemeanor

This bill would impose a state-mandated local program by revising that definition to instead prohibit the existence of any abandoned excavation which is dangerous to those persons and which is not securely covered

This bill would also impose a state-mandated local program by making certain owners and persons in possession of real property who knowingly permit the existence on the premises of any permanently inactive well, cathodic protection well, or monitoring well, which poses a threat to the quality of the waters of the state, as defined, guilty of a misdemeanor The bill would also define a "permanently inactive well" for its purposes and would require these wells to be destroyed in accordance with standards developed by the Department of Water Resources

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated 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 1021 (AB 1690) Shea Seller assisted marketing plans

Existing law provides a comprehensive scheme for the regulation of contracts for seller assisted marketing plans requiring, among other things, the seller of a seller assisted marketing plan to make certain disclosures to purchasers and to file with the Secretary of State a disclosure statement, as specified

This bill would transfer the regulatory authority for regulation of contracts for seller assisted marketing plans from the Secretary of State to the Attorney General It would require persons filing disclosure statements to pay a fee of $100, and other fees, as specified

The bill would also set forth procedures for issuing a stop order denying the effectiveness of, or suspending or revoking the effectiveness of, any disclosure registration, subject to specified terms and conditions. The bill would also revise and recast specified provisions relating to the placement of funds into an escrow account, as specified The bill would also make related changes

A violation of the above provisions would be a crime. This bill would 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 1022 (AB 1729) Chandler Consumer affairs

Existing law generally provides that a board administering provisions of law regulating a business or profession pursuant to the Business and Professions Code may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has subverted or attempted to subvert any licensing examination, as specified

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This bill would revise and recast those provisions and would make it a misdemeanor for any person to subvert or attempt to subvert any examination, as specified, in addition to the disciplinary action authorized. The bill would provide that a person found guilty of violating the provision would be liable for costs incurred by an agency in an amount not to exceed $10,000 and for the costs incurred for the prosecution, in addition to any other penalties

The bill would impose a state-mandated local program by adding new crimes and changing the definition 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

Ch. 1023 (AB 1808) O'Connell Driving offenses: alcohol or drugs enhancement

(1) Under existing law, a person, who is 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 when addicted to any drug, is required to be punished by specified imprisonment and fines. The punishment is enhanced if the person has been convicted of separate offenses which occurred within 7 years and if bodily injury to another occurred as a result of a negligent act other than that offense Existing law also specifies minimum terms and conditions of probation.

This bill would impose a state-mandated local program by requiring specified enhancements if it is pled and proven that a minor under 14 years of age was a passenger in the vehicle at the time of the offense and if the offense is punished as a misdemeanor under the punishment provisions for 4th offenders The bill would provide that no part of the enhancement under the bill may be stayed whether or not probation is granted The bill would also prohibit the enhancement under the bill if the person is convicted of a specified child endangerment law.

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

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

Ch 1024 (AB 1868) Leslie Controlled substances unlawful manufacturing

Existing law provides that the penalty for manufacturing, compounding, converting, producing, deriving, processing, or preparing by certain chemical means any specified controlled substances is imprisonment in the state prison for 3, 5, or 7 years

This bill would revise the penalties for this offense to require the imposition of a fine not exceeding $50,000, in addition to the prison sentence. The bill would impose a state-mandated local program by requiring counties to transmit the fine for deposit in the Clandestine Drug Lab Clean-up 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1025 (AB 1968) Moore Private carriers.

(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. Exempted from these provisions, however, are certain carriers which are required to obtain carrier identification numbers from the Department of the California Highway Patrol

This bill would enact the "Private Carriers' Registration Act." Pursuant to this act, private carriers, which are those carriers currently required to obtain carrier identification numbers, would be required to register their operation with the commission after June 30, 1990. The bill would specify the fees for registration and renewal with the commission The bill would also prohibit registration from being granted to any private carrier until it has liability coverage Since a violation of the provisions of the bill would be a crime, the bill would impose a state-mandated local program

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

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

Ch 1026 (AB 2135) Bader Franchise Investment Law.

Existing law generally provides for the regulation of the sale of franchises Existing law provides that the offer and sale of a franchise is exempt from specified disclosure requirements if the franchisor meets specified net worth, experience, disclosure, and notice filing requirements

This bill would revise these net worth, experience, disclosure, and notice filing requirements, as specified

Existing law provides that an application for registration of an offer to sell a franchise shall be filed with the Commissioner of Corporations and shall contain specified information

This bill would delete the specified information and provide, instead, that an application for registration of an offer to sell a franchise shall be filed with the commissioner upon the Uniform Franchise Registration Application, as identified, modified, and supplemented by rule of the commissioner

Existing law provides that the commissioner may summarily issue a stop order denying, suspending, or revoking the effectiveness of any registration if the commissioner makes specified findings, including that, in the case of a franchise other than an area franchise, a major inducement to prospective franchisees is fees or other compensation from participation in the sale of additional franchises

This bill would revise this provision by replacing the reference to "area franchise" with that of "subfranchise "

Existing law provides that the commissioner shall charge and collect specified fees under the Franchise Investment Law, including $450 for filing an application for the registration of an offer to sell a franchise, $150 for filing an application for the renewal of a registration, and $50 for filing an application for a major modification of an existing franchise, unless the application for a major modification of an existing franchise accompanies an application for registration or an application for the renewal of registration

This bill would provide that the fee for filing an application for the registration of the offer to sell a franchise is $675 rather than $450, the fee for filing an application for the renewal of registration is $450 rather than $150, and the fee for filing an application for a material, rather than major, modification of an existing franchise, whether or not the application for a material modification accompanies an application for registration or an application for the renewal of a registration, is $50 The bill would add a fee of $675 for filing an application for the approval of a written notice of violation, as specified The bill would also set forth legislative findings, declarations, and intent with respect to the need to increase the fees under the Franchise Investment Law in order to pay for the costs of administering that law

The bill would also make related technical and clarifying changes, as specified.

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Ch 1027 (AB 2143) Mountjoy. Motor vehicle fuel license taxes· refunds.

The existing California use tax provides for exemptions from and refunds of amounts paid towards use tax on motor vehicle fuel Under the existing Motor Vehicle Fuel License Tax Law, refunds or deductions against the license tax imposed by that law are provided with regard to amounts paid toward local sales and use taxes, district use taxes, and transactions taxes Refunds against the license tax are further granted to various persons based on specified uses of motor vehicle fuel Refunds under that law are also provided for persons using motor vehicle fuel to propel an aircraft for specific purposes, and a partial refund is provided for persons using that fuel to propel an aircraft, regardless of the use of that aircraft.

This bill would repeal specified use tax exemptions, and license tax refunds or deductions of amounts paid toward local sales and use taxes, district use taxes, and transactions taxes This bill would also repeal refund provisions concerning the use of fuel in aircraft, and provide that no refunds be granted on motor vehicle fuel used in propelling aircraft in the state, thereby increasing the proceeds realized from the tax Consequently, this bill would make a change in state taxes within the meaning of Section 3 of Article XIII A of the California Constitution

Under the existing Motor Vehicle Fuel License Tax Law, the proceeds from the tax are deposited in the Motor Vehicle Fuel Account in the Transportation Tax Fund and the moneys in that account are continuously appropriated for allocation, transfer, or expenditure for various purposes

Since this bill would increase the proceeds available for disposition from this account by eliminating specified current refunds, this bill would make an appropriation

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

Ch 1028 (AB 2164) Pringle Small claims court

(1) Existing law does not authorize a judgment debtor to pay the judgment of a small claims court to the court in which the judgment was entered, to be remitted to the judgment creditor

This bill would so authorize a small claims court judgment debtor, as specified The bill would authorize the board of supervisors to set a fee for this service The bill would impose a state-mandated local program by imposing new duties on the clerk of the court. The bill would also require the Judicial Council to provide specified forms by January 1, 1990

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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 1029 (AB 2355) Filante Building standards

Existing law, with certain exceptions, requires, after January 1, 1983, all new buildings to use water closets and associated flushometer valves which are water-conservation closets, and urinals and flushometer valves which use less than an average of 1½ gallons per flush A manufacturer, however, may sell water closets, urinals, and associated flushometer valves which do not meet the standards of the State Department of Housing and Community Development in a quantity sufficient to meet the need for water closets and urinal installations or replacements in structures built prior to January 1, 1983.

This bill would require, after January 1, 1992, that all new buildings constructed in this state use water closets and associated flushometer valves, if any, which use no more than 1 6 gallons of water per flush and urinals and associated flushometer valves, if any, which use no more than one gallon of water per flush, and which meet specified performance standards

Violation of these provisions is a crime Therefore, the bill changes the definition of a crime and constitutes a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement

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

Ch 1030 (AB 2514) Roos Physical therapy. fees

Existing law provides that the Physical Therapy Examining Committee shall enforce and administer provisions relating to the licensure and regulation of persons engaging in the practice of physical therapy, including fee provisions, as specified Existing law provides that (1) the reexamination fee shall be fixed by the committee at not more than $50, (2) the initial license fee for a physical therapist license is an amount equal to that derived using a specified formula, (3) the duplicate license fee is $2; (4) the endorsement fee is $5, and (5) the certification and renewal fees for persons certified to perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of the practice of physical therapy may be established by the committee at not more than $200, as specified Existing law provides that these fees are to be deposited in the Physical Therapy Fund

This bill would provide, instead or in addition, that (1) the examination and reexamination fees for the physical therapist examination and the physical therapist assistant examination shall be the actual cost to the committee of purchasing, administering, and grading an examination, as specified, (2) the initial license fee for a physical therapist license shall be fixed by the committee at not more than $50, (3) the duplicate wall certificate fee and the duplicate renewal receipt fee shall be fixed at not more than $20, (4) the endorsement or letter of good standing fee is $30, and (5) the committee may establish suitable application and renewal fees rather than certification and renewal fees, of not more than $200 for persons certified to perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of the practice of physical therapy, and shall charge an examination and reexamination fee of $500 to applicants for certification to perform tissue penetration for the purpose of evaluating neuromuscular performance as a part of the practice of physical therapy, who meet specified conditions

Existing law provides that the Physical Therapy Fund is continuously appropriated for specified purposes

Because this bill would increase the amount of fees going into this fund, this bill would make an appropriation

Ch. 1031 (AB 2526) Hannigan Courts Solano County

Existing law provides that the superior court of every county, except a county with a population of 2,000,000 or over, may appoint one court commissioner

This bill would provide that in lieu thereof, in Solano County, the judges of the superior court by majority vote, may appoint two court commissioners, as specified, to perform specified duties

The bill would also provide that these positions shall not be counted for purposes of determining trial court funding or "court operations" under the Brown-Presley Trial Court Funding Act The bill would state the declaration of the Legislature in this regard

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

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

Ch 1032 (AB 41) Wright Hazardous substances fees taxes.

(1) Existing law requires that each person who disposes of hazardous wastes onsite, who annually submits more than 500 pounds of hazardous waste for disposal offsite, or who submits hazardous waste in this state for disposal outside of this state, pay a fee to the State Board of Equalization for deposit in the Hazardous Substance Account (California Superfund) in the General Fund and the money within this account may be expended by the State Director of Health Services, upon appropriation by the Legisla-

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ture, to pay, among other things, for removal and remedial actions related to the release of hazardous substances Under existing law, the money in the Hazardous Waste Control Account is available, upon appropriation, to the State Department of Health Services for hazardous waste management, and for state operational costs with respect to the oversight of removal and remedial actions to the hazardous substance releases, and 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

This bill would instead, require a person who disposes of hazardous waste, or who annually submits more than 500 pounds of hazardous waste for disposal in the state or outside of the state, or who submits hazardous waste for treatment at a location outside of the state, to pay a fee for disposal of hazardous waste to land, thereby imposing a tax for purposes of Article XIII A of the California Constitution Since a failure to pay this fee would be a crime, pursuant to other provisions of law, the bill would impose a state-mandated local program The bill would make related changes concerning the setting of the fee and would also revise provisions concerning the calculation of the fee and exemptions from the fee The bill would repeal a provision requiring that any surplus in the Hazardous Waste Control Account which exceeds 5% of the previous year's appropriation be transferred to the Hazardous Substance Account for expenditure by the department upon appropriation by the Legislature

(2) Existing law imposes an annual facility fee upon operators of specified hazardous waste storage, treatment, and disposal facilities, and an annual generator fee Existing law requires the State Board of Equalization to assess a fee, in a specified amount, for applications for permits, variances, or certifications, in specified amounts, and requires the board to assess a fee for the classification of a waste as a hazardous waste Existing law requires the State Board of Equalization to adopt a schedule of SIC codes, as defined, that consists of corporations in this state which use, generate, store, or conduct activities in the state related to hazardous materials, including hazardous waste These fees are deposited in the Hazardous Waste Control Account

This bill would, instead, require the department to provide the board with that schedule The bill would provide that the fees assessed for variances do not apply to any variance issued to a local government agency to transport wastes for purposes of operating a household hazardous waste facility The bill would delete the requirement that a fee be assessed for a certification that a facility conforms with the requirements for a permit by regulation and would instead require that a fee be assessed for a permit modification for any facility which intends to operate pursuant to a permit by regulation, thereby imposing a tax for purposes of Article XIII A of the California Constitution The bill would also make conforming changes to these fee provisions.

(3) Existing law requires every person who submitted for disposal offsite, or who disposed of onsite, more than 500 pounds of hazardous waste in the state during the preceding calendar year to report to the State Board of Equalization specified information concerning the disposal of that hazardous waste and imposes a tax upon the reported amount of hazardous waste A person is required to report the amount of hazardous waste subject to this tax each year and pay the amount assessed by July 1 of each year. Existing law provides for the deposit of this money into the Hazardous Substance Account Under existing law, the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984 requires that all proceeds of bonds issued and sold pursuant to that bond act be deposited in the Hazardous Substance Cleanup Fund in the State Treasury and expended only for purposes specified in the bond act and requires that the bonds be repaid from specified sources, including, as a first priority, money derived from the premium and accrued interest on the bonds Existing law requires the State Board of Equalization to assess fees on and after July 1, 1989, on any person potentially responsible for the costs of a hazardous substance remedial and removal action, taken pursuant to a specified order or agreement, for the costs of certain assessments and oversight by the department Existing law also provides that on and after July 1, 1984, persons responsible for a release of hazardous waste, which has been removed or remedied before January 1, 1990, pursuant to a remedial action plan, are not subject to certain requirements and the

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hazardous waste so removed is not subject to a fee with respect to that removal or remedial action, if the original release did not result from willful misconduct by the responsible persons

This bill would instead require every person who submitted for disposal or who disposed of, in the state or outside of the state, or who submitted for treatment at a location outside of the state, more than 500 pounds of hazardous waste during the preceding calendar year to make that report and to pay that tax on the reported amount, thereby making an appropriation and imposing a tax for purposes of Article XIII A of the California Constitution The bill would revise the information required to be included in the report, thereby imposing a state-mandated local program by creating a new crime The bill would revise the provisions setting the base rate for the hazardous waste disposal tax and would require an annual return to be filed, and the tax paid, by March 1 of each year It would extend the period within which a release of hazardous waste may be remedied without meeting specified requirements or paying a fee to September 30, 1990

The bill would revise definitions related to the oversight fee

The bill would repeal a provision requiring that not less than $20,000,000 of the funds in the Hazardous Substances Account be used to fund the direct costs of removal and remedial actions to hazardous substance release sites The bill would require the Department of Finance to schedule in the annual Budget Act the projects incurring direct costs for removal and remedial actions The bill would revise various provisions related to the collection of the taxes and fees imposed on hazardous waste

(4) Existing law authorizes the State Director of Health Services to request the Attorney General to secure relief whenever there is a release or threatened release of a hazardous substance Existing law specifies that certain allegations and proof are not required in any civil action for a temporary restraining order, injunction, or other order brought pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act.

This bill would repeal those provisions.

(5) Existing law provides that a public entity, public safety employee, other specified public employees or officers, or a person authorized by a public agency is not liable for an injury caused by any action taken by a public safety employee acting within the scope of employment to abate or attempt to abate hazards, reasonably believed to be an imminent peril to public health or safety caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner, as specified

This bill would, instead, provide this immunity for any injury or property damage caused by an act or omission taken by these persons and would define the terms "imminent peril" and "person authorized by a public agency" for purposes of this immunity

(6) Existing law requires the State Water Resources Control Board and the California regional water quality control boards, in consultation with the State Department of Health Services and the Department of Fish and Game, to develop and maintain a comprehensive program, as prescribed, to identify and characterize toxic hot spots, as defined, in enclosed bays and estuaries, as defined, to plan for the cleanup of the sites, and to amend water quality control plans and policies, as specified Existing law requires the state board, by July 1, 1991, to adopt and submit to the Legislature a workplan for the adoption of sediment quality thresholds for toxic pollutants that have been identified in known or suspected toxic hot spots and for toxic pollutants The state board is required, when adopting sediment quality thresholds, to base them on a health risk assessment, as specified

This bill would revise the definition of "toxic hot spots"

(7) Existing law requires each regional board to develop for each enclosed bay or estuary, a consolidated data base, as specified, which identifies and describes all known and suspected toxic hot spots by January 1, 1991

This bill would extend that date to January 1, 1992

(8) Existing law prohibits any person from dredging or otherwise disturbing a toxic hot spot site that has been identified and ranked by a regional board without first obtaining certification, as specified, or waste discharge requirements from the regional

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board, and prescribes criteria for that approval effective on and after January 1, 1993.

This bill would prohibit the state board and any regional board from waiving certification for any discharge resulting from dredging or disturbance unless waste discharge requirements have been issued.

(9) Existing law appropriates $5,000,000 from the Hazardous Waste Control Account to implement the program described in paragraph (6)

This bill would make a technical correction in this provision

(10) The Budget Act of 1989 appropriates $1,318,000 for support of the department, payable from the Hazardous Substance Account.

This bill would increase that amount to $5,567,000.

(11) The Budget Act of 1989, as amended by Chapter 269 of the Statutes of 1989, appropriates funds for the support of the department, of which, among other things, $85,911,000 is appropriated for site mitigation, $20,440,000 for permitting, $20,697,000 for surveillance and enforcement, and $19,629,000 for alternative technology, and provides that the amount payable from the Hazardous Substance Account is $64,000,000.

This bill would amend and supplement the Budget Act of 1989, as amended, to decrease the amount appropriated for support of the department, of which, $75,302,000 would be appropriated for site mitigation, $14,360,000 for permitting, $14,576,000 for surveillance and enforcement, and $13,288,000 for alternative technology, and would make the amount payable from the Hazardous Substance Account $43,391,000 The bill would specify that of the amount appropriated for site mitigation, $28,016,000 is for the general program, $15,375,000 for direct site cleanup, $3,400 for responsible party, and $28,511,000 for federal special projects

The bill would also amend the Budget Act of 1989 by providing that the balance of an amount appropriated from the Hazardous Substance Cleanup Fund is available for encumbrance and expenditure until June 30, 1990, for support, as appropriated in specified items of the Budget Acts of 1987 and 1988

The bill would appropriate $1,350,000 from the Hazardous Waste Control Account to the Department of Finance, for allocation to the State Board of Equalization, after providing notice to the Chairpersons of the Ways and Means Committee of the Assembly, the Budget and Fiscal Review Committee of the Senate, and the Joint Legislative Budget Committee, to implement changes made in the provisions concerning hazardous waste fees

The bill would declare the intent of the Legislature concerning the payment of the taxes imposed on hazardous waste disposed of during 1988

(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

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

Ch 1033 (AB 186) Floyd Reinsurance

Existing law limits the situations in which a credit in accounting and financial statements is allowed to an insurer on account of reinsurance ceded to a nonadmitted reinsurer or to certain alien reinsurers Under existing law, one of the criteria for allowing this credit for accounting and financial statements is a requirement that a clean and irrevocable letter of credit issued for a term of one year serve as a substitute for the reinsurer's policy and contract liabilities and reserve obligations in connection with the reinsurance agreement Existing law requires such a letter of credit to be (1) issued or confirmed by a banking institution that is a member of the Federal Reserve System and of financial standing satisfactory to the Insurance Commissioner or (2) issued by a bank chartered by this state which is insured by the Federal Deposit Insurance Corporation and meets the commissioner's standards.

This bill would additionally permit these letters of credit to be issued by the United States office of a foreign banking corporation that is licensed by the United States or a state, is regulated, supervised, and examined by a federal or state agency which regulates banks and trust companies, is designated by the Securities Valuation Office of the

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National Association of Insurance Commissioners as meeting its credit standards for issuing or confirming letters of credit, and is of a financial standing satisfactory to the commissioner

Ch 1034 (AB 674) Filante Crimes sexual battery

Under existing law, it is a public offense, punishable, as specified, for any person to commit any act of sexual battery, as defined, on another person Under existing law, sexual battery involves the nonconsensual touching of an intimate part of another person, while the victim is unlawfully restrained, for sexual arousal, gratification, or abuse, as specified For those purposes, existing law defines touching as the physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

This bill would provide that any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery punishable by a fine not exceeding $2,000, or by imprisonment in a county jail not exceeding 6 months, or both The bill would provide that for purposes of this new criminal offense, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim The bill would impose a state-mandated local program by increasing 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 1035 (AB 703) Hansen State employees health care vesting of right to postretirement employer contributions

The Public Employees' Medical and Hospital Care Act provides that certain employees who become members of the Public Employees' Retirement System after January 1, 1989, shall not receive any portion of the employer's contribution payable for annuitants, unless the employee is credited, at the time of services retirement, with 10 years of state service, as defined, and provides a 50%-with-10-years to 100%-at-and-over-20-years employer contribution formula for those state employees

This bill would extend the application of that provision to certain state employees who become members of PERS after January 1, 1990, and are not subject to the Ralph C Dills Act, or are supervisory employees, as defined, or are employed by the executive branch of state government but are not members of the state civil service

Ch. 1036 (AB 706) Lancaster Unemployment compensation Employment Development Department Building Fund real property

Existing law generally vests management and control of state lands in the Department of General Services

This bill would require the Director of General Services, with the approval of the State Public Works Board, to sell, exchange, or lease for current fair market value and upon any terms and conditions and subject to any reservations and exceptions as the director determines are in the best interest of the state, certain specified property It would require that the net proceeds received for the disposition of this property be deposited into the Employment Development Department Building Fund established by the bill It would also require the Employment Development Department to comply with all federal regulations with regard to the sale of property in which the federal government has an equity

Ch 1037 (AB 1541) Harvey Emergency teaching credential qualifications substitute teachers

Existing law requires, as a condition of employment as a teacher in the public schools, the issuance of a credential, requiring, among other conditions, the possession of a

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baccalaureate degree and the passage of the state basic skills proficiency test

This bill would require the Commission on Teacher Credentialing to conduct a study of a representative sampling of rural school districts of this state to determine the causes for the difficulty experienced by certain rural school districts in maintaining access to an adequate number of substitute teachers, and to recommend state and local strategies to expand the supply of substitute teachers, as specified The bill would require that this study be submitted to the Legislature no later than October 1, 1990 The bill would require that the study be conducted in coordination with a representative of, and the resources of, the county office of education of each county containing the school districts comprising the representative sampling of school districts, thereby imposing a state-mandated local program

The bill would appropriate $30,000 to the commission from the Teacher Credentials Fund to meet the cost of conducting the study

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1038 (SB 1202) Hart California Distance Learning Policy

Existing law, which became inoperative on June 30, 1989, established the Educational Technology Local Assistance Program which was authorized to award various types of grants for certain specified purposes to school districts, county offices of education, sponsors of regional occupational programs, public postsecondary educational institutions, individual teachers, and teacher education and computer centers meeting the eligibility criteria

This bill would require the California Postsecondary Education Commission to develop a state policy on the use of distance learning technology, as defined, in education, to be considered and, if appropriate, adopted by the Legislature This bill would require the commission, in developing the policy, to address specified issues and to compile research on the effectiveness and cost-effectiveness of distance education at various levels of education The bill would require that the policy be developed to recognize the several existing distance learning networks, to enhance their coordination and direction, and to provide statewide incentives to build partnerships that further distance learning, as specified The bill would require the commission, in developing the policy, (1) to propose a strategy to provide the 5 types of educational services of curriculum enhancement, expanded course offerings to rural and inner-city secondary schools, expanded course offerings at rural community colleges and off-campus centers, staff development courses for elementary and secondary teachers, and curriculum enhancement through the increased communication capability of schools, colleges, and universities and (2) to draw upon the experience and findings of the various campuses of the California State University that currently offer courses via distance education

The bill also would require the commission, in developing the policy, to identify existing sources of interactive distance learning instructional and staff development programming that can be utilized immediately by schools and colleges and to propose a strategy to utilize existing technologies to deliver instruction over distance, and link together school and college classrooms in rural and inner-city areas in the state

The bill would require the commission, in preparing the policy statement, to consult with an advisory committee having prescribed membership.

The bill would require the policy statement to be submitted to the legislative policy committees and the Governor on or before May 1, 1990

The bill would state the intent of the Legislature that, following the development of the policy statement, educational institutions consider the preparation of a budget proposal to establish a comprehensive distance learning project within California

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Ch 1039 (SB 1562) Presley Rail transportation. right-of-way acquisition and preservation

Existing law requires the Department of Transportation to annually prepare a prescribed rail passenger development plan Existing law authorizes the department, from money in the Abandoned Railroad Account in the State Transportation Fund, to purchase abandoned railroad rights-of-way which are included on a priority list established by the department and to offer the acquired rights-of-way to cities, counties, and transit districts for public transportation purposes Under existing law, the department may condemn and acquire by eminent domain any right-of-way underlying an abandoned railroad line

This bill would enact the California Commuter and Intercity Transit Right-of-Way Preservation Act.

The bill would authorize transportation planning agencies, county transportation authorities, county transportation commissions, and the San Diego Metropolitan Transit Development Board to prepare, adopt, and submit to the California Transportation Commission, by April 30, 1990, a Commuter and Intercity Rail Right-of-Way Inventory, as specified

The bill would require the department to prepare an Intercity Rail Right-of-Way Inventory, as specified, and to submit the inventory to the commission by April 30, 1990.

The bill would require the commission, by July 31, 1990, to prepare a draft statewide inventory encompassing all of the rail right-of-way acquisitions included in those inventories and to adopt the Commuter and Intercity Rail Right-of-Way Inventory by September 30, 1990 The commission would be required to review and revise the inventory biennially, beginning in 1993 The commission would be required to report to the Legislature, within 30 days of approval of each state transportation improvement program, on which projects included in the inventory were adopted in the state transportation improvement program and the status of those projects not adopted

The bill would appropriate $75,000 from the Transportation Planning and Development Account in the State Transportation Fund to the department for the preparation of the inventory by the department.

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

Ch 1040 (SB 1629) Roberti State assistance funds

Existing law known as the State Assistance Fund for Energy Act of 1980 provides for the creation of a State Assistance Fund for Energy, California Business and Development Corporation, as specified It continuously appropriates the State Energy Loan Fund for purposes of that act to make prescribed loans to the corporation

This bill would rename the act and provide instead for the creation of a State Assistance Fund for Enterprise, Business and Industrial Development Corporation, in lieu of the State Assistance Fund for Energy, California Business and Development Corporation

This bill would authorize the corporation to exercise the powers of a small business development corporation, as specified, if approved by the Small Business Development Board It would provide for the holdover of existing directors until the new directors take office and would augment the board with 3 regional directors, as prescribed, if the corporation becomes a small business development corporation It would also revise and recast existing provisions relating to the creation and functioning of such a corporation, as specified

This bill would rename the State Energy Loan Fund as the State Enterprise Loan Fund By making moneys in the fund available for loans to the corporation established by the bill, this bill would change the purposes for which these continuously appropriated moneys can be used, and would, therefore, make an appropriation Additionally, the bill would transfer $750,000 from this fund to a specified fund of the corporation. It would also excuse payment of interest by the corporation on loans made from the fund after the corporation is approved by the Small Business Development Board under the bill to exercise the powers of a small business development corporation.

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Ch 1041 (SB 407) Stirling Firearms and drugs

Existing law does not specifically make it a public offense for a person to possess or be under the influence of controlled substances while in the immediate personal possession of a firearm.

This bill would make it a felony punishable by imprisonment for 2, 3, or 4 years for any person to be in the unlawful possession of certain quantities of substances containing specified controlled substances and either a misdemeanor or felony for any person to be under the unlawful influence of specified controlled substances while in the immediate personal possession of a loaded, operable firearm The bill would provide that any person who violates this latter prohibition is punishable upon the 2nd and each subsequent conviction by imprisonment in the state prison for 2, 3, or 4 years The bill would also provide that any person who is convicted under this provision shall be ineligible for drug diversion programs The bill would impose a state-mandated local program by creating new crimes.

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

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

Ch 1042 (AB 446) Hansen Income taxes bank and corporation taxes credits child care

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize until January 1, 1992, a tax credit under both laws in an amount equal to 30% of the cost, not exceeding $30,000, 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 for contributions to California child care information and referral services Those laws also authorize until January 1, 1992, a tax credit in an amount equal to 50% of the cost, not exceeding a specified amount, paid or incurred by the taxpayer for contributions to a qualified care plan, as defined, made on behalf of any dependent of the taxpayer's California employee

This bill would provide under the Personal Income Tax Law and Bank and Corporation Tax Law that the term "qualified care plan" also includes a dependent care center, as specified, which is a specialized facility, as defined, with respect to short-term illnesses of an employee's dependents

The Governor has established an advisory committee known as the Child Development Programs Advisory Committee

This bill would require the Child Development Programs Advisory Committee to make a report concerning the child care credits to the Legislature by January 1, 1991

This bill would incorporate additional changes to Sections 17052 18 and 23617 5 of the Revenue and Taxation Code proposed by AB 951 if both bills are chaptered and this bill is chaptered last

This bill would take effect immediately as a tax levy

Ch 1043 (AB 19) Mojonnier 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 Moreover, when imposing sentence for conviction of a present serious felony, existing law requires the court to impose a 5-year enhancement for each prior conviction of any serious felony, in addition to the sentence imposed by the court for the present offense, as specified For these purposes, existing law defines a "serious felony" to include the selling, furnishing, administering or giving, or offering to sell, furnish, administer or give, heroin, cocaine, or phencyclidine (PCP) to a minor

Under existing law, it is a felony offense to transport, import into this state, sell, furnish, administer, or give away, or to offer to transport, import into this state, sell, furnish,

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administer or give away, or attempt to import into this state or transport specified controlled substances, including certain methamphetamine-related drugs and their precursors, as defined

This bill would provide that the selling, furnishing, administering, or giving, or offering to sell, furnish, administer, or give to a minor any methamphetamine-related drugs or their precursors, as defined, are also included in the definition of "serious felony," and would thereby be made subject to the plea bargaining prohibition and the sentence-enhancement provisions However, the 5-year enhancement provision would not apply to a person convicted of one of these offenses unless the prior conviction was for a serious felony, as described

Existing law provides that the above-mentioned provisions 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.

This bill would incorporate additional changes in Section 1192 7 of the Penal Code, proposed by this bill and AB 566 or SB 407, or both, to become operative only if this bill and SB 407 are chaptered and become effective on or before January 1, 1990, AB 566 is chaptered and approved by the voters, and this bill is chaptered last

Ch 1044 (AB 566) McClintock Firearms

(1) Existing law relating to sentencing authorizes a court to strike the additional enhancement involving the personal use of a firearm in the commission or attempted commission of a felony and the additional enhancement involving the discharge of a firearm from a motor vehicle causing great bodily injury or death and the enhancement for the personal use of a firearm in the commission or attempted commission of specified controlled substance offenses

This bill would delete that authorization

(2) Under existing law, added by initiative statute, plea bargaining any case in which the indictment or information charges any listed serious felony, as defined, or any offense of driving while under the influence of certain substances 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

This bill would include within the list of serious felonies the grand theft of a firearm, and would provide that any felony in which it is alleged that a firearm was personally used by the defendant shall also be included in the plea bargaining restriction

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

(3) Existing law provides that any person who has been convicted of a felony under the laws of the United States, as specified, or the State of California, or of any other state, government, or country, or of an enumerated offense involving the use of a pistol, revolver or other firearm capable of being concealed upon the person, or who is addicted to the use of any narcotic drug, who owns or has in his or her possession or under his or her custody or control any of these firearms is guilty of a public offense, and shall be punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine not exceeding $1,000, or both These provisions also apply to any person who has been convicted of a felony or of an enumerated offense, who owns or has in his or her possession or under his or her custody or control any of these firearms, when the conviction results from certification by the juvenile court for prosecution as an adult in an adult court

Existing law also provides that any person who has been previously convicted of any specified violent offense and who owns or has in his or her possession or under his or her custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in a county jail for at least 6 months and not exceeding one year, or by imprisonment in the state prison These provisions also apply to any person who has been convicted

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of any specified violent offense who owns or has in his or her possession or under his or her custody or control any of those firearms, when the conviction results from certification by the juvenile court for prosecution as an adult in an adult court

This bill would revise each of the described offenses by making each of the described offenses exclusively felonies, rather than misdemeanors or felonies The bill would also incorporate changes in Section 12021 and 12021 1 of the Penal Code, proposed by AB 669 (Chapter 254, Statutes of 1989)

(4) Existing law provides for the imposition of specified additional punishment, consisting of additional terms of imprisonment in the state prison ranging in terms from 2 to 5 additional years, depending upon the offense, for the personal use or discharge of a firearm in the commission or attempted commission of a felony, as specified

This bill would provide instead of the above, an additional term of imprisonment of 3, 4, or 5 years in all felony cases, if a person personally uses a firearm in the commission or attempted commission of a felony The bill would also incorporate changes in Section 12022 5 of the Penal Code as proposed by AB 357 (Chapter 19, Statutes of 1989)

(5) This bill would incorporate additional changes in Section 1192.7 of the Penal Code, proposed by AB 19, to be operative only if AB 19 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 1045 (AB 830) Harris State lands boundary line agreements

(1) Under existing law, the State Lands Commission is authorized to exchange certain shoreline property on inland waterways, bays, and lakes for specified purposes, and the grantee is entitled to bring an action to quiet title, as specified. Under existing law, the State Lands Commission is also authorized to negotiate boundary line agreements with persons or local agencies having or claiming an interest in ungranted tideland boundaries and to establish the ordinary high water mark or the ordinary low water mark or tide or submerged lands of the state These boundary line agreements are conclusively presumed valid unless held invalid by a court in an action commenced within one year of the execution and recording of the agreement or January 1, 1977, whichever is later.

This bill would authorize any party to these agreements with the state to bring an action for judicial confirmation of the validity of the agreement, as specified The bill would require the court to issue a statement of decision, as specified, and would require that such actions be set on the trial calendar within one year from the filing of a memorandum to set, including those brought by a member of the public, except as specified

Ch 1046 (AB 1045) M Waters Hazardous waste

(1) Existing law makes it a public offense, specifying that each day or partial day that a violation occurs is a separate violation, 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 unreasonable risk of specified events and requires that any person convicted of this offense be punished by a fine of between $5,000 and $100,000, 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

This bill would include within those provisions the disposal of hazardous waste and would increase the maximum fine to $250,000 The bill would delete the provision which makes each day or partial day that a violation occurs a separate violation The bill would additionally make it a public offense for any person to knowingly place another person in imminent danger of death or serious bodily injury as a result of hazardous waste treatment, handling, transportation, disposal, or storage The bill would specify the term of imprisonment in the state prison for this conduct as 3, 6, or 9 years, and would require the imposition of a fine of between $5,000 and $250,000, 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

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Ch 1047 (AB 2070) Bentley. Weights and measures. petroleum products

Existing law provides a comprehensive scheme for the regulation of petroleum products in this state

This bill would, among other things, do all of the following:

(1) Revise certain references relating to octane number, and antiknock index number, as specified

(2) Provide, with respect to all weights and measures regulations, that references to the National Bureau of Standards, include the National Institute of Standards and Technology

(3) Revise certain lubricating oil specifications, and specifications for lubricants for internal combustion engines, transmissions, gears, or axles, and specifications for the antiknock index for spark-ignition engine fuel, as specified

(4) Revise and recast the existing prohibition against any person selling, offering to sell, or offering to deliver any engine lubricant, engine oil, lubricating oil, or motor oil unless the SAE/API service classification is conspicuously marked on each container, as specified

(5) Revise certain oil labeling requirements, as specified

(6) Make certain related and technical changes, as specified

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

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

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

Ch 1048 (AB 2258) Bentley The Department of the Youth Authority information

Existing law requires certain information in possession of the Youth Authority concerning specified persons committed to its jurisdiction by a court of criminal jurisdiction to be disclosed to any member of the public upon request That same information may be provided concerning a person committed by a juvenile court unless the court has ordered confidentiality

This bill would provide that the mandatory disclosure requirement also applies to persons committed to the Department of Corrections who are subsequently transferred to the Youth Authority The bill would also expand the list of information which is subject to disclosure to include the date the person is scheduled to be released, as specified

The bill would, with respect to any persons committed or transferred to the Youth Authority who have committed specified crimes, require the Director of the Youth Authority to provide that information to the victims or the victim's next of kin, upon request and as specified, unless, with respect to persons committed by a juvenile court, the court has ordered confidentiality The bill would also require the director to inform the victim or the victim's next of kin of his or her right to request and receive that information and other specified information

The bill would make other technical, nonsubstantive changes.

Ch 1049 (AB 2300) Cortese Agriculture milk products

Existing law prescribes standards for various flavored milk products

This bill would prescribe standards for extra light milk and flavored high nutrient low-fat milk

Ch 1050 (AB 2347) Kelley Hospitals' seismic safety

Under the existing Hospital Seismic Safety Act of 1982, the Office of the Statewide Health Planning and Development is required to pass upon and approve or reject all plans for the construction or alteration of any hospital building, as defined except for buildings in which only outpatient clinic services are provided.

This bill would exempt from the requirements of that act certain freestanding build-

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ings providing a specified percentage of outpatient clinic service to inpatients and instead, would require those facilities to comply with certain provisions of the State Building Code. Since violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program. This bill would also prohibit any city, county, or city and county from imposing any review or approval requirements on those plans.

This bill would incorporate additional changes in Section 15071 of the Health and Safety Code, proposed by SB 1293, to be operative only if SB 1293 and this bill are both chaptered and become effective January 1, 1990, 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 1051 (AB 1566) Epple Parent Drug Alert Program pilot project [6]

Existing law requires that instruction be given in the elementary and secondary schools by appropriately trained instructors on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances

This bill would establish a 2-year pilot program in each school that chooses to participate in the pilot project to accomplish specified objectives This bill would require the governing board of each school district participating in the pilot program to have in its employment one full-time school nurse having specified qualifications The duties of the school nurse would include conducting substance abuse prevention programs for teachers, parents, and students This bill would specify that any school that has a full-time school nurse shall be deemed to have satisfied this requirement This bill would condition participation in the pilot program on a school district obtaining the voluntary participation of a school nurse or school nurses A school district would not be required to provide school nurses additional compensation for participating in the pilot program, except as specified

This bill would require school districts participating in the pilot program to report to the Superintendent of Public Instruction by January 1, 1992, concerning the effectiveness of the program This bill would require the superintendent to review and evaluate the program effectiveness study, as specified, and report to the Legislature and the Governor by June 30, 1992 This bill would require the superintendent to adopt rules and regulations to implement this act

This bill would appropriate $90,000 to the Superintendent of Public Instruction for allocation for the programs established by this bill with $30,000 of that amount from each of the following the Health Education Account of the Cigarette and Tobacco Products Surtax Fund, moneys received by the state under the federal Drug-Free Schools and Communities Act of 1986, and moneys that may be available under the drug abuse education prevention portion of the federal Anti-Drug Abuse Act of 1988.

Ch 1052 (AB 2156) Filante Acquired immune deficiency syndrome AIDS Vaccine Research and Development Grant Fund [7]

Under existing law, there is an AIDS Vaccine Research and Development Grant Fund and the moneys in the fund, upon appropriation to the State Department of Health Services, are available for the purposes of the AIDS Vaccine Research and Development Grant Program

Under existing law, a sum not to exceed $4,000,000, depending on the availability of moneys in the AIDS Vaccine Research and Development Grant Fund, has been appropriated without regard to fiscal years from the fund to accomplish the purposes of the AIDS Vaccine Research and Development Grant Program

This bill would appropriate $1,911,000 from the AIDS Vaccine Research and Development Grant Fund to the State Department of Health Services for the purposes of the AIDS Vaccine Research and Development Grant Program and would repeal the above provision appropriating an amount not to exceed $4,000,000 from the fund

This bill also would appropriate $50,000 from the AIDS Vaccine Research and Deve-

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lopment Grant Fund to the department for the purpose of reimbursing the department for costs incurred in administering the fund

Ch. 1053 (SB 1532) C. Green. Child abuse.

(1) Under existing law, the State Department of Social Services licenses various care facilities under the California Community Care Facilities Act. Prior to issuing a license, a criminal record clearance is required of licensees and other specified employees.

This bill would require any local law enforcement agency, probation officer, or local department or agency that provides social services to notify a licensee, after making specified determinations, of any charge of child abuse, as defined, of an employee of the licensee thereby imposing a state-mandated local program.

(2) Existing law, the Child Abuse and Neglect Reporting Act, requires specified persons to report known or reasonably suspected cases of child abuse, as defined, to a child protective agency, as specified. Existing law also requires the Department of Justice, in cooperation with the State Department of Social Services, to promulgate by regulation guidelines for the investigation of child abuse, as defined, in facilities licensed to care for children.

This bill would require the State Department of Social Services to prescribe regulations for community treatment facilities, day treatment facilities, group homes, and foster family agencies, designed to assure that licensees and employees of these facilities licensed to care for children have had appropriate training on the provisions of the act and that these facilities maintain written protocols for the investigation and reporting of child abuse, as defined. Additionally, the State Department of Social Services would be required to provide orientation and training on the reporting requirements of the act and on identifying conditions leading to, and the signs of child abuse, as defined to its officers, employees, or agents who conduct inspections of facilities licensed to care for children.

(3) Under existing law, the State Department of Social Services is authorized to adopt rules and regulations to carry out the California Community Care Facilities Act, and the Director of Social Services is required to ensure that the staff of various care facilities have appropriate training. In this regard, the State Department of Social Services has promulgated regulations for group homes. These regulations require a licensee to develop, maintain, and implement a plan, as specified, for all child care staff that includes, but is not limited to, 20 clock hours of continuing education during the first 18 months of employment and during each 3 years thereafter.

This bill would provide that the State Department of Social Services shall require that at least one hour of the 20 hours of training be dedicated to training on the provisions of the Child Abuse and Neglect Reporting Act.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch. 1054 (SB 1660) Roberti. Crimes on school property.

(1) Existing law makes it a misdemeanor for any person to reenter upon the campus or facility of any school, college, or university if the person willfully and knowingly reenters the campus or facility within 72 hours after being directed to leave under specified conditions.

This bill would provide the same penalty if the person reenters the campus or facility within 7 days after being directed to leave, rather than 72 hours, thereby creating a state-mandated local program by expanding the scope of an existing crime.

The bill would provide that these provisions shall not be utilized to impinge upon the

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lawful exercise of constitutionally protected rights of freedom of speech or assembly.

The bill would also provide that when a person is directed to leave, the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within 7 days he or she will be guilty of a crime To the extent that local public schools and community college personnel would be required to provide this information, the bill would impose a state-mandated local program by increasing the duties on these school officials

(2) Existing law also makes it a misdemeanor for any person to come within any school building or upon any school ground, or street, sidewalk, or public way adjacent to the school under specified circumstances, or for specified sex offenders to come within the same, except as specified, if those persons, among other things, reenter or come upon those places within 72 hours of being asked to leave by specified school or peace officer personnel

This bill would provide the same penalty for persons who reenter or come upon those places as specified above within 7 days, rather than 72 hours, of being asked to leave by specified school or peace officer personnel, thereby creating a state-mandated local program by expanding the scope of an existing crime

The bill would provide that these provisions shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly

The bill would also provide that when a person is directed to leave, the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within 7 days he or she will be guilty of a crime To the extent that local public school personnel would be required to provide this information, the bill would impose a state-mandated local program by increasing the duties on these school officials

(3) Under existing law, it is a misdemeanor for an outsider to fail or refuse to leave the school grounds promptly after the principal, designee, or school security officer has requested the outsider to leave or to fail to remain off the school grounds for 72 hours after being requested to leave, if the outsider engages in certain conduct

This bill would provide the same penalty if the person fails to remain off school grounds for 7 days, rather than 72 hours, after being requested to leave by specified school personnel, thereby creating a state-mandated local program by expanding the scope of an existing crime

The bill would provide that these provisions shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedeom of speech or assembly

The bill would also provide that when a person is directed to leave, the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within 7 days he or she will be guilty of a crime To the extent that local public school personnel would be required to provide this information, the bill would impose a state-mandated local program by increasing the duties on these school officials

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be payable from the State Mandates Claims Fund

Ch 1055 (AB 532) Roos. Health

Existing law, the California AIDS Program, requires the State Department of Health Services to fund pilot projects to demonstrate the cost effectiveness of home health, attendant, or hospice care provided to people with AIDS and AIDS-related conditions

This bill would permit the department to amend the pilot projects to include, to the

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extent that it is cost-effective to the Medi-Cal program or the General Fund, the payment of private health insurance premiums for participants in the pilot projects prior to their becoming eligible for Medi-Cal

The bill would require the director to make a determination of cost effectiveness, which would be required to be reviewed by the Department of Finance The director would be permitted to use existing budgeted resources for the services provided for in the bill.

Ch. 1056 (AB 725) Hansen. Earthquake preparedness.

Under existing law, the Southern California Earthquake Preparedness Project and the Bay Area Regional Earthquake Preparedness Project carried out by the Office of Emergency Services are to continue until June 30, 1990

This bill would extend these earthquake preparedness projects to June 30, 1995.

Ch. 1057 (AB 1215) Clute Education.

Existing law requires that the Commission on Teacher Credentialing develop standards and procedures which ensure that each faculty member who teaches a course relating to teaching methods or administrative services credential courses, actively participates in public elementary or secondary schools and classrooms at least once every 3 academic years

This bill would instead require that the standards and procedures ensure that each faculty member who teaches a course relating to teaching methods and each faculty member who teaches a course relating to administrative methods, as defined by the commission, actively participate in public elementary schools and classrooms once every 3 academic years This bill would require that the commission exempt from this requirement faculty members whose primary assignments are departments or schools other than education

Ch 1058 (AB 1242) Lempert Minors harmful matter. videos

(1) Existing law makes it a misdemeanor, or a felony for certain repeat offenders, to provide or exhibit defined harmful matter of a sexual nature to any minor, as specified, and with certain exceptions

This bill would specifically include sales and rentals of harmful matter within these and related prohibitions and would make the provisions on harmful matter applicable to video recordings The bill would also require any person who sells or rents video recordings of harmful matter to create an area for the placement of video recordings of harmful matter in a location labeled "adults only" and would make a violation of this requirement an infraction, punishable by a fine not to exceed $100, except as specified The failure to place a video recording, regardless of its content, into this area is not an infraction By revising the definitions of crimes the bill would impose a state-mandated local program. The bill would also make related changes

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

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

(3) The bill would also make a statement declarative of legislative intent

Ch. 1059 (AB 1263) Leslie Criminal law

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 Existing law further authorizes the court, under these procedures, to order the defendant to appear before a county officer in order to make an inquiry into the ability of the defendant to pay all or a portion of the costs, and if the court determines that the defendant has the ability to pay all or part of the costs, the court is authorized to set the amount to be reimbursed, and order the defendant to pay that sum Existing law authorizes the court to order the

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probation officer to set the amount of payment

This bill would recast the above provisions by making the duties described above mandatory rather than discretionary. In addition, the bill would provide that when making the determination of the ability of the defendant to pay all or a portion of these costs, the court shall take into account any amount which the defendant is ordered to pay in fines, assessments, and restitution

Ch 1060 (AB 1280) N Waters California Parent Locator Service

Existing law establishes a parent locator service in the Department of Justice, which shows, as far as is known, certain information with respect to any parent who has deserted or abandoned any child, spouse, or former spouse

This bill would specify that there is in the Department of Justice the California Parent Locator Service, which would be responsible for the collection and dissemination of certain information relating to those parents, spouses, or former spouses, and would also include the collection and dissemination of information with respect to any parent who has abducted any child within the scope of the locator service's responsibilities

The bill would also revise the responsibilities of state agencies in the cooperation in the enforcement of child support obligations, and would impose a state-mandated local program by revising the responsibilities of local agencies to cooperate with the California Parent Locator Service, and would limit the purposes for which the information may be used.

The bill would permit the Franchise Tax Board to provide, upon request by the California Parent Locator Service, personal income tax return information, as defined, which may be of assistance in locating alleged abducting or absent parents, spouses, or former spouses, in enforcing their liability for child or spousal support, establishing a parent and child relationship, and in locating and returning abducted children to their parents

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1061 (AB 1291) Vasconcellos Prisoners

Existing law requires the Director of Corrections to cause each person committed to a state prison to be examined and studied, as specified Existing law also provides that, upon the basis of the examination and study, the director shall classify prisoners and determine the prison in which the prisoner shall be confined

This bill would revise the existing law to require the director to examine and study each person who is newly committed to a state prison In addition, the bill would require the examination and study to include the investigation of all pertinent circumstances of the person's life, such as the existence of any strong community and family ties

The bill also would revise existing law to require the director, upon the basis of the examination and study, to classify prisoners, and when reasonable, as defined, to assign a prisoner to the institution of appropriate security level and gender population nearest the prisoner's home, as defined, unless other classification factors make such a placement unreasonable

Ch 1062 (AB 1516) Katz. Recreational trails Rim of the Valley Trail Corridor

Under existing law, the Santa Monica Mountains Zone includes a recreational trail corridor generally following the Rim of the Valley Trail

This bill would require the Santa Monica Mountains Conservancy to prepare a coordinated trail development plan and recreational access program for the Rim of the Valley Trail Corridor, as specified, and to submit the plan and program to specified

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committees of the Legislature not later than June 30, 1990 The bill would authorize the conservancy to make minor boundary changes in the Rim of the Valley Trail Corridor in the form of maps and descriptions to be included in the plan and to be submitted to the Secretary of State not later than July 31, 1990. The bill would require the conservancy to carry out the bill within existing budget provisions, using voluntary resources, and to reimburse the Department of Parks and Recreation for specified costs

The bill would specify that it would not become operative unless and until legislation is enacted during the 1989–90 Regular Session which either deletes the repeal of the provisions which establish the Santa Monica Mountains Conservancy or extends that repeal date beyond July 1, 1990

Ch. 1063 (AB 1533) Bradley Hazardous substances. removal and remedial actions

Existing law imposes a tax upon the disposal of hazardous waste, and provides for the deposit of this money in the Hazardous Substance Account ("California Superfund") The money in 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 State Department of Health Services is required to publish and annually revise lists of sites for remedial action, and a remedial action plan is required to be prepared or approved for each listed site Existing law exempts a removal action at a hazardous substance release site from remedial action plan requirements if the department determines that the action meets specified requirements, including that the department, a regional board, or a responsible party takes a removal action at a listed site, the total cost of the removal action is less than $250,000, and the department, after appropriate testing, determines that the removal action has adequately abated conditions at the site A remedial action plan is required to be based upon specified state provisions and federal regulations and upon certain environmental, health, and economic factors

This bill would increase the total cost of a removal action exempted under this provision to $400,000 The bill would additionally authorize the department to waive the requirement that a remedial action plan be based upon those provisions and federal regulations and upon certain factors if specified requirements are met, including that the responsible party submits to the department certain information concerning the removal action, the total cost of removal action is less than $2,000,000, and the department makes a specified determination concerning the remedial action plan The bill would also specify the elements to be included in the cost of a removal action for purposes of these exemptions.

Ch 1064 (AB 1546) Wyman Attorney General report

Under existing law, the Attorney General is required to undertake various duties and to administer numerous programs with respect to the criminal justice program.

This bill would require the Attorney General, on or before April 1, 1992, after collecting data from the district attorney of each county, to report on the number of prosecutions, both successful and unsuccessful, which were undertaken in this state between January 1, 1989, and December 31, 1991, in which a violation of provisions prohibiting the distribution, exhibition, and related conduct concerning obscene matter or harmful matter, or both, were alleged in a complaint, information, or indictment

Ch 1065 (AB 1617) Seastrand Alcohol and drug programs

Under existing law, the State Department of Alcohol and Drug Programs administers funds which are allocated to each county for alcohol and drug abuse programs, based upon county plans approved by the department

This bill would require the department to provide funding for an in-home alcohol detoxification and intravenous drug user AIDS education pilot project to be established in San Luis Obispo County The project would be required to be implemented only to the extent that state funds are provided. The pilot project would terminate on July 1, 1991, except as otherwise specified by the county It would be administered by the county drug and alcohol department

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The bill would require that client contact be through a public nurse, who would be required to provide specified services

The bill would require the pilot project to be administered in accordance with criteria agreed upon by the department and San Luis Obispo County It would require the department, with the cooperation of San Luis Obispo County, to evaluate the project, as specified, and would require the department to submit this evaluation to the Governor and the Legislature by July 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 1066 (AB 1831) Murray Public utilities security deposits, credit check system

(1) Existing law provides for the furnishing of utility services, including residential electrical, gas, heat, and water service, by privately owned public utilities subject to the jurisdiction and control of the Public Utilities Commission and similar services by publicly owned public utilities, including municipal corporations subject to their governing bodies and municipal utility districts and public utility districts subject to their boards of directors No provision of existing law prohibits these entities from requiring a new residential customer or subscriber to deposit a sum of money with the entity prior to establishing an account and furnishing service

This bill would require that the decision to require a new residential applicant to deposit a sum of money, prior to establishing an account and furnishing service, to be based solely upon the credit worthiness of the applicant as determined by the entity

Since, pursuant to provisions of existing law, a violation of the provisions of this bill by a privately owned public utility and its officers, agents, and employees would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

(2) Pursuant to an existing order of the commission, certain telephone corporations are authorized to participate in a centralized credit check system in order to share credit information concerning their subscribers

This bill would require the commission to authorize electrical and gas corporations to participate in a centralized credit check system and to share that information on their customers with telephone corporations and publicly owned public utilities where the commission determines that to do so would be cost-effective The bill would also provide that no public utility shall release, transfer, or sell the information, or use it for marketing purposes, except as specified

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

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

Ch 1067 (AB 1900) Isenberg Tidelands and submerged lands City of Antioch

(1) Under existing law, various grants of tidelands and submerged lands have been made in trust to local agencies, including a legislative grant of specified lands to the City of Antioch

This bill would repeal the existing legislative grant, and would enact a new grant of tidelands and submerged lands, as described, subject to specified conditions, to the City of Antioch in trust for purposes of navigation, commerce, fisheries, and for other public trust purposes. The bill would impose a state-mandated local program by requiring, among other things, that the city submit to the State Lands Commission for its approval a trust lands use plan, as prescribed, and submit a report of its utilization of the granted lands every 5 years to the commission The bill would require the trustee to file each year with the commission a detailed statement of revenue from the administration of the lands and the expenditure thereof, and would prescribe related matters The bill

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would also require the commission to institute, from time to time, a formal inquiry to determine if the terms and conditions of the grant are being complied with

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

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

Ch 1068 (AB 1955) Kelley Agriculture fruit, nuts, and vegetables

(1) Existing law establishes standards for fruit, nuts, and vegetables and makes it unlawful to alter inspection certificates and records

This bill would make violation of the prohibition a misdemeanor punishable by specified fines or imprisonment

(2) Existing law imposes a maximum fine of $2,500 for violating avocado container requirements

This bill would increase that maximum fine to $5,000 and would prescribe specified fines and imprisonment for violation of inspection certification stamp provisions The bill would also require specified proof of ownership records of avocados to be possessed and maintained, authorize the Director of Food and Agriculture and peace officers to inspect and seize and sell shipments, and prescribe criminal fines and imprisonment for violations, thereby imposing a state-mandated local program by creating new crimes The bill would require unclaimed proceeds of sales to be deposited with the California Avocado Commission, thereby making an appropriation

(3) Existing law establishes and prescribes the power and duties of the California Avocado Commission

This bill would authorize the commission to engage in any activity authorized by the California Marketing Act of 1937 that are approved by the Director of Food and Agriculture

(4) Existing law which requires the collection and dissemination of avocado industry market price information is to remain in effect only until January 1, 1992

This bill would delete that termination date, thus, extending those provisions indefinitely

(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 1069 (AB 1998) Lempert Counties and cities qualified mortgage bonds and certificates

Existing law authorizes a local agency by written agreement to assign to any other issuer having the authority to issue qualified mortgage bonds under state law all or any part of the local agency's entitlement allocation of qualified mortgage bonds for the calendar year under specified circumstances

Existing law establishes the California Debt Limit Allocation Committee, with specified membership, to perform various duties in conjunction with authorizing state and local bond allocations

This bill would also authorize a local agency, upon the approval of the California Debt Limit Allocation Committee, by written agreement to assign to any other issuer having the authority to issue those bonds under state law all or any part of the local agency's allocation of qualified mortgage credit certificates for the calendar year under specified circumstances

Existing law declares that the state has the primary responsibility to assist local agencies through the creation of an incentive-oriented supplemental financing program for local infrastructure to provide the incentive to local agencies toward facilitating the production of an ample supply of affordable housing and that it is in the public interest and it will serve a public purpose for the Legislature to provide a housing infrastructure

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incentive policy and a concept with broad flexibility and local options, which will provide in cooperation with local agencies, greater encouragement to local agencies to expedite the process of approving needed housing developments

Existing law makes this declaration effective only until January 1, 1990, in the absence of further legislation

This bill would, instead, extend the effective date of those declarations until January 1, 1994, in the absence of further legislation

Ch 1070 (AB 2122) Allen 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. Existing law also provides that a peer review body has a duty to report a licentiate's resignation following notice of an impending investigation based on information indicating medical disciplinary cause or reason The failure to make the report as required is a misdemeanor

The bill would require a peer review body to file a report when a licentiate takes a leave of absence following notice of an impending investigation, as specified.

This bill would make this reporting requirement applicable as well to the chief executive officer or administrator of any health care facility Since a violation would be a misdemeanor, the bill would impose a state-mandated local program by expanding the application 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 1071 (AB 2155) Vasconcellos California Community Colleges.

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. Existing law requires the Governor to appoint 2 voting tenured faculty members from a community college to the board of governors, with the 1st member appointed to an additional seat, as specified in Chapter 973 of the Statutes of 1988 Existing law also requires that commencing with appointments made on or after January 1, 1990, the terms of the board of governors be for 6 years, except that the faculty member of the board would have a 2-year term, and the student member a one-year term

This bill would require that the 1st voting tenured faculty member appointed to the additional voting tenure faculty member seat on the board be appointed no later than January 15, 1991 This bill would revise the requirement that the terms of the board of governors, appointed on or after January 1, 1990, be for 6 years, except the terms of the faculty member and the student member of the board of governors, to provide that the 6-year terms first apply on January 15, 1993

Existing law specifies the terms of office for the members of the board of governors appointed by the Governor, except for student members and the faculty member

This bill would revise the terms of office, as specified, to stagger the commencement of the terms on enumerated dates

Existing law requires that all official acts of the board of governors be by an affirmative vote of at least 8 of its members

This bill would require that all official acts of the board of governors be by a majority vote of the board of governors, as determined by policies of the board

Existing law which governs the fiscal year revenues for each community college district is scheduled to become inoperative on July 1, 1991, and as of January 1, 1992, is scheduled to repeal, unless the Legislature deletes or extends the date on which it is scheduled to become inoperative or repeal by a statute that becomes effective on or before January 1, 1992

This bill would require those provisions to become inoperative on July 1, 1991, or the

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date that a specified provision related to the development of standards and criteria for the purposes of making an annual budget request is implemented by the board of governors, whichever is later.

Existing law requires all community college districts to receive, for fiscal year 1991–92 at least the amount of revenue to which they would have been entitled pursuant to the provisions of existing law which governs the fiscal year revenues for each community college district This provision of existing law is required to be implemented by the board of governors and becomes mandatory with regard to implementation by community college districts only if the board of governors certifies, as specified, that adequate funding has been provided for Phase II of transitional program improvement, with implementation being on the date of certification or the date specified, whichever is later.

This bill would impose this requirement for the 1991–92 fiscal year or the date that the above provision of existing law becomes operative, whichever is later

Existing law requires the board of governors to allocate program improvement revenues pursuant to a specified phase-in procedure under Section 70 of Chapter 973 of the Statutes of 1988, to each community college district for specified purposes on the basis of an amount per unit of average daily attendance generated in the 1987–88 fiscal year

This bill would require the board of governors to allocate those revenues to each community college district at the time specified under Section 70 of Chapter 973 of the Statutes of 1988, on the basis of an amount per unit of average daily attendance funded in the prior fiscal year

Existing law requires the board of governors, out of funds appropriated for these purposes, among other things, to establish a technical assistance team to review the affirmative action plan of each community college district which fails to make measurable progress in meeting the goals and timetables of its adopted plan Existing law also requires the board of governors to prescribe the conditions to assure reasonable progress and otherwise meet the legal requirements of affirmative action

This bill would permit the conditions to include the withholding of allowances made from program improvement revenues, in addition to the withholding of allowances permitted under existing law

Existing law requires the Board of Governors of the California Community Colleges to adopt regulations to establish and maintain the minimum qualifications, as specified, for hire as a community college faculty member This provision is delayed in implementation under Section 70 of Chapter 973 of the Statutes of 1988 until Phase I of transitional program funding has been provided, as specified in that chapter

This bill would revise that provision to additionally require the board of governors to adopt regulations establishing appropriate minimum qualifications, as specified, for apprenticeship instructors.

Existing law requires the California Postsecondary Education Commission and the State Department of Education jointly agree on a coordinated research framework to be utilized by each agency to review and make recommendations of the programs in English as a second language offered by the postsecondary segments and the school districts, respectively, and to report the results of their review to the Legislature no later than January 1, 1990. Existing law also requires the Chancellor of the California Community Colleges to conduct a study on the feasibility of establishing, on a pilot basis, "interdisciplinary colleges" within selected community colleges and to report the results of the study to the Legislature no later than January 1, 1990

This bill would require that the results of the reviews and study be reported to the Legislature no later than 18 months after an appropriation is made for the costs of conducting the study

Under Section 70 of Chapter 973 of the Statutes of 1988, certain provisions of existing law are to be implemented by the board of governors and are mandatory with regard to implementation by community college districts only if the board of governors certifies in writing to the Governor and the Legislature that adequate funding has been provided for in Phase I of transitional program improvement and for any applicable state mandates

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This bill would include specified provisions relating to employment contracts of instructional or student services administrators among the provisions to be delayed in implementation by the board and delayed in mandatory application to community college districts pursuant to Section 70 of Chapter 973 of the Statutes of 1988.

Ch 1072 (AB 2406) Condit. Controlled substances

Under existing law, when a law enforcement agency seizes a suspected hazardous chemical, as defined, believed to have been used in the unlawful manufacture of controlled substances that amount in excess of 2 ounces may be disposed of by the chief of the law enforcement agency or a designated subordinate if certain requirements are met, including a requirement that at least one 2-ounce sample be taken from each container of a suspected hazardous chemical to be destroyed

This bill would revise this provision to provide that when a law enforcement agency seizes a suspected hazardous chemical believed to have been used in the unlawful manufacture of controlled substances, that amount in excess of 1 ounce may be disposed of if certain requirements are met, including a requirement that at least one 1-ounce sample be taken from each different type of suspected hazardous chemical to be destroyed and a one ounce sample from each container of mixture of a suspected hazardous chemical with a suspected control substance The bill would delete the requirement that this destruction be conducted by the chief of the law enforcement agency or a designated subordinate.

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

Ch 1073 (SB 41) C Green Insurance

(1) Existing law limits the grounds upon which certain homeowner's casualty and liability insurance may be canceled by an insurer

This bill would prohibit the cancellation or nonrenewal of such a policy by an insurer if based solely upon corrosive soil conditions if the policy contains an existing exclusion for that peril

(2) Nothing in existing law requires the Department of Insurance to establish a conciliation and hearing procedure for resolving disputes based upon cancellation or nonrenewal of insurance by insurers

This bill would require the department to establish a conciliation and hearing procedure for disputes concerning cancellation or nonrenewal because of a corrosive soil condition, as prescribed The bill would provide for conciliation by the department and referral to the commissioner for a hearing The bill would authorize the commissioner to order reinstatement if a violation is found The bill would not preclude any alternative remedies, but the department would have no jurisdiction to proceed under the bill during the pendency of the alternative proceedings

Ch 1074 (SB 71) B Greene Job tax credits

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize until January 1, 1990, a tax credit in an amount equal to 10% of the wages paid to each employee who is certified by the Employment Development Department as meeting specified requirements The credit does not apply to wages paid in excess of $3,000 during the taxable year and the aggregate credit cannot exceed $600 with respect to each qualified employee

The existing law provides, until January 1, 1990, that the Employment Development Department shall administer certain provisions of the tax credit in addition to making the requisite certifications

This bill would continue the credit, and the department's duties in connection with the credit, until January 1, 1994

This bill would require the Legislative Analyst to make an evaluation of the credit and make a report of that evaluation to the Legislature before May 2, 1993

This bill would incorporate additional changes to Sections 17053 7 and 23621 of the Revenue and Taxation Code proposed by AB 802 if both bills are chaptered and this bill is chaptered last

This bill would take effect immediately as a tax levy

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Ch. 1075 (SB 101) Lockyer Contracts: sales and service.

(1) Existing law does not require a retailer who sells merchandise which will be delivered to the consumer at a later date to specify a 4-hour delivery period.

This bill would impose such a requirement for specified retailers if the presence of the consumer is required, except as specified, and would provide a cause of action in a small claims court against the retailer for failure to deliver within the 4-hour period, except as specified

(2) Existing law does not require a utility company or cable television company to offer to specify a 4-hour period within which it will commence a service connection or repair for a subscriber

This bill would impose such a requirement if the presence of the subscriber is required, except as specified, and would provide a cause of action in small claims court against the utility company or cable company for failure to commence service within the 4-hour period, except as specified

Ch 1076 (SB 304) Torres Computer crime

Under existing law, it is a crime to knowingly access and without permission alter, damage, delete, destroy, or otherwise use any data, computer, computer system, or computer network in order to defraud, deceive, or extort, or wrongfully control or obtain money, property, or data, or to knowingly access and without permission take, copy, or make use of any data from a computer, computer system, or computer network, or to knowingly access and without permission add, alter, damage, delete, or destroy any data, software, or program, or to knowingly and without permission disrupt or cause the disruption of computer services, or to knowingly and without permission provide or assist in providing a means of accessing a computer, computer system, or network

This bill would revise the definition of "computer network" and would also make it a crime knowingly to introduce a computer contaminant, as defined Since the bill would create a new crime, it would impose a state-mandated local program

The bill would also provide that a community college, state university, or academic institution accredited in this state is required to include computer-related crimes as a specific violation of college or university student conduct policies and regulations that may subject any student to specified disciplinary sanctions, except as specified, thus imposing a state-mandated local program by requiring a higher level of local service under an existing program This bill would also provide that the court may grant probation to a person convicted of specified provisions of this act and could, as a condition of probation, prohibit any such person from accepting employment where he or she will have access to computers not operated by his or her employer, or from accepting employment in any capacity where he or she will have access to a computer operated by his or her employer or otherwise, without first informing the employer of his or her conviction, as specified

This bill would make additional amendments to Section 502 of the Penal Code, contingent upon the prior enactment of SB 1012 or AB 1859 or both

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

However, the bill also 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 $1,000,000, shall be payable from the State Mandates Claims Fund.

Ch 1077 (SB 320) Royce Property taxation

Existing property tax law provides for a disabled veterans' property tax exemption in an amount not to exceed $40,000 or $60,000 in certain circumstances related to the level of the claimant's household income, with respect to the principal place of residence of

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a veteran who is blind in both eyes or has lost the use of 2 or more limbs or the unmarried surviving spouse of the veteran. Existing property tax law provides a similar exemption, for the 1985–86 through 1990–91 fiscal years, in the case of a totally disabled veteran or the unmarried surviving spouse of a totally disabled veteran, in an amount not to exceed $100,000

This bill would increase for the 1990–91 through 1995–96 fiscal years the $100,000 disabled veterans' exemption to $150,000 in certain circumstances related to the level of the claimant's household income for a veteran who is totally disabled and for the unmarried surviving spouse of a totally disabled veteran

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

Ch 1078 (SB 446) Presley School peace officers training

Under existing law, the Commission on Peace Officer Standards and Training is charged, among other things, with the duty of developing and implementing programs, including training programs, to increase the effectiveness of law enforcement

This bill would, except as specified, require every school peace officer, as defined, to complete a course of training approved by the commission which relates directly to the role of school peace officers

Ch 1079 (SB 629) Morgan Child day care programs

Existing law requires the licensure, by the State Department of Social Services, of child day care facilities, with specified exceptions, as day care centers which include infant centers, preschools, and extended day care facilities

This bill would permit preschools to serve children 18 months of age to 30 months of age under an optional toddler program, with specified conditions, under the preschool's existing license The provisions of the bill would remain in force and effect until regulations are adopted by the department The bill would require the department to submit a report on the development of regulations to the Legislature no later than June 1, 1990. The bill also would require the Senate Office of Research, in consultation with the Assembly Office of Research, to evaluate the toddler program and report the evaluation to the Legislature no later than December 30, 1992, as specified This bill would make its provisions inoperative on June 30, 1993, and would repeal them as of January 1, 1994

Ch 1080 (SB 643) Mello Conservatorships and guardianships.

(1) Existing law requires a petition for conservatorship to include specified information

This bill would require the petitioner to submit supplemental information regarding the appointment of a conservator, as specified The bill would require the Judicial Council to develop the supplemental information form after consultation with specified entities The bill would further require that if the petitioner does not have knowledge of the required facts, the petition shall be supported by affidavits or declarations of persons with knowledge of those facts These provisions would become operative July 1, 1990

(2) Existing law sets forth the duties of the court investigator in the event the proposed conservatee cannot or will not attend the hearing on the petition for conservatorship

This bill would impose a state-mandated local program by expanding the scope of those duties to include the duty of a court investigator to comment on the assessment The bill would provide that certain reports are confidential Since it would require the county clerk to make provision for the confidentiality, it would impose a state-mandated local program These provisions would become operative July 1, 1990.

The bill would require a conservator to notify the court of the proposed sale of the conservatee's personal residence, the conservatee's support or opposition regarding the proposed sale, and the reason for the proposed sale The bill would authorize the court to require the court investigator to discuss the proposed sale with the conservatee

(3) Existing law authorizes a court to adjudge that a conservatee lacks the capacity

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to give informed consent to medical treatment and to grant the conservator authority to give that consent

This bill would require a request for that order to be accompanied by a declaration of a physician that the conservatee lacks that capacity

The bill would provide for the enforcement of a conservator's duty to file an account by the issuance of a citation to appear and show cause why the conservator should not be punished for contempt If the conservator does not so appear and also file an account, the conservator may be punished either for contempt or by removal, or both. The bill would also require a conservator's account to be accompanied by a status report, as specified

(4) Existing law requires the Controller to determine the statewide average cost for court investigator services, and provides for annual assessment of the estate of a conservatee for court investigator expenses, but provides for collection only upon termination of the conservatorship by death or court order

This bill would delete the prohibition against collection of the assessment prior to termination of the conservatorship, and would authorize the court to order reimbursement unless it finds that the assessment would pose a hardship to the estate

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1081 (SB 714) Morgan Highways land acquisitions purchase or donation

(1) Under existing law, the Department of Transportation has control of all state highways and all property acquired for state highway purposes, and may acquire, either in fee or in any lesser estate or interest, property for highway purposes by eminent domain, purchase, or donation.

This bill would, if the department acquires property by donation or at less than fair market value or with funds provided by a local agency, permit the donor or seller to reserve the right to develop the property subject to the department's approval and any reservations, restrictions, and conditions it determines necessary for highway safety

(2) Existing law authorizes the department 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 share the lease revenues with the donor or seller, where the property was donated or acquired at less than fair market value, if so provided by contract when the property was acquired

(3) The bill would also require the department to report to the Governor and the Legislature on January 1, 1991, and thereafter biennially, on the number and nature of contracts entered into pursuant to the above provisions

Ch 1082 (SB 797) Deddeh Medi-Cal identification bracelets

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons

This bill would include identification bracelets for victims of Alzheimer's Disease, or other cognitive defects or medication allergies that could be life-threatening, as a covered Medi-Cal benefit

This bill would limit those benefits to those otherwise eligible Medi-Cal recipients who have been determined by a licensed physician and surgeon to need the benefit, would specify that these benefits would be provided only if full federal financial participation is available, and would authorize these benefits only if 2 or more organizationally independent providers are available to supply the benefits authorized by this bill

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Ch 1083 (SB 951) Petris Health: pesticides and birth defects.

(1) Under the Birth Defect Prevention Act of 1984, applicants who propose to formulate a pesticide from an already registered pesticide are exempted from submitting or citing data pertaining to the safety of the purchased product to the Director of Food and Agriculture

The bill would provide that those applicants shall not be required to submit or cite mandatory health effect data

(2) Under the Birth Defect Prevention Act of 1984, the Director of Food and Agriculture has the same authority to require information from pesticide registrants as specified federal administrators

This bill would provide that the director also has the same authority to suspend registration.

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

Ch 1084 (SB 1193) Marks Fish and Wildlife Pollution Cleanup and Abatement Account

Existing law requires moneys recovered from various actions relating to the recovery of costs from specified prohibitions on pollution and the recovery of civil damages and civil penalties for the taking or destruction of fish and game and cleanup costs to be deposited in the Fish and Wildlife Pollution Cleanup and Abatement Account in the Fish and Game Preservation Fund, including moneys paid by the Water Resources Control Board to the Department of Fish and Game from the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund upon application for its cleanup and abatement activity, as specified, and civil damages and civil penalties for dumping and pollution of waterways, as specified The account is continuously appropriated to the department for specified purposes, relating to pollution activities and, if the account exceeds $500,000 on June 30, the excess is required to be used in the succeeding fiscal year for specified projects

This bill would revise and recast those provisions, revise the uses for which moneys in the account may be used, and authorize funds in the account in excess of $1,000,000 on July 1 of each year to be used for the preservation of California plants, wildlife, and fisheries, thereby making an appropriation

Ch 1085 (SB 1663) Keene Rail transportation

(1) Existing law does not provide for the creation of a public agency with powers to acquire and operate railroads in the Counties of Humboldt and Mendocino

This bill would enact the North Coast Railroad Authority Act to create the North Coast Railroad Authority within those 2 counties governed by a board of 5 directors, of whom 4 would be required to be appointed by the counties for 2-year terms, thereby imposing a state-mandated local program The 5th director would be the District Director of Transportation for State Transportation District 1, ex officio The bill would require the authority to conduct its first meeting not later than 120 days after abandonment of service on any of 3 specified railroad lines

The bill would authorize the authority to acquire and operate railroads or select a franchisee to operate a rail transportation system, to prepare a plan for acquisition and operation of any of the specified railroad lines and establish criteria for the award of a franchise for the acquisition, financing, and operation of the railroad system, and to issue revenue bonds pursuant to the Revenue Bond Law of 1941 The bill would expressly provide that the state is not liable for any contract, debt, or obligation of the authority

The bill would also state the intent of the Legislature in creating the authority

(2) Existing law specifies the types of transit capital improvement projects eligible for funding from the Transportation Planning and Development Account in the State Transportation Fund

This bill would include passenger ferries and terminals among those eligible projects

(3) The bill would incorporate additional changes in Section 99317 of the Public Utilities Code, proposed by SB 856, to be operative only if both bills are enacted and become effective on January 1, 1990, and this bill is enacted after SB 856

(4) 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 1086 (AB 214) Vasconcellos. Budget Act of 1988: augmentation: contingencies or emergencies [8]

(1) The Budget Act of 1988 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 Director of Finance

This bill would appropriate $250,307,143 82, as scheduled, in augmentation of these Budget Act appropriations.

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

(2) Section 8 of Article XVI of the California Constitution requires, among other things, that the moneys to be applied by the state for the support of school districts and community colleges shall be no less than an amount to be calculated as specified

This bill would provide that, of the amount appropriated by its provisions, $134,960,000 shall, for the purposes of Section 8 of Article XVI of the California Constitution, be deemed an appropriation for the support of the public school system (K-12) for the 1988–89 fiscal year

(3) This bill would require that any balance remaining after the annual recertification of the second principal apportionment for the 1988–89 fiscal year for school districts and county offices of education be allocated to fund any remaining deficiencies

(4) 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 1087 (AB 284) Hannigan Open-space subventions [9]

Under existing law, state subventions are provided, in specified amounts, to local governments to compensate them for revenues lost by reason of reductions in the assessed value of property caused by assessing that property as open-space lands pursuant to specified provisions of the Revenue and Taxation Code Funds are continuously appropriated from the General Fund for the purpose of making these subventions

This bill would provide for the 1989–90 fiscal year, in addition to previously authorized appropriations, the sum of $10,000,000 to fund those subventions for that fiscal year, thus making an appropriation, and would make certain legislative findings and declarations in that regard.

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 These provisions also provide for the establishment or change of an entity's appropriations limit

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

This bill would require the Controller, in the 1989–90 fiscal year, to reduce the open-space subvention of any eligible city, county, or city and county by the amount which the Controller determines would result in the entity having proceeds of taxes in excess of its annual appropriations limit This bill would provide for payment to the city, county, or city and county by the Controller of that portion of the amount of the reduction which, as a result of the adoption of an increased appropriations limit for the entity for the 1989–90 fiscal year, does not exceed the increased appropriations limit

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Ch 1088 (SB 1484) Davis. Dependent adults and seniors: multidisciplinary assessment unit [10]

Existing law contains various programs relating to assisting dependent adults and elderly persons

This bill would require the State Department of Social Services, upon request by Santa Barbara County, to establish a 2-year pilot program in that county for the purpose of developing a centralized multidisciplinary intake and assessment unit for adult protective services to gather information on elderly and dependent adults for (1) completing a comprehensive client-centered needs assessment, (2) developing a client-specific service plan, (3) referring, as appropriate, to community-based agencies, and (4) implementing, with volunteers, the delivery of services specified in the service plan The county would be required to report to the Legislature and to the department on the results of the pilot program, as specified, by December 31, 1992.

The authorization for the 2-year pilot program would be repealed January 1, 1993

The bill would appropriate $120,000 from the General Fund to the State Department of Social Services, for allocation of $60,000 for the 1990–91 fiscal year and $60,000 for the 1991–92 fiscal year, for the purposes of this bill.

Ch 1089 (SB 1563) Hart Schools independent study programs [11]

Existing law, with a specified exception, authorizes the governing board of a school district or a county board of education, either of which maintains specified schools and educational programs, to adopt rules and regulations which authorize any pupil enrolled in these schools and educational programs to enroll in an independent study program, as specified Existing law requires the nature, manner of conducting, and location of any independent study program to be determined by the school district or county board of education pursuant to rules and regulations adopted by the State Board of Education, and requires that the components of each individual study program for each pupil be set out in writing

This bill, commencing July 1, 1990, would repeal and recast these provisions to authorize the governing board of any school district or county office of education to offer independent study This bill would authorize independent study to provide opportunities for pupils to participate in, among other things, special assignments to extend the content of regular school subjects, individualized study in subjects not made available in the regular school curriculum, individualized alternative education programs, continuing and special study during travel, and volunteer community service

This bill would declare the Legislature's intent that school districts and county offices of education offering independent study shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully and ensure the same access to all existing services and resources in the school in which the pupil is enrolled as is available to all other pupils in the school The services and resources would be authorized to include an appropriately staffed designated learning center or study area and the services of persons qualified to determine whether or not independent study is the most appropriate alternative for the pupil

This bill would prohibit school districts or county boards of education from receiving apportionments for independent study unless (1) written policies are adopted regarding the maximum length of time, by grade level and type of program, that may elapse between the independent study assignment and completion, and the number of missed assignments permitted before a formal evaluation is required, (2) a current written agreement containing specified information which is signed by the pupil, the pupil's parent or legal guardian, the certified staff member providing general supervision, and any other person with direct responsibility for providing instructional assistance is maintained on file, and (3) pupils in independent study are identified in records by grade level, placement, and the school in which they are enrolled

This bill would require the Superintendent of Public Instruction to develop an annual statewide profile of pupils participating in independent study.

The bill would require the Superintendent of Public Instruction to establish rules and regulations for the purposes of implementing this bill, as specified.

The bill would authorize any school district or county office of education to request

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an exemption from the State Allocation Board for a building or structure, or portion of a building or structure, used for independent study, from the definition of "school buildings" within the meaning of certain provisions governing the structural safety of school buildings, as specified

The bill also would require that the apportionment paid for pupils 21 years of age or older, and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, in independent study be reduced over a 2-year period to the statewide average level per average daily attendance paid for pupils in adult education according to a prescribed schedule The bill would require for the 1992–93 school year and each fiscal year thereafter that independent study pupils 21 years of age or older, and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, generate a revenue limit equivalent to 100% of the average adult education revenue limit

This bill would prohibit apportionments paid for concurrent enrollment in adult education by independent study pupils 21 years of age or older, and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday from exceeding the adult education revenue limit The bill would specify that if a pupil 21 years of age or older, or a pupil 19 years of age or older who has not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since his or her 18th birthday is pursuing adult education coursework through independent study, his or her attendance shall be eligible for apportionment only if the coursework meets the requirements for a high school diploma This bill would specify that these provisions shall become operative on July 1, 1990.

The bill would require the Legislative Analyst, in consultation with the State Department of Education, to conduct, or cause to be conducted, a study to determine the most appropriate means of offering independent study to persons 21 years of age or older, and to pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, and other issues regarding independent study The office of the Legislative Analyst would be required to submit the findings and recommendations in a report to the appropriate fiscal and policy committees of the Legislature, the Governor, and the Department of Finance on or before October 30, 1990

This bill would appropriate $50,000 to the Legislative Analyst for the purpose of conducting the study and submitting the report

This bill would appropriate $50,000 to the State Department of Education for its administrative costs incurred in implementing these provisions

Ch. 1090 (SB 432) Alquist Income taxes credits recycling equipment

The existing Personal Income Tax Law authorizes specified credits against the taxes imposed

This bill would, until 1994, provide a credit under that law against the tax in an amount equal to a specified percentage, for each of 3 specified years, of the purchase price paid or incurred by the taxpayer for qualified property, which would be defined, generally, as machinery or equipment used to manufacture finished products composed of a specified amount of secondary waste material and postconsumer waste. The amount of the credit could not exceed $250,000 with respect to qualified property used in any one manufacturing facility It would also require the Department of Conservation, and the California Integrated Waste Management Board if AB 939 is chaptered to perform specified duties in connection with the credit

This bill would take effect immediately as a tax levy, but would become operative only if and when AB 1308 becomes operative

This bill would take effect immediately as a tax levy.

Ch 1091 (AB 1308) Killea Bank and corporation taxes credits recycling equipment

The existing Bank and Corporation Tax Law allows various credits against the taxes imposed by that law

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This bill would, until 1994, provide a credit under that law against the tax in an amount equal to a specified percentage, for each of 3 specified years, of the purchase price paid or incurred by the taxpayer for qualified property, which would be defined, generally, as machinery or equipment used to manufacture finished products composed of a specified amount of secondary waste material and postconsumer waste. The amount of the credit could not exceed $250,000 with respect to qualified property used in any one manufacturing facility It would also require the Department of Conservation, or the California Integrated Waste Management Board if AB 939 is chaptered, to perform specified duties in connection with the credit

This bill would take effect immediately as a tax levy, but would become operative only if and at the same time as SB 432 becomes operative

Ch 1092 (AB 1306) Killea Solid waste paving material

Existing law does not require that state agencies make contracts for road paving materials for those paving and subbase materials utilizing recycled materials.

This bill would require the Department of Transportation to review and modify all bid specifications for paving materials, and base, subbase, and pervious backfill materials, using recycled materials, as specified, based on standards developed by the department The standards and specifications would be required to provide for the use of recycled materials

The bill would also require the State Procurement Officer, in purchasing materials to be used in paving or paving subbase for use by state agencies which provide road construction or repair services, to make the contracts available for those items which utilize recycled materials, as specified, if the price for those items is competitive for the purposes intended The bill would apply this requirement to any person who contracts with state agencies to provide these services

The bill would require the Director of Transportation to consult with the Department of Conservation in performing the review of bid specifications unless AB 939 is enacted and creates the California Integrated Waste Management Board, in which case the bill would require that the director, instead, consult with that board

Ch 1093 (AB 1305) Killea Newspapers recycled paper

(1) Existing law does not require newspapers printed or published in California to be printed on recycled paper

This bill would, on and after January 1, 1991, require, with prescribed exceptions, every consumer of newsprint, as defined, to ensure that at least 25% of all newsprint, as defined, that is used, is made of recycled-content newsprint, as defined, under specified conditions The percentage of newsprint used which would be required to be made from recycled-content newsprint would be increased to 30, 35, 40, and 50%

The bill would require every consumer of newsprint to certify on or before March 1 of each year to the Department of Conservation the tons of newsprint used and the number of tons of recycled-content newsprint used during the preceding calendar year If the newsprint consumer is unable to obtain recycled-content newsprint for specified reasons, the bill would require a certification to that fact, as specified The bill would also require suppliers of newsprint to certify the amounts of recycled-content newsprint in shipments to a newsprint consumer

The bill would require the department to develop and maintain a list of consumers of newsprint and suppliers to those persons The bill would require the department to set and biennially revise newsprint comparable quality standards, as specified.

The bill would require the department to survey recycled-content paper, as specified, after January 1, 1994, and report its findings to the Legislature on or before July 1, 1994.

The bill would make a violation of the provisions requiring certification an infraction, with specified penalties, thereby imposing a state-mandated local program The bill would also require the department to refer false or misleading certificates to the Attorney General for prosecution for fraud

The bill would also authorize the department to assess civil penalties of not more than $1,000 per violation for violations of its provisions pursuant to the Administrative Procedure Act, as specified The bill would require the civil penalties recovered to be depos-

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ited in a separate account in the General Fund, and, upon appropriation, would require those funds to be used by the department for the administration of the bill

(2) The bill would, if AB 939 is enacted and creates the California Integrated Waste Management and Recycling Board, transfer the duties of the department, with respect to the provisions of the bill, to that board

(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 1094 (AB 4) Eastin Recycling state purchase of products.

(1) Existing law requires the University of California to let all contracts in excess of a specified amount for goods and material to the lowest responsible bidder meeting specifications

This bill would state the intent of the Legislature to encourage the procurement of recycled paper products by the University of California, and that the regents report annually to the Legislature, the Governor, and the California Waste Management Board commencing January 1, 1991, on the percentage of the total dollar amount of recycled paper products purchased or procured

(2) Existing provisions of the California State University Contract Law regulate the letting of contracts by the Trustees of the California State University

This bill would require the trustees to revise the procedures for the purchase of paper products to give purchase preference to recycled paper products, as defined, when the products can be substituted for, and cost no more than, nonrecycled paper products, and the products meet all applicable standards and regulations It would require the trustees to set percentage goals for the purchase of recycled paper products, as specified

(3) Existing law regulates the purchase of recycled paper, as defined, by state agencies and local public agencies Existing law also regulates the purchase of cocompost products, as defined, by state departments and agencies.

This bill would delete these provisions and would reenact similar provisions as a part of the State Assistance for Recycling (STAR) Markets Act of 1989 This act would regulate the procurement and purchase by a procuring agency, as defined, of recycled paper products, compost and cocompost products, and recycled materials, goods, and supplies, as these terms are defined.

This bill would require state and local public agencies to give purchase preference to recycled paper products, compost products, and recycled products, and would authorize local agencies to determine the amount of the preference It would require the Department of General Services to set percentage goals for the purchase of recycled paper products, and recycled materials, goods, and supplies, as specified.

This bill would impose a state-mandated local program by requiring a contractor to certify in writing, under penalty of perjury, to the state agency awarding the contract for construction, procurement, or services, the percentage of the recycled content in materials, goods, or supplies offered or products used in the performance of the contract, regardless of whether the product meets the required recycled percentage as specified by this bill

(4) This bill would enact provisions regulating the procurement and purchase by the Legislature of recycled paper products and recycled materials, goods, and supplies, as those terms are defined. It would require the Legislature to revise the procedures for the purchase of paper products to give purchase preference to recycled paper products, as defined, and recycled materials, goods, and supplies It would require the Legislature to set percentage goals for the purchase of recycled paper products, and recycled products, as specified

This bill would impose a state-mandated local program by requiring a contractor to certify in writing, under penalty of perjury, to the Legislature on a contract for the sale of recycled paper products, or for materials, goods, or supplies containing recycled products, the percentage of the recycled paper or the recycled product

(5) 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 1095 (AB 939) Sher. Solid waste management, source reduction, recycling, composting, and market development

(1) Existing law, generally, regulates the disposal of solid waste

This bill would enact the California Integrated Solid Waste Management Act of 1989, as discussed below

(2) Existing law provides for the California Waste Management Board, consisting of 9 members

This bill would repeal that provision and, instead, provide for the California Integrated Waste Management and Recycling Board, consisting of 6 full-time members. The bill would provide for transfer of the duties, staff, and funds to that board The bill would provide for the appointment, salaries, terms, and duties of the board

(3) Existing law requires counties and cities to prepare waste management plans and to permit, inspect, and regulate solid waste handling and disposal facilities

This bill would repeal and recast those provisions of law and would revise the requirements for the solid waste management plans, among other things, designating them countywide integrated waste management plans, thereby imposing a state-mandated local program The bill would revise the duties relating to permits, inspection, and regulation of solid waste facilities, as specified and would specify the duties of the board The bill would delete the exemption in existing law which exempts counties and cities from liability for failure to provide services or for actions and omissions of solid waste enterprises The bill would impose a state-mandated local program by changing the definitions of crimes

The bill would provide for permit fees, disposal fees, and other charges levied by the board and the State Board of Equalization, and the bill would require that revenue be deposited in the Solid Waste Management Fund, which would be created by the bill, to pay, upon appropriation by the Legislature, for the regulation of solid waste facilities, as defined.

The bill would authorize, upon appropriation therefor by the Legislature in the Budget Act, as specified, the use by the board of $600,000 in the 1989–90 fiscal year and $1,200,000 in the 1990–91 fiscal year, from the Solid Waste Disposal Site Cleanup and Maintenance Account in the General Fund for specified startup costs The funds would be a loan, which would be required to be repaid with specified interest, as fee revenue becomes available

The bill 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 specified reasons

Ch 1096 (SB 1322) Bergeson Solid waste. state programs

Under existing law, the California Waste Management Board is required, generally, to formulate and adopt state policy for solid waste management, including standards for solid waste processing or disposal facilities

This bill would require the board to implement specified state programs to promote integrated waste management, including resource recovery, recycling, and composting, of specified materials, develop markets for recovered materials, and to provide technical assistance and public information relating to integrated waste management The bill would also require the State Board of Education and the State Department of Education to include integrated waste management in the science framework in specified study areas

The bill would require the board to make biennial reports to the Legislature on its progress in implementation of the Integrated Waste Management Act

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The bill would provide that it not prevail over, but form a single act with, AB 939, if both bills are chaptered and this bill is chaptered last

Ch 1097 (AB 972) Harvey. Justice facilities penalty assessments

Existing law authorizes the imposition of an assessment of $1 for every $10 or fraction thereof on fines, penalties, and forfeitures collected by the courts for criminal offenses, except as specified, to be deposited in specified funds for the purpose of financing courthouse construction, county criminal justice facility construction, and county criminal justice facility transition planning in certain counties

This bill would delete the term "assessment" and instead substitute "penalty" and would, in addition, authorize a similar penalty in Kern County for the purpose of financing county juvenile justice facility construction It would also provide that deposits to the Kern County fund shall only continue through and include the 10th year after the initial calendar year in which the penalty is collected, unless extended by a later enacted statute prior to this date The bill would not become operative, however, if SB 870 is enacted, as specified, and takes effect on or before January 1, 1990.

Ch 1098 (AB 134) 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 engaging in, on and after January 1, 1990, such acts as preparing for sale, selling, or giving away a controlled substance to a minor under the age of 14 years in a public park, renting or leasing a building for the unlawful manufacture of controlled substances, utilizing a building designed to suppress law enforcement entry in order to sell, manufacture, or possess for sale controlled substances, possessing for sale designated controlled substances, including phencyclidine, importing, furnishing, or selling designated controlled substances, including phencyclidine, manufacturing controlled substances by chemical extraction or chemical synthesis, using or inducing a minor to commit unlawful acts with respect to designated controlled substances, including phencyclidine, and possessing specified chemicals with intent to manufacture methamphetamine and phencyclidine

The bill would make other 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

Ch 1099 (AB 591) Johnston Insurance

Proposition 103, which was adopted by the electors, among other things, repealed sections that permitted a person to receive commissions on certain insurance, even though he or she is no longer a licensed agent or broker, that prohibited an employer from misrepresenting the payroll in order to obtain a lower premium and authorized the Insurance Commissioner to recover a penalty for a violation, and that prohibited an insurer from accepting a false statement of an employer's payroll as the basis of a premium Proposition 103 provides that its provisions may be amended by the Legislature only by a ⅔ vote, and then only in furtherance of its purpose.

This bill would reenact the above-mentioned provisions, as specified

Proposition 103 provides that, on or after November 8, 1989, an automobile insurer may not refuse to offer and sell a good driver discount policy Proposition 103 also

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provides that a notice of cancellation or nonrenewal of automobile insurance is effective only if based on specified reasons

This bill would provide that the first provision relating to good driver discounts shall not prevent a reciprocal insurer organized prior to November 8, 1988, by a motor club which requires membership in the motor club as a condition precedent to applying for insurance, or an insurer which requires membership in a voluntary, nonprofit organization in existence prior to November 8, 1988, as a condition precedent to applying for insurance through those groups, from requiring membership in the motor club or organization as a requirement for obtaining insurance It would specify that the second provision, relating to cancellation or nonrenewal, shall not prevent a reciprocal insurer organized prior to November 8, 1988, by a motor club which requires membership in the motor club as a condition precedent to applying for insurance, or an insurer which issues private passenger automobile coverage to members of groups in existence prior to November 8, 1988, and to those who are not members of groups, from issuing an effective notice of nonrenewal based solely on the failure of the insured to maintain membership in the motor club or group, as specified

This bill would incorporate additional amendments to Section 1861 02 of the Insurance Code proposed by AB 451, contingent upon the prior enactment of that bill

It would declare that the bill is in furtherance of the purposes of Proposition 103

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

Ch 1100 (AB 677) Killea Documents service

Existing law sets forth the procedure for service of court documents

The bill would require the Judicial Council to establish pilot projects, as specified, with regard to the service and filing of documents by facsimile transmission in the judicial system, and would require the Judicial Council to make a report of its findings and recommendations, as specified, to the Legislature no later than December 31, 1991

Ch 1101 (AB 1180) Leslie Board of Osteopathic Examiners

(1) Existing regulatory provisions require osteopathic physicians and surgeons to demonstrate satisfaction of continuing education requirements as a condition for the renewal of their licenses at 4-year intervals

This bill would require osteopathic physicians and surgeons to demonstrate satisfaction of that requirement at intervals of not less than one year nor more than 3 years

(2) Existing law specifies the fees for certificates issued to osteopathic physicians and surgeons by the Board of Osteopathic Examiners The law provides that each applicant for a certificate shall pay a fee of not more than $200 nor less than $25 as determined by the board to defray expenses of administering the Osteopathic Act If the applicant's credentials are insufficient or he or she does not take the examination or fails to receive a certificate, the sum of $10 shall be retained and the remainder is returnable on application The fee for the annual tax and registration fee shall be not more than $200 nor less than $10 and failure to pay that tax and registration fee is $50

Existing law provides that each applicant for a reciprocity certificate shall pay a $10 application fee and if the applicant qualifies for a certificate, he or she shall pay a fee fixed annually by the board at not more than $200 nor less than $25

This bill would (1) provide that each applicant for an original or reciprocity certificate shall pay a fee not to exceed $200 and if the applicant's credentials are insufficient or he or she does not take the examination, the board may retain a sum equal to the actual cost of processing the application, not to exceed $150 and refund the remainder upon application, (2) make the annual tax and registration fee not more than $200 and not less than $25, (3) increase the penalty for failure to pay the annual tax and registration fee to 50% of the renewal fee but not more than $100, and (4) add an oral and practical examination fee not to exceed $200 nor less than $50

(3) Existing law provides that the Board of Osteopathic Examiners shall hold one meeting annually beginning on the 2nd Tuesday in January in the City of Sacramento

This bill would provide that the board shall hold one meeting during the first quarter of each calendar year at a time and place designated by the board

(4) The bill would make other technical, nonsubstantive changes

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(5) 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 1102 (AB 1207) Connelly Controlled substances transportation

Existing law specifies, with respect to specified listed controlled substances, the punishment for their unlawful possession, possession for sale, transportation, and related acts.

This bill, in addition, would provide that the transportation for sale of certain specified controlled substances within this state from one county to another noncontiguous county shall be punished by imprisonment in the state prison for 3, 6, or 9 years.

To the extent that the bill would expand the scope of existing crimes, it would impose a state-mandated local program.

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

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

Ch. 1103 (AB 1296) Filante Housing

(1) Proposition 84, as approved by the voters on November 8, 1988, enacted the Housing and Homeless Bond Act of 1988, to authorize the issuance of general obligation bonds in the total amount of $300,000,000. The proceeds of the bonds are required to be deposited in the Home Building and Rehabilitation Fund, as created by Proposition 84, and are required to be allocated for, among other existing programs, a special housing program for the development of migrant farm labor centers, the Rental Housing Construction Program to provide housing for lower-income and very low income households, and the Family Housing Demonstration Program to serve lower-income and very low income households All of these programs are administered under existing law by the Department of Housing and Community Development.

This bill would authorize the department to adopt, amend, or repeal emergency regulations for purposes of these programs with respect to loans made with funds allocated pursuant to Proposition 84. The bill would make a conclusive presumption that the adoption, amendment, or repeal of regulations under its provisions would be for the preservation of the public peace, health, safety, or general welfare, as required for emergency regulations under a specified provision of existing law. This bill would extend this regulatory authority until June 30, 1990, and would repeal the authority on that date.

(2) Under existing law, special provisions are applicable to deferred payment loans made for housing rehabilitation that are funded through the Housing Rehabilitation Loan Fund with the proceeds of state bonds issued pursuant to the California Earthquake and Housing Rehabilitation Bond Act of 1983. Existing law requires the department to adopt regulations to implement these loan programs. Existing law requires the department to adopt regulations and implement the programs subject to these special provisions on or before March 7, 1989.

The bill would authorize the department to make these regulations applicable until May 1, 1990.

(3) Existing law creates the Rental Housing Construction Fund, the Housing Rehabilitation Fund, and the Emergency Housing Assistance Fund, the moneys in which may be expended for specified purposes. As summarized in (1) above, existing law also creates the Home Building and Rehabilitation Fund Moneys in this fund are authorized to be transferred to those funds identified above

Under existing law, bond proceeds are authorized to be transferred to the Housing Rehabilitation Loan Fund for a deferred-payment rehabilitation loan program for rental housing developments. Moneys in this fund also are authorized to be transferred to those funds identified above

This bill would extend the applicability of emergency regulations required to be adopted under existing law for the program implementation and loan limits, from

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January 1, 1990, to July 1, 1990

(4) The bill would require the department to ensure that a local public entity or nonprofit corporation applying for fund commitments under the program for owner-occupants notify the local legislative body of the application prior to a funding award It would authorize the department, as specified, to revoke its delegation to a local public entity of authority to make or manage loans under the program, and to specify unit loan limits for loans made for owner-occupied housing, and the circumstances for exception to, or variance from, these limits. The bill would authorize the department to set aside a specified default reserve to cure or avoid an owner's defaults.

(5) This bill also would revise the definition of eligible costs for purposes of the program. It would require the department to make provision in its regulations for the physically and mentally handicapped in establishing affordable rent levels.

(6) The California Housing Finance Agency is required under existing law to administer 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. Existing law creates the continuously appropriated Home Purchase Assistance Fund, containing bond proceeds of bonds issued under Proposition 84, to fund that program

Existing law, in conjunction with that program, requires periodic recertification of household income to determine whether home purchase assistance can be reduced or terminated

This bill would eliminate that requirement

Existing law provides that the amount of home purchase assistance is due and payable at the end of the loan's term or upon sale or refinancing of the home, except that where there are insufficient proceeds from the sale or refinancing to reimburse the borrower for the borrower's share of the original downpayment plus the cost to the borrower of substantial improvements, existing law requires that the principal and interest due on the home purchase assistance be reduced by that amount

This bill would delete refinancing and the cost of substantial improvements from consideration under the provision requiring a reduction in the amount of principal and interest due on home purchase assistance

The bill would add a provision to this program authorizing a borrower to refinance mortgages on the home only if the principal of and accrued mortgage on the second mortgage loan securing the home purchase assistance are repaid in full

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

Ch 1104 (AB 1529) Lancaster Consumer affairs.

(1) Existing law provides for the licensing and regulation of physician's assistants which law is administered by the Physician's Assistant Examining Committee

This bill would change the name of the committee to the Physician Assistant Examining Committee, would change the name of the license issued by the committee to a physician assistant license and would make related changes

(2) Existing law provides criteria to be considered by the Director of Consumer Affairs in evaluating the rehabilitation of an applicant, licensee, registrant, certificate holder, or petitioner and his or her eligibility for a license under the Collection Agency Act and includes, among other things, the nature, severity, and evidence of the act under consideration as grounds for denial of the license

This bill would include the nature, severity, and evidence of any act under consideration as grounds for the suspension or revocation of the license in that criteria to be considered by the director

(3) Existing law provides that an applicant for a license or certificate of registration under the Collection Agency Act is not eligible for examination until he or she has filed a complete application with the Bureau of Collection and Investigative Services

This bill would specify the contents of the application and would authorize the chief of the bureau to request other information or documents he or she may deem necessary

(4) Existing law requires every person who has not previously registered as an employee of a collection agency and enters the employ of a collection agency to apply for that registration within 15 days after the commencement of that employment

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This bill would specify that every person who is required to be registered as an employee of a collection agency shall apply for that registration within that time period.

(5) Existing law requires an applicant for a collection agency license to file a $10,000 bond concurrently with the application for the license

This bill would, instead, require the filing of a $10,000 bond upon notification by the Bureau of Collection and Investigative Services that an applicant's fictitious business name has been approved

(6) Existing law provides that in the event of the loss or destruction of a collection agency license, the licensee may file an affidavit explaining the loss or destruction and pay a fee as a condition for the issuance of a duplicate license

This bill would instead require the licensee to file a written statement executed under penalty of perjury explaining the loss or destruction and payment of the fee as a condition for the issuance of a duplicate license

(7) Existing law authorizes the Director of Consumer Affairs to assess an administrative fine against a licensee of the Repossessors Act for, among other things, using an alias in connection with the official activities of a licensee's business and also authorizes the assessment of a fine against a repossession agency employee for, among other things, the use of an alias

This bill would delete the authority to assess a fine against the repossession agency employee for the use of an alias

(8) Existing law provides that an employee of a private patrol operator or an alarm agent shall not carry a firearm unless, among other things, he or she has been issued a firearms qualification card and provides for the filing of an application for that firearms qualification card

This bill would change the name of the firearms qualification card to a firearms permit and would require the filing of a classifiable fingerprint card, in addition to other requirements

(9) Existing law provides that if a person is denied a firearms permit he or she may request a review or hearing on that decision The law provides that if a person is prohibited by specific provisions of law from carrying a firearm, no review or hearing on that denial shall be granted

This bill would provide that a person prohibited by any provision of law from carrying a firearm shall not be granted a review or hearing on the denial of the permit

(10) Existing law provides for the issuance of a baton certificate to specified licensees of the Private Investigator Act who complete a baton training course, as specified

This bill would change the name of the certificate to a baton permit and would provide for the issuance of a duplicate permit that is lost, stolen, or destroyed upon the filing of a statement and the payment of a specified fee

(11) Existing law provides that a branch office of an alarm company operator may be maintained for 60 days under the direction of the qualified manager of the licensee

This bill would extend that time to 120 days

(12) The bill would make other clarifying, technical, nonsubstantive changes

(13) 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

Ch 1105 (AB 1905) Assembly Committee on Judiciary Courts court commissioners

(1) Existing law allows a court commissioner, subject to the supervision of the court, to act as a temporary judge when appointed for that purpose, as specified, and to hear, report on, and determine all uncontested actions and proceedings other than actions for divorce, maintenance, or annulment of marriage

This bill would allow a court commissioner to act as a temporary judge by written consent of the party appearing at the hearing where the action is uncontested or the other party or parties are in default

It would also allow a court commissioner to hear, report on, and determine uncontested actions for divorce, maintenance, or annulment of marriage, as specified

(2) Under existing provisions of the Family Law Act, the court may award attorney

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fees based upon the extent to which a party's conduct furthers or frustrates settlement and cooperation

This bill would declare that an award of attorney's fees under these provisions is a sanction and would require the court to consider all evidence concerning the parties' incomes, assets, and abilities in awarding attorney's fees in these cases The bill would also prohibit the court from imposing this sanction if it would impose an unreasonable financial burden

The bill would also define "husband" and "wife" for purposes of that act, with certain exceptions, to refer to persons currently or previously lawfully married to each other The bill would provide the courts with continuing jurisdiction to award community property previously unawarded after a judgment in an action for legal separation or marital dissolution or annulment

(3) Existing law does not specify a procedure for effecting a name change of a child in a proceeding for a judgment of parentage of the child

This bill would create such a procedure

(4) Nothing in existing law provides for the automatic granting of restraining orders with the issuance and service of a summons in an action for dissolution or annulment of a marriage, for legal separation, actions in connection with domestic violence, or actions under the Uniform Parentage Act.

This bill would, beginning July 1, 1990, provide for the effectiveness of prescribed temporary restraining orders upon service of the summons in those actions The orders would remain effective until modified by the court or until the final decree is entered or the petition dismissed The bill would authorize enforcement of the orders by law enforcement agencies as specified

The bill would also provide that these restraining orders are confidential and that the court shall order as part of the restraining order that any person who discloses the existence of these orders, except as specified, is subject to specified penalties for contempt, including imprisonment, as specified The bill would make it a misdemeanor, punishable by imprisonment in the county jail for not more than one year, or as specified, to violate these orders The bill would thus establish a state-mandated local program

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

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

Ch. 1106 (AB 1973) Hannigan. Navigation fixed line water vehicle

(1) Existing law imposes various requirements and prohibitions relating to the operation and equipment of vessels, and imposes various criminal penalties for violations.

This bill would, with respect to certain prohibitions and procedures relating to the negligent or reckless operation or operation under the influence of drugs or alcohol of vessels and other specified devices, include certain watercraft, thereby imposing 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

(3) This bill would incorporate additional changes in Section 651 of the Harbors and Navigation Code, proposed by SB 1119, to be operative only if SB 1119 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 1107 (AB 2008) Farr Energy resources

(1) Under existing law, which is known as the Petroleum Industry Information Reporting Act of 1980, and is to remain in effect until January 1, 1990, major oil producers, refiners, major marketers, major oil transporters, and major oil storers, as defined, are

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required to supply certain designated information to the State Energy Resources Conservation and Development Commission regarding the supply and pricing of petroleum products, and the commission is required to make certain periodic reports and recommendations thereon to the Governor and the Legislature

This bill would delete that termination date, thus extending those provisions indefinitely.

(2) Existing law, known as the Rosenthal-Naylor Act of 1984, requires the commission to make loans and authorizes the commission to provide contract research funding, as defined, for the purpose of making energy technologies more efficient and cost-effective and to develop new cost-effective alternative sources of energy.

This bill would authorize the commission to make repayable research contracts and provide primary research contracts funding, as defined, rather than providing contract research funding. The bill would define additional terms for the purposes of the act.

Ch. 1108 (SB 161) Watson. Department of Economic Opportunity Advisory Commission: stipends.

Existing law establishes in state government an 11-member Department of Economic Opportunity Advisory Commission to advise the Director of the Department of Economic Opportunity on program development, establishment of goals, and priorities in combating poverty, and to review departmental performance.

This bill would provide that each member of the commission shall be reimbursed for travel and other business-related expenses and, effective July 1, 1990, shall receive the generally applicable per diem salary or allowance in excess of expenses for each day that the member attends meetings of the commission. This provision would be operative only in a fiscal year for which the annual budget act for that fiscal year appropriates funds therefor.

Ch. 1109 (SB 1005) Nielsen. Rural economic development

Existing law requires the Department of Commerce to administer programs to promote rural economic development.

This bill would require the department to adopt emergency regulations and would require the Office of Administrative Law to consider their adoption as necessary

Existing law creates in the State Treasury a Rural Economic Development Fund, a continuously appropriated fund. It requires that interest from moneys invested from the fund be used to support 3 previously established rural small business assistance and development centers.

This bill would authorize the department, in addition, to fund centers located in counties covered by these provisions up to $200,000 annually for all centers from these interest moneys under specified conditions

Existing law provides that moneys in the fund shall remain available for expenditure by the department until July 1, 1991

This bill would make an appropriation by extending that date to July 1, 1994.

Existing law prohibits the use of any money in the fund in lieu of any existing infrastructure financing program

This bill would make an appropriation by authorizing the use of that money for those purposes if deemed appropriate by the local agency, as defined.

Existing law authorizes the Rural Economic Development Infrastructure Panel to review and approve projects for funding under the Rural Economic Development Infrastructure Program It authorizes funding of projects by local agencies up to $1,000,000 per project, requires repayment to be made quarterly, and a loan term not to exceed 10 years from the date the repayment begins It limits the amount of money available for grants to 10% of available moneys in any fiscal year

This bill would require repayment of loans by local agencies to be made semiannually, and would extend the term of the loan up to 15 years from the date of the loan disbursement. It would increase the grant moneys available to 20% of available moneys in any fiscal year

Existing law authorizes the panel to approve a local agency request for loan terms differing from those required by law if the local agency submits documentation that

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alternative financing sources are unavailable or infeasible to finance the project.

This bill would delete this requirement

This bill would create within the department a Rural Economic Development Grant Program, and would authorize grants each fiscal year of the lesser of 10% of the balance of the fund or $700,000, from the Rural Economic Development Fund, a continuously appropriated fund It would authorize the director of the Office of Local Development to make grants to applicants of $10,000 to $50,000 for specified uses relating to rural economic development

This bill would establish within the department the Rural Revolving Loan Program for the purpose of providing fully collateralized loans of $50,000 to $350,000 to encourage the expansion, location, and retention of existing businesses in rural areas of the state, pursuant to the approval of a loan committee

This bill would create the Rural Revolving Loan Collection Account in the Rural Economic Development Fund for the purpose of receiving charges, fees, income, and collections derived from the rural revolving loan program

This bill would require the Legislative Analyst to report, no later than December 31, 1993, as to whether the program has accomplished its stated goals

This bill would incorporate additional changes in Section 15373 2 of the Govenment Code, proposed by SB 409, to be operative only if SB 409 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last These changes would become operative on the effective date of SB 409

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

Ch 1110 (SB 1012) Morgan Crimes computer data and computer systems

Existing law provides for penalties, as specified, against persons who tamper, interfere, damage, and access without authorization into lawfully created computer data and computer systems

This bill also would specify forfeiture provisions with regard to any computer, computer system, computer network, or any software or data, owned by the defendant, which is used during the commission of those offenses, thus increasing the responsibilities of local prosecutors and others, and creating a state-mandated local program

Existing law provides that a person who knowingly, willfully, and with intent to defraud a person providing telephone or telegraph services, avoids or attempts to avoid, or aids, abets, or causes another to avoid the lawful charge, in whole or in part for telephone or telegraph services, as specified, is guilty of a misdemeanor or felony, as prescribed.

This bill would specify forfeiture provisions with regard to any computer, computer system, computer network, or any software or data, owned by the defendant, which is used during the commission of those offenses, thus increasing the responsibilities of local prosecutors and others and creating a state-mandated local program

This bill would incorporate additional amendments to Section 502 of the Penal Code, contingent upon the prior enactment of SB 304 or AB 1859 or both

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

Ch 1111 (SB 1067) Boatwright Sudden infant death syndrome. training. peace officers and emergency response personnel

(1) 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, effective July 1, 1990, to establish a course for certain specified peace officers on sudden infant death syndrome and require the completion of the course as a condition of certification of completion of the basic training

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course. This bill also would require officers who are employed after January 1, 1990, to complete a course in sudden infant death syndrome and complete training on this topic, on or before July 1, 1992. This bill further would require the commission to prepare guidelines establishing standard procedures which may be followed by law enforcement agencies on the investigation of cases involving sudden deaths of infants. It would require the commission to review the basic course curriculum to include sudden infant death syndrome awareness as part of death investigation training.

(2) Existing law requires the Emergency Medical Services Authority to establish minimum standards and promulgate regulations for the training and scope of practice of EMT-I's, EMT-II's, and EMT-P's, and provides for the certification of EMT-I's by the authority and local EMS agencies and for the certification of EMT-II's, EMT-P's, and authorized registered nurses by local EMS agencies. Existing law also requires firefighters, except those whose duties are primarily clerical or administrative, to receive training in first aid and cardiopulmonary resuscitation, and requires the authority to prescribe standards regarding the training of firefighters in first aid and cardiopulmonary resuscitation

This bill would require EMT-I's, EMT-II's, and EMT-P's to complete a course on the nature of sudden infant death syndrome, and, effective July 1, 1990, would require any person certified as an EMT-I by the authority or certified as an EMT-I, EMT-II, EMT-P, or authorized registered nurse by a local EMS agency to complete the course as a condition of certification thereby imposing a state-mandated local program by adding a requirement to existing local programs. Persons who are certified prior to January 1, 1990, would be required to complete supplementary training on this topic on or before January 1, 1992. This bill also would require all firefighters in this state to complete a course on sudden infant death syndrome, thereby imposing a state-mandated local program by creating additional duties for local fire agencies.

This bill would incorporate additional changes in Section 1797.213 of the Health and Safety Code, proposed by AB 2159, to be operative only if AB 2159 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

(3) With respect to instruction and training provided to EMT-I's, EMT-II's, EMT-P's, and authorized registered nurses, existing law authorizes local agencies to charge a fee sufficient to defray the cost With respect to instruction and training provided to peace officers and firefighters, the bill would require local agencies to charge a fee to defray the entire costs incurred due to the instruction and training provided by the local agencies pursuant to the bill

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

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

Ch 1112 (SB 1070) Boatwright. Sudden infant death syndrome advisory council

Existing law requires the State Department of Health Services to keep each county health officer advised of the most current knowledge relating to the nature and causes of sudden infant death syndrome (SIDS), and to submit an annual report to the Legislature on SIDS Existing law also requires the county health officer or his or her designated agent, upon being informed by the coroner of any case in which sudden infant death syndrome is the provisional cause of death, after consultation with the infant's physician of record, to immediately contact the person or persons who had custody and control of the infant and explain to those persons the nature and causes of sudden infant death syndrome

This bill would require the State Department of Health Services to establish the Sudden Infant Death Syndrome Advisory Council which would be composed of 9 members to be chosen by the State Director of Health Services, as specified The SIDS Advisory Council would be required to (1) provide guidance to the State Department of Health Services in the development of training, educational, and research programs regarding SIDS, (2) provide ongoing guidance to the Governor and the Legislature regarding the need for specific programs regarding SIDS for specific targeted groups

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of persons, and (3) convene a statewide conference annually, in conjunction with the state department or a person with whom the state department contracts to provide SIDS education, regarding SIDS, as specified.

This bill would provide that the above requirements shall be subject to the annual Budget Act and shall be operative only to the extent that funds are appropriated for those purposes.

This bill would repeal the above provisions on January 1, 1995

Ch. 1113 (SB 1106) Bergeson Student financial aid

Existing law establishes a California Educational Loan Program for postsecondary students, which includes the State Guaranteed Loan Program and the California Loans to Assist Students Program

This bill would change the name of the program to the California Loan Programs and would make related changes to reflect changes in the names of federal financial aid programs.

Existing law establishes the Student Aid Commission, which administers state student financial aid programs

This bill would revise the terms of certain members and would increase from $50 to $100 the stipend received by each member of the commission for each day in which he or she attends any meeting of the commission, as specified.

The bill also would revise reporting requirements of the commission and would repeal obsolete provisions of law governing the commission.

The bill would make other related changes

Existing law establishes the California Educational Opportunity Grant Program or "Cal Grant"

This bill would change the official name of that program to the Cal Grant Program and would revise, recast, and reorganize provisions governing that program

Existing law establishes the Assumption Program of Loans for Education Under that program, the Superintendent of Public Instruction is required to furnish the Student Aid Commission with a list of teaching fields that have the most critical shortage of teachers

This bill would require the superintendent to furnish that information every year

Existing law requires the Student Aid Commission to establish a Loan Study Council.

This bill would expand the membership of that council to include a representative from a secondary market participating in the California Loan Programs and would revise the selection procedure

Existing law requires the Student Aid Commission to report specified information concerning meetings of the Loan Study Committee to the fiscal committees of the Legislature annually.

This bill, instead, would require the commission to report annually on the activities of the Loan Study Council to the appropriate policy committees of the Legislature

Existing law imposes certain duties on the Student Aid Commission with respect to the Bilingual Teacher Grant Program, which, as part of the state bilingual education program, became inoperative on June 30, 1987

This bill would make technical changes in those provisions and would provide for their repeal on January 1, 1992.

Existing law establishes the California State Work-Study Program Students who satisfy specified criteria are eligible to participate in the program One of those criteria is that the student has demonstrated financial need, as determined by the financial aid office of the institution in which the student is enrolled pursuant to the uniform methodology system of need analysis.

This bill would, instead, require that the demonstrated financial need be determined by the financial aid office of the institution in which the student is enrolled pursuant to the methodologies approved by the United States Department of Education for use in awarding funds provided under specified provisions of federal law

The bill would provide that certain of its provisions would not become operative if SB 190 is chaptered and takes effect on or before January 1, 1990, as specified

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Ch. 1114 (SB 1119) Seymour Driving offenses: commercial motor vehicles

(1) Existing law prohibits a person from using a vessel or manipulating specified water devices when under the influence of intoxicating liquor, any drug, or the combined influence of intoxicating liquor and any drug, when the person has 0.10% or more of alcohol in his or her blood or when addicted to the use of any drug, as defined. The blood-alcohol concentration is required to be based on grams of alcohol per 100 milliliters of blood.

This bill would, instead, prohibit a person from using those water devices when under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug. The bill would limit the prohibition on using those water devices with an alcohol concentration, as defined in the bill, of 0.10% or more in his or her blood to recreational vessels, as defined, and would prohibit using any other of those water devices when the person has an alcohol concentration of 0.04% or more in his or her blood, and would prohibit that operation within 24 hours if found to have an alcohol concentration of 0.01% or more.

The bill would, alternatively, permit the chemical test results to be based on grams of alcohol per 210 liters of breath. The bill would make other conforming changes.

(2) Existing law requires the Department of Motor Vehicles to suspend or revoke a person's privilege to operate a motor vehicle, among other reasons, if the person is convicted of driving while under the influence of an alcoholic beverage, any drug, or a combination thereof, driving with an excessive blood-alcohol concentration, or driving while addicted. The period of the suspension or revocation is enhanced if the person's driving record shows other separate offenses.

Existing law also requires suspension or revocation for specified periods if the person refuses to submit to, or complete, specified chemical testing of the person's blood, breath, or urine at the request of a peace officer if lawfully arrested for any of those offenses.

This bill would require suspension or revocation of the privilege to operate a commercial motor vehicle, as defined, if the driver refuses to submit to, or complete the required testing, for the periods prescribed for convictions of specified offenses.

(3) Existing law prohibits a person from driving a vehicle, as defined, when that person has over 0.10%, by weight, of alcohol in the person's blood, based on grams of alcohol per 100 milliliters of blood.

This bill would also prohibit a person from driving a commercial motor vehicle, as defined, when that person has over 0.04%, by weight, of alcohol in the person's blood, thus imposing a state-mandated local program by creating a new crime.

The bill would, alternatively, permit the chemical test results to be based on grams of alcohol per 210 liters of breath.

(4) Under existing law, the Department of the California Highway Patrol is required to regulate, among other things, the hours of service of drivers of specified motor vehicles. A violation of the regulations is a crime.

This bill would require those regulations to include a requirement that any driver of a commercial motor vehicle, as defined, be ordered out of service for 24 hours if the driver is found to have 0.01% or more, by weight, of alcohol in his or her blood, thereby imposing a state-mandated local program by creating a new crime. The bill would make legislative findings in this regard.

(5) Existing law provides penalties for using water devices in offenses described in (1), with enhanced penalties for prior violations of those offenses. Existing law also provides criminal penalties in addition to the sanctions on the driving privilege for offenses described in (2), with enhanced penalties for separate violations of those offenses.

This bill would provide for enhanced penalties for offenses described in (1) for separate offenses described in (2), and would provide for enhanced penalties described in (2) for separate offenses as described in (1).

The bill would also require the courts to report violations relating to vessels, as described in (1), to the Department of Motor Vehicles in the same manner as violations relating to vehicles are reported.

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(6) The bill would make the changes described in paragraphs (2), (3), and (4) operative on January 1, 1992, to remain operative only so long as specified federal regulations are operative and require specified provisions of law by the state.

(7) The bill would require employers of commercial drivers to advise those employees of the provisions in paragraphs (2), (3), and (4). The bill would also require the Department of Motor Vehicles to include information on those provisions and the relationship between consumption of alcohol and blood-alcohol concentration in each publication of the commercial drivers handbook published after January 1, 1990.

(8) This bill would incorporate additional changes in Section 651 of the Harbors and Navigation Code, proposed by AB 1973, to be operative only if AB 1973 and this bill are both enacted and become effective on or before January 1, 1990, and this bill is enacted last.

(9) This bill would incorporate additional changes in Section 1803 of the Vehicle Code, proposed by SB 710, to be operative only if SB 710 and this bill are both enacted and become effective on or before January 1, 1990, and this bill is enacted last.

(10) This bill would incorporate additional changes in Section 13353 of the Vehicle Code, proposed by SB 1623, to be operative only if SB 1623 and this bill are both enacted and become effective on or before January 1, 1990, and this bill is enacted last.

(11) This bill would incorporate additional changes in Sections 23152, 23153, and 23155 of the Vehicle Code, proposed by SB 408, to be operative only if SB 408 and this bill are both enacted and become effective on or before January 1, 1990, and this bill is enacted last.

(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

Ch 1115 (SB 1166) Mello. Residential care facilities for the elderly.

(1) Under the California Residential Care Facilities for the Elderly Act, the State Department of Social Services licenses residential care facilities for the elderly, as defined.

This bill would enact the Residential Care Facilities for the Elderly Reform Act of 1989

(2) Existing law defines residential care facility for the elderly as a group housing arrangement chosen voluntarily by residents over 60, but also including persons under 60 with compatible needs, who are provided varying levels and intensities of care and supervision, protective supervision, or personal care, as well as health-related services upon the adoption of specified regulations by the department, based upon their varying needs, determined in order to be admitted to and remain in the facility

This bill would, instead, define residential care facility for the elderly as a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where the levels of care and supervision as specified above, as well as the health-related services upon adoption of the regulations by the department are provided It would also permit instead, persons under 60 years of age, with compatible needs as determined by the department in regulations, to be admitted to or retained in the facility.

The bill would also define the term administrator as the individual designated by the licensee to act in behalf of the licensee in the overall management of the facility, with this individual permitted to be the same as the licensee in the case of a licensee who is an individual.

(3) Existing law currently requires, as a condition of licensure, that the applicant attend a one-day orientation given by the department, as specified

This bill would, commencing January 1, 1991, instead require, as a condition of licensure, that the applicant demonstrate that he or she has successfully completed an approved certification program, involving a minimum of 40 hours of class instruction, and which would be required to include specified elements Compliance would not be required until July 1, 1991 It would exempt certain applicants from meeting these

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requirements. The department would be required to develop regulations, in cooperation with the Department of Consumer Affairs, to implement these requirements

The bill would, with respect to the requirements in effect prior to January 1, 1991, eliminate the requirement that the orientation be of one day in duration.

(4) Existing law requires license applications to include specified elements

This bill would, in addition, require the license application to include evidence of successfully completing a certified prelicensure education program, and designation by the applicant of the individual who shall be the administrator including, if the applicant is an individual, whether or not the licensee shall also be the administrator

(5) Existing law requires that a license be forfeited when specified events occur, including the sale or transfer of the facility or facility property, or the death of the licensee

Existing law specifies, however, that, with respect to a corporate licensee, a stock transfer which does not constitute a majority change in ownership will not constitute the sale or transfer of the facility or facility property

This bill would make, in the event the sale of a facility would result in a new license being issued, the sale or transfer of the property or business subject to specified requirements, including the requirement that the department and each resident or his or her legal representative be notified of the intent to sell the property not less than 60 days prior to sale or at the time a bona fide offer is made, whichever is longer, and that other residents or their legal representatives admitted after the date of notification of the intent to sell the property be notified of this intent prior to entering into an admission agreement In addition, the property and business could not be transferred until the buyer qualifies for licensure under the residential care facility for the elderly provisions, or the parties have fully complied with the provisions relating to the sale of the facility

(6) Existing law provides that when a licensee dies, and an adult relative desires to continue operating the facility, the department may issue a cease and desist order only if certain findings are made It sets forth a timetable which must be met by the adult relative for meeting application requirements which, if not met, will lead to a finding of being an unlicensed facility

This bill would delete these provisions It would, instead, permit an adult relative to continue operating the facility if he or she meets specified requirements It would specifically require that a decision on whether to grant a provisional license be made by the department within 60 days after the application is submitted, and would permit the provisional license to be granted only if the department is satisfied that the applicant has met these requirements and that the health and safety of the residents would not be jeopardized

(7) Existing law requires that upon application for issuance of a license or renewal, the department shall issue the license if it finds compliance with applicable statutory and regulatory requirements, or deny the license if noncompliance is found

This bill would require, with respect to initial license applications, that the department, within specified time limits, determine the completeness of the application, request a fire clearance, arrange for a prelicense survey to be conducted by the department, or if the application is incomplete, request the necessary information. It would require, within 60 days of making a determination that the file is complete, that the department issue the license or notify the applicant of the deficiencies, and whether further compliance is likely to result in approval of the application.

(8) Existing law permits the department, not less than 30 days prior to the expiration date of any residential care facility for the elderly license, to transmit a copy to the state ombudsman in the Department of Aging as well as the local ombudsman, if one exists, of all notices sent to the facility by the department during the term of the current license as a result of a substantiated complaint regarding a violation of residential care facility for the elderly licensing and regulatory provisions relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision.

This bill would, instead, require the department to transmit these notices

(9) Existing law makes it a misdemeanor to violate residential care for the elderly licensing and regulatory provisions, punishable by a fine not to exceed $1,000, imprison-

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ment in the county jail for a period not to exceed 180 days, or both.

This bill would increase the maximum period of imprisonment to one year

Existing law prohibits the operation, establishment, management, conducting, or maintaining of a facility without a license

Existing law also specifies that a violation of this provision is an infraction punishable in an amount of $200 per day of the violation.

This bill would also specify that the operation, establishment, management, conducting, or maintaining of a facility without a license is a misdemeanor, punishable by a fine not to exceed $2,500, imprisonment in the county jail not to exceed one year, or both.

(10) Existing law permits the department to assess a civil penalty against a person operating, establishing, managing, conducting, or maintaining a facility without a license, in an amount of $200 per day of the violation It requires the penalty to be imposed if an unlicensed facility is operated and the operator refuses to seek licensure, or the operator seeks licensure and the licensure application is denied and the operator continues to operate the unlicensed facility

This bill would require that this penalty be assessed, and would set the amount of this penalty at $100 per resident for each day of the violation It would require this penalty to be doubled if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks licensure and the application is denied and the operator continues to operate the unlicensed facility

(11) Existing law creates various remedies against acts of unfair competition, as defined, including the power of the Attorney General, district attorneys, and city attorneys to seek injunction against these acts

This bill would make the operation of an unlicensed facility an act of unfair competition

(12) Existing law also provides that any facility cited for repeating a violation of residential care facility for the elderly licensing and regulatory provisions within 12 months of the first violation is subject to an immediate civil penalty of $150 and $50 for each day that the violation continues until it is corrected If the facility is again cited for repeating this violation within the following 12 months, the facility is subject to an immediate civil penalty of $150 per day that the violation continues

This bill would instead require, with respect to violations cited for having been repeated a 2nd time, the assessment of an immediate penalty of $1,000, plus $150 per day that the violation continues

(13) Existing law requires a district attorney, upon application by the department or its authorized representative, to institute and conduct actions for violations of residential care facility for the elderly licensing and regulatory provisions

This bill would, in addition, require city attorneys in those cities which have city attorneys which prosecute misdemeanors pursuant to specified provisions of law to institute these actions upon their own initiative or upon application by the department or its authorized representative It would permit district attorneys or local prosecutors to institute and conduct actions for violations of these provisions when not requested by the department or its authorized representative

The bill would also specifically permit criminal prosecutions concurrent with department actions for civil penalties under residential care facility for the elderly provisions

(14) Existing law defines a placement agency, for purposes of residential care facility for the elderly provisions, as any county welfare mental health or social services department, county public guardian, general acute care hospital discharge planner or coordinator, or a regional center for persons with developmental disabilities which is engaged in finding homes or other places for the placement of elderly persons for temporary or permanent care

This bill would, in addition, include within the definition of the term placement agency, a state-funded program or private agency providing placement or referral services

(15) Existing law, in addition to penalties accompanying license suspension or revocation, permits the department to assess a civil penalty for violations of residential care facility for the elderly licensing provisions, in an amount not less than $25 and not more

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than $50 per day of the violation except under specified circumstances.

Existing law permits the department to require 50% of each civil penalty assessed under this provision to be transmitted to the department for the establishment of an emergency resident relocation fund, to be utilized for the relocation and care of residents when a facility's license is revoked or suspended, when appropriated by the Legislature.

This bill would permit the establishment of this fund, and would require that 50% of these civil penalties be deposited in that fund

(16) Existing law empowers the department to suspend or revoke facility licenses in accordance with specified procedures, and pursuant to specified grounds.

Existing law further requires that if the director finds it necessary to suspend a license in order to protect the residents of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety, the director shall make every effort to minimize trauma for the residents

This bill would require the department to take specified action in carrying out this requirement.

The bill would permit the department to require the licensee to prepare and submit to the licensing agency a written plan for relocation, as well as other information. It would also require the department to use physicians and surgeons and other medical personnel deemed appropriate by the department for onsite evaluations of the residents and to assist in the transfer

The bill would also permit the department, when it does not suspend a license, to remove a person from a facility when the person has a health condition which cannot be cared for within the limits of the facility's license, or requires inpatient health facility care. It would require the department, when it alleges the conditions exist for this transfer, to give notice to the resident, his or her legal representative, and the licensee, which would include a deadline for this transfer, and information concerning the right of the resident to obtain review, except that the department can require immediate transfer under specified circumstances. The department would be required to specify in regulations the process for making relocation decisions and for appealing and reviewing these decisions

(17) The bill would require the department, in conjunction with the Department of Consumer Affairs and with the participation of provider organizations, to submit to the Legislature by December 1, 1990, an implementation plan to establish a certification program for administrators of residential care facilities for the elderly.

It would express legislative intent that subsequent to receipt of this plan by the Legislature, legislation be enacted establishing an administrator certification program It would make these provisions inoperative only if Assembly Bill 2323 is enacted during the 1989 portion of the 1989–90 Regular Session

(18) The bill would require, commencing January 1, 1991, and until legislation is enacted establishing an administrator certification program, that, with specified exceptions, administrators complete the approved certification program required for licensees. It would require compliance with this provision by administrators employed on or after January 1, 1991, by not later than July 1, 1991

(19) This bill would require the administrator of the facility to be present at the facility during normal working hours, except that a facility manager, as designated by the licensee, would be required to be responsible for the facility during the temporary absence of the administrator

(20) The bill would require that, as a condition of licensure for a facility for 6 or fewer persons, the licensee also be the administrator designated on the license application, and that the administrator reside in the facility and have the facility as his or her principal residence.

(21) Since a violation of residential care facility for the elderly licensing and regulatory provisions is a misdemeanor, the bill would create new crimes, thus imposing additional duties upon law enforcement agencies, thereby constituting a state-mandated local program

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

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

Ch 1116 (SB 1209) Garamendi Business regulations

Under existing law, an exchange reorganization is defined as the acquisition by one corporation in exchange in whole or in part for its equity securities or the equity securities of a corporation which is in control of the acquiring corporation of shares of another corporation

This bill would require that the acquiring corporation, immediately after the acquisition, have control of the acquired corporation in order to qualify the transaction as an exchange reorganization

This bill would also define a "share exchange tender offer" to mean any acquisition by one corporation in exchange in whole or in part for its equity securities of shares of another corporation, other than an exchange reorganization

Under existing law, a proposed amendment to the articles of incorporation of a corporation with more than one class of shares outstanding must be approved by the outstanding shares, as defined, of each class of shares, whether or not the class is otherwise entitled to vote, if the amendment would increase or decrease the aggregate number of authorized shares of the class other than an increase incident to a stock split or as otherwise specified

This bill would clarify that the above class vote provision is applicable to the amendment of the articles of incorporation except an amendment affecting only a stock split in a corporation with only one class of shares in which case the amendment may be approved by the board of directors alone

Existing law requires the principal terms of a reorganization to be approved by the outstanding shares of each class of each corporation, the approval of whose board is required, as specified, except that no approval of any class of outstanding preferred shares of the surviving or acquiring corporation or parent party is required if the rights, preferences, privileges, and restrictions granted to or imposed upon the class of shares remains unchanged, except as specified

This bill would similarly require the principal terms of a share-exchange tender offer to be approved by the outstanding shares of each class of the corporation making the tender offer or whose shares are to be used in the tender offer, except that no approval of any class of outstanding preferred shares of either corporation is required if the rights, preferences, privileges, and restrictions granted to or imposed upon the class of shares remain unchanged However, this bill would provide that this approval of outstanding shares is not required if the corporation or its shareholders immediately before the tender offer shall own, immediately after the completion of the share exchange proposed in the tender offer, equity securities, except as specified, of the corporation making the tender offer or corporation whose shares were used in the tender offer, possessing more than ⅚ths of the voting power of either corporation

Existing law provides for the regulation under the Real Estate Law of specified transactions involving business opportunities

This bill would provide that the Real Estate Law shall not apply to any transaction involving the sale, lease, or exchange of a business opportunity performed by a person licensed at the time of the transaction as a securities broker or securities dealer under any law of this state or of the United States, or by any employee, officer, or agent of that person, as specified The bill would make a conforming change in the law regulating securities brokers and securities dealers

Existing law exempts specified persons from the definition of the term "real estate broker" for purposes of the Real Estate Law and from other provisions relating to prohibited real estate acts, as specified.

This bill would add an exemption from these real estate provisions for any person, or any employee, officer, or agent thereof, who is licensed as a securities broker or as a securities dealer under any law of this state, or of the United States, if that person, officer, employee, or agent is acting in connection with a transaction involving the offer, sale,

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purchase, or exchange of specified securities which is subject to any law of this state or of the United States regulating the offer or sale of securities

Under existing law, 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 under existing law 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

This bill would specify that if the tender offer is commenced by publication and tender offer materials are subsequently mailed or otherwise distributed to the shareholders, the opinion may be omitted in that publication if the opinion is included in the materials distributed to the shareholders

This bill would incorporate additional changes in Section 10133.1 of the Business and Professions Code, proposed by SB 1204, to be operative only if SB 1204 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

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

Ch 1117 (SB 1275) Presley Minors

(1) Under existing law, any pupil who has once been adjudged an habitual truant or habitually insubordinate, who is reported as a truant from school or habitually insubordinate, as specified, is required to be reported to the pupil's probation or parole officer

This bill would require any pupil who has been found to be a person coming within the jurisdiction of the juvenile court based on criminal activity and has been required, as a condition of probation, to attend a school program approved by a probation officer, to be reported to the juvenile court and the probation officer if the pupil is reported as a truant or habitually insubordinate The juvenile court would be required to send written notice to the superintendent of the school district of attendance that a minor enrolled in a public school in grades 7 to 12, inclusive, has been found to be a person coming within the jurisdiction of the court based on criminal activity, and the superintendent would be required to transmit that information to specified persons The bill would also require that all reports to the probation officer be made within 10 days of the violation

(2) 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 and permits those persons, prior to suspension or expulsion of a student, to report acts which may violate the prohibitions against possession, use, or sale, of alcoholic beverages, other intoxicants, or controlled substances

This bill would provide that notwithstanding specified provisions the principal or the principal's designee would be required to notify law enforcement authorities when any acts of a student may involve the possession or sale of narcotics or of a controlled substance or a violation of specified provisions relating to firearms or weapons

(3) Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or under judicial order, except that access to records relevant to the legitimate educational interests of the requester is permitted to specified persons

This bill would permit access to any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition, a prosecuting agency for consideration against a parent or guardian for failure to comply with specified provisions, and any probation officer or district attorney for the purposes of conducting specified investigations

(4) Existing law provides that whenever a case is before a juvenile court alleging that a minor is habitually truant, the juvenile court judge may be assigned to sit as a municipal court judge to hear any complaint alleging that the parent, guardian, or other person having control or charge of the minor has failed to comply with provisions relating to school attendance, as specified.

This bill would provide that the juvenile court judge may be assigned to sit as a municipal court judge to hear the above-described complaint whether or not the case is before the court alleging that the minor is habitually truant The bill would also

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provide that the juvenile court judge, sitting as a municipal court judge may coordinate the action involving the minor with any action involving the parent, guardian, or other person having control or charge of the minor, not just with an action alleging failure to comply with provisions relating to school attendance.

(5) Existing law provides that a peace officer may take specified minors into temporary custody without a warrant

This bill would provide that any minor who is taken into temporary custody under specified circumstances may be requested to submit to voluntary chemical testing of his or her urine to determine the presence of alcohol or drugs Before administering the test, the peace officer would be required to give a specified admonition, except under certain conditions The bill would provide that the results of the test may be considered by the court in making specified determinations relating to disposition of the minor However, the test could not form the basis for the prosecuting attorney to file a petition to declare the minor a ward of the court nor could it form the basis for a jurisdictional finding by the court

(6) Existing law requires a probation officer to submit an affidavit of any person who applies to commence proceedings in juvenile court to the prosecuting attorney within 48 hours under specified circumstances

This bill would add to that list of specified circumstances cases in which it appears to the probation officer that the minor has violated specified offenses relating to the sale or possession for sale of a controlled substance, as defined, to the possession of specified controlled substances on a public or private elementary, vocational, junior high school, or high school, to assault with a deadly weapon, to bringing or possessing a firearm or other specified weapons on public schools, or to criminal gang activity, or the minor has been previously placed in a program of informal probation or has committed an offense in which restitution, as defined, owed to the victim, as defined, exceeds $1,000

(7) Existing law, under two separate sections, authorizes a probation officer, in certain circumstances, after concluding that a minor is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, to delineate specific programs of supervision, not to exceed 6 months

This bill would specify that the program of supervision shall require the parents or guardian of the minor to participate in counseling or education programs in specified circumstances This bill would also delete one of the sections

This bill would also authorize the court, if a petition has been filed to declare the minor a ward of the court based on criminal activity, to continue the hearing on the petition for 6 months and order the minor to participate in a program of supervision, except in specified cases Additionally, any minor who is placed in a program of supervision under either of the above-specified provisions, for a violation of an offense involving the unlawful possession, use, sale, or other furnishing of a controlled substance, as defined, would be required to participate, and successfully complete, an alcohol or drug education program, as specified

(8) Existing law authorizes the juvenile court to place a minor who is found to be a person coming within the jurisdiction of the juvenile court based on noncriminal or criminal activity on probation under the supervision of the probation officer without adjudging the minor a ward of the court

This bill would specify conditions to be placed on that probation and would further provide that if the minor fails to comply with these conditions, the court may order and adjudge the minor a ward of the court The bill would also provide that the juvenile court may not take the above-specified actions with regard to a minor found to be a person coming within the jurisdiction of the juvenile court based on specified criminal activity

(9) Under existing law, a juvenile court is authorized to place minors declared wards of the court based on noncriminal or criminal activity home on probation

This bill would require the court to place specified conditions of probation on such minors

The bill would authorize the court to require such minors to submit to urine testing as a condition of probation

This bill would also require a judge or referee of the juvenile court, in specified

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counties, to require a minor who is found to be within the jurisdiction of the juvenile court based on the commission of an offense involving the unlawful possession, use, or sale, or other furnishing of a controlled substance, as defined, to participate in, and successfully complete, an alcohol or drug education program The bill would further require the person's parents or guardian, if the person is under 18, and the person, thereafter, to pay the expense of the program, except as specified. The court would be required to consider the financial capacity of the person or the person's parents or guardian to pay the expense, and would be authorized to waive all or part of the payment upon a specified finding

(10) Under existing law, an order modifying a previous order of the juvenile court, as specified, may only be obtained by the filing of a supplemental petition In the situation where the minor has been adjudged a ward of the juvenile court or is a probationer based on criminal activity and is currently alleged to have violated a condition of probation not amounting to a crime, the probation officer is required to file the supplemental petition If the violation amounts to a crime, the prosecuting attorney is required to file the supplemental petition at the request of the probation officer

This bill would authorize the prosecuting attorney, after consulting with the probation officer, to file the supplemental petition if the alleged violation of the condition of probation does not amount to a crime, and would delete the requirement that the probation officer request the prosecuting attorney to file a supplemental petition where the alleged violation of the condition of probation amounts to a crime

(11) This bill would also make a statement of legislative intent

(12) This bill would incorporate additional changes in Section 653 5 of the Welfare and Institutions Code, proposed by AB 332, to be operative only if AB 332 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(13) Because this bill would impose increased duties on various local agencies and officials and impose and revise criminal penalties, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 1118 (SB 1068) Boatwright. Sudden infant death syndrome.

Existing law requires the State Department of Health Services to keep each county health officer advised of the most current knowledge relating to the nature and causes of sudden infant death syndrome (SIDS). Existing law also requires the county health officer or his or her designated agent, upon being informed by the coroner of any case in which sudden infant death syndrome is the provisional cause of death, after consultation with the infant's physician of record, to immediately contact the person or persons who had custody and control of the infant and explain to those persons the nature and causes of sudden infant death syndrome

This bill would require the department to contract with a person to provide regular and ongoing SIDS educational and training programs for specified persons who interact with parents and caregivers following a death from SIDS This bill also would require the department to contract with a person to regularly produce, update, and distribute literature on SIDS for specific target populations of persons who interact with parents and caregivers following a death from SIDS This bill would provide that the above requirements shall be subject to the annual Budget Act and shall be operative only to the extent funds are appropriated for those purposes

This bill further would require the department to monitor, or contract with a person

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to monitor, whether the county health officer or his or her designated agent is performing the duties required by existing law.

Ch 1119 (SB 1103) Robbins Insurance.

(1) Existing law contains various provisions relating to insurance fraud Among other things, existing law does the following.

(a) Under existing law, it is a felony to engage in certain acts relating to making false or fraudulent claims Existing law requires that a notice that it is a felony to engage in certain practices must appear on certain claims forms.

(b) Existing law provides for the release of certain information by insurers to governmental agencies that suspect arson, and provide for the notification of certain insurers when certain governmental agencies believe that a fire loss was not accidentally caused. Existing law contains similar provisions applicable to motor vehicle insurance fraud and to other insurance fraud.

(c) Existing law establishes the Bureau of Fraudulent Claims in the Department of Insurance Among other things, that law requires certain law enforcement agencies to assist the bureau It provides that insurers are not subject to tort liability for furnishing required information Existing law imposes a fee of 30¢ for each automobile insurance policy, 40% of which is distributed to the bureau, and the remainder to local district attorneys Under existing law, these provisions will be repealed on January 1, 1992.

(2) This bill would repeal those existing provisions, and would enact provisions that substantially consolidate the existing provisions Among the other changes from existing law are the following:

(a) This bill would add to the list of acts relating to false and fraudulent claims by making it a felony to knowingly assist, abet, solicit, or conspire with a person who knowingly presents any false or fraudulent claim, a person who knowingly presents multiple claims, a person who knowingly causes or participates in a vehicular collision or accident for the purpose of presenting a false or fraudulent claim, or a person who knowingly prepares, makes, or subscribes to a writing to be used in support of such a claim. Since the bill would expand an existing definition of a crime, it would impose a state-mandated local program The bill would also revise the maximum fines for insurance fraud violations and provide a 2-year sentence enhancement for each prior violation

(b) The bill would revise provisions relating to the Bureau of Fraudulent Claims by, in some instances, requiring cooperation of or with professional licensing agencies. The bill would establish an advisory committee on automobile insurance fraud prevention

The bill would also increase the per policy fee from 30¢ to 50¢. The increased fees would be available when appropriated, for allocation to the bureau and local district attorneys for increased investigation and prosecution of insurance fraud, as specified, and including funding for an Automobile Insurance Claims Depository that would be established by the bill

The bill would make related changes

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

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

Ch. 1120 (SB 1522) Kopp. Transportation state transportation improvement program, San Mateo County Transit District bonds, and ferry systems

(1) Under existing law, the California Transportation Commission prepares and submits annually to the Legislature and Governor a 5-year state transportation improvement program

This bill would repeal a provision relating to the state transportation improvement program which would, by its terms, be repealed January 1, 1990

(2) Under existing law, the San Mateo County Transit District is authorized to issue general obligation bonds upon approval of the electors of the district, to impose a transactions and use tax, and to use the proceeds of that tax to retire those bonds. The

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district's maximum bonded indebtedness is an amount equal to the sum of the principal of, and interest on, the bonds, but not more than the estimated proceeds of the transactions and use tax for a period of not more than the term of the bonds

This bill would allow the district to determine the estimated proceeds of the transactions and use tax for these purposes, and would delete the limitation as to the term of the bonds in this regard

The bill would also permit the district to issue refunding bonds and bond anticipation notes and would limit the period within which the validity of bonds and tax revenues pledged to pay or secure bonds may be contested, as specified

(3) Under existing law, the Metropolitan Transportation Commission is authorized to allocate funds derived from toll bridge revenues to public entities and to the Department of Transportation for the establishment and operation of ferry systems within the region under the commission's jurisdiction, but is prohibited from approving the use of toll bridge revenues to subsidize the establishment or operation of a ferry system operated by a common carrier providing transportation service subject to the jurisdiction of the Public Utilities Commission

This bill would delete that prohibition

Ch 1121 (SB 1528) Mello State school facilities funding program matching fund requirement

Under existing law, the State Allocation Board is authorized to apportion funding for school facilities construction projects on behalf of applicant school districts under the Leroy F Greene State School Building Lease-Purchase Law of 1976, subject to the requirement that the district pay matching funds in an amount based on the maximum school facilities fee applicable, during a designated period of time, to new construction occurring within the applicant district

This bill would reduce the amount of that matching fund requirement in an amount equal to the portion of the matching share requirement that is based on new construction in any territory in the applicant district that is within a community facilities district established to fund the school facilities needs of the applicant district, under specified conditions

The bill would further specify that, subsequent to the date on which the resolution of formation creating the community facilities district is adopted under specified provisions, any territory within a community facilities district established for the school facilities purposes of a school district shall be exempt, for a specified period of time, from any school facilities fee or other requirement levied to benefit any other school district, except as negotiated between the school districts

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

Ch 1122 (SB 1594) Alquist. Hazardous waste batteries.

(1) Existing law prohibits the disposal of lead-acid batteries at a solid waste facility or at other locations, except as specified. Existing law also prohibits the disposal of hazardous waste, except as provided in the laws and regulations concerning hazardous waste, and a violation of these provisions is a crime

This bill would exempt any collection location which receives, or any person that transports, spent batteries, as defined, generated as waste not subject to the federal Resource Conservation and Recovery Act of 1976, from the requirements concerning the receiving, storage, and transportation of hazardous waste if the batteries are to be sent to a facility authorized to receive these batteries and specified conditions are met, thereby imposing a state-mandated local program by creating a new crime. The bill would not apply to lead-acid batteries or batteries disposed of on or into the land, water, or air

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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 1123 (SB 1631) Campbell. Disaster relief.

Existing provisions of the California Emergency Services Act permit the Governor, in the event of a gubernatorial proclamation of a state of emergency and a presidential declaration of an emergency or major disaster in this state, to make grants not to exceed $5,000 to meet disaster-related expenses or serious needs of affected individuals or families

This bill would raise the grant limit to $10,000, and would provide for the annual adjustment of that limit, as specified

Existing provisions of the Natural Disaster Assistance Act require the Director of Emergency Services to adopt regulations to govern the administration of the disaster assistance program authorized by that act The director is required to adopt initial regulations by April 1, 1989

This bill would specify some of the subjects to be covered by these regulations and change the deadline for interim regulations from April 1, 1989, to July 1, 1989 This bill would require final regulations to be adopted by July 1, 1990

Existing provisions of the Natural Disaster Assistance Act permit allocations to local agencies for disaster assistance following the declaration of a local emergency if that declaration is acceptable to the Director of Emergency Services Assistance may be allocated for specified local agency costs, including personnel overtime costs and costs of supplies

This bill would permit this local agency assistance to be allocated also upon the order of the Governor when a state of emergency proclamation has been issued It would permit local agency assistance to also cover local agency personnel regular hourly wage costs and costs of materials

Existing provisions of that act also provide that, in making allocations for local agency projects, expenditures incurred by the local agency prior to the allocation for work otherwise eligible shall be considered in determining the rate of contribution between the state and the local agency

This bill would delete that requirement

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

Ch 1124 (SB 1706) Robbins Evidence of financial responsibility

(1) Existing law, which will be repealed January 1, 1990, requires automobile liability insurers to provide prescribed written notice to insureds for use in verifying financial responsibility

This bill would delete that termination date and revise the above provisions to require insurers to provide insureds with 2 copies of this notice and to provide additional copies upon request and payment of a fee to cover the reasonable cost thereof.

(2) Existing law, which will be repealed January 1, 1990, requires drivers of motor vehicles required to be registered, and of mopeds, that are involved in an accident on a highway to produce evidence of financial responsibility upon request of a peace officer summoned following the accident

This bill would delete that termination date and revise the above provisions to make the same requirement applicable to single-vehicle accidents occurring on private property, except an accident involving only injury, or damage to property, of the driver Since failure to produce evidence of financial responsibility is an infraction, this bill would impose a state-mandated local program by broadening, as specified, and extending those provisions indefinitely. These provisions would become operative only if SB 1160 is enacted and becomes operative, as prescribed

(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 specify that it would take effect immediately as an urgency statute

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Ch. 1125 (AB 97) Costa. Health facilities financing.

(1) Under existing law, there is a California Health Facilities Financing Authority which is empowered to make loans under certain conditions from the California Health Facilities Financing Fund to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities, as defined, including hospitals. Existing law authorizes the authority to issue revenue bonds for the purpose of obtaining moneys to make those loans The total amount of revenue bonds authorized to be outstanding at any one time is limited to $4,249,000,000.

This bill would increase the total amount of revenue bonds authorized to be outstanding at any one time by $875,000,000

(2) This bill would, in addition, permit the authority to make grants in aid to any small or rural hospital, as defined, in accordance with an agreement between the authority and the hospital (1) in connection with the financing of a project or for working capital; or (2) to discharge indebtedness incurred by the hospital in connection with projects undertaken, health facilities acquired, or working capital financed prior to the effective date of this bill.

Since the California Health Facilities Financing Authority Fund is a continuously appropriated fund, and since this bill would authorize new uses for moneys in that fund, as well as authorize the deposit of additional moneys from the issuance of bonds in that fund, the bill would constitute an appropriation.

The bill would require that grants be made only from HELP Program funds, not to exceed $870,000, and would require the authority, in consultation with representatives of the hospital industry and other affected parties, to develop a process and criteria for making these grants.

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

Ch 1126 (AB 124) Vasconcellos Judgments and settlement claims against the state: appropriation

Existing law requires the State Board of Control to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would also provide that where no sufficient appropriation exists for the payment of claims, settlements, or judgments against the state arising from an action in which the state is represented by the Attorney General, the Attorney General shall report the claims, settlements, and judgments to the chairperson of either the Senate Committee on Appropriations or the Assembly Committee on Ways and Means, who shall cause to be introduced legislation appropriating funds for the payment of the claims, settlements, or judgments

This bill would appropriate $2,954,568 48, according to a specified schedule, to the Secretary of the State Board of Control to pay judgments and settlement claims accepted by the State Board of Control.

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

Ch 1127 (AB 307) Polanco Small business preference.

Existing law requires the Director of General Services and the directors of other agencies, within their respective areas of responsibility, to, among other things, provide for small business preference in contracts for construction or the procurement of goods where responsibility and quality are equal

This bill would extend the requirement for the small business preference to contracts for the delivery of services

This bill would incorporate additional changes in Section 14838 of the Government Code, proposed by AB 1829, to be operative only if AB 1829 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 1128 (AB 327) Floyd Insurance discrimination

Under existing provisions of the Rosenthal-Robbins Auto Insurance Nondiscrimination Law, motor vehicle liability insurers are prohibited from refusing applications or refusing to issue insurance on account of the occupation of the applicant Existing

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provisions of law, added by Proposition 103, also provide that a person who meets specified criteria shall be qualified to purchase a Good Driver Discount policy, and that an insurer shall not refuse to sell a Good Driver Discount policy to any person who meets those criteria

This bill would specify that the above provisions of existing law do not prohibit a motor vehicle liability insurer from limiting its insurance to persons who are or formerly were in governmental or military service and their spouses, dependents, and former dependents

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

Ch 1129 (AB 401) Lancaster Insurance investments

(1) Existing law regulates investments of insurers and authorizes insurers to own shares of an open-end diversified management investment company that meets certain specified standards

This bill would repeal existing authority for insurers to invest in open-end diversified management investment companies and would instead authorize these investments as excess funds investments The bill would authorize domestic life insurers with at least $100,000,000 in assets to make excess funds investments in the purchase and sale call options on interest-bearing obligations of the United States and certain of its agencies or instrumentalities The bill would also authorize domestic life insurers with at least $100,000,000 in assets to make excess funds investments in specified obligations, which the bill would require to be exchange-traded, as defined Investment in these obligations could not exceed 10% of the insurer's policyholder surplus without the consent of the Insurance Commissioner

The bill would require requests to invest in obligations under the bill that are not exchange-traded, and requests to exceed this 10% limitation, to be in writing, as prescribed, and would require insurers to pay the commissioner a $5,000 fee in advance for processing each request Failure of the commissioner to act on these requests within specified time periods would be deemed approval of the request under the bill

The bill would authorize domestic life insurers with at least $100,000,000 in assets to make excess funds investments, not exceeding 4% of the insurer's admitted assets, in specified participation certificates representing undivided interests in prescribed corporate obligations

(2) Existing law authorizes domestic incorporated insurers to invest in hedging transactions and positions in interest rate futures contracts or options on interest rate futures contracts, as specified.

This bill would make a technical change in these provisions

Ch 1130 (AB 472) M Waters County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988 and Youth Center and Youth Shelter Bond Act of 1988

(1) Existing law, the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988, creates the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund and authorizes moneys in this fund, up to a limit of $65,000,000, to be available for the construction, reconstruction, remodeling, and replacement of county juvenile facilities, and the performance of deferred maintenance on county juvenile facilities, as specified

This bill would provide that the Department of the Youth Authority shall administer funds appropriated for these juvenile facilities.

(2) Existing law, the Youth Center and Youth Shelter Bond Act of 1988, provides that funds shall be available from the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund, when appropriated by the Legislature, at the request of the Director of the Department of the Youth Authority. Upon appropriation, the department is required to make awards to public or private nonprofit agencies or joint ventures for the purpose of acquiring, renovating, constructing, and purchasing equipment for youth centers and youth shelters. The department is required to treat funding for the youth centers and youth shelters as separate programs Under the act, the State of California is entitled to recapture a portion of state funds from the owner of a facility,

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if, within 10 years after acquisition or 20 years after completion of construction, either of 2 specified events occurs

This bill would specify that the department shall fund the youth centers and youth shelters separately. Further, the bill would provide that funding for youth shelters shall be awarded to shelters for runaway youths and to shelters for abused and neglected children, as specified, and would make other related changes.

This bill would expand the recapture provisions by providing that the state shall be entitled to recapture a portion of state funds from the recipient of a contract if, within 10 years after acquisition, 20 years after completion of construction, or 3 to 10 years after renovation, as specified, either of 2 specified events occurs

This bill would also require the department to develop a statewide needs assessment, as specified, to be completed and sent to the Legislature by May 3, 1991, with preliminary information to be provided to the Legislature by April 15, 1990, regarding the need for multipurpose youth centers and youth shelters for runaway youths. This bill would also provide that the department shall administer funds appropriated for youth centers and youth shelters under the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988

The bill would also appropriate $250,000 from the 1988 County Correctional Facility Capital Expenditure and Youth Facility Bond Fund to the Department of the Youth Authority for expenditure for the statewide needs assessment and would provide that it is the intent of the Legislature that any amount appropriated for administering the provisions of the Youth Center and Youth Shelter Bond Act shall be pursuant to the annual Budget Act and that the amount appropriated shall not exceed a specified percent

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

Ch 1131 (AB 796) Frazee Records destruction

(1) Existing law provides that the county clerk, notwithstanding any other provision of law relating to the destruction of court records, may cause any documents, records, instruments, books, depositions, transcripts, or other papers filed in any action or proceeding in the superior court, or otherwise filed in his or her office pursuant to law, to be destroyed, as specified, if the action or proceeding in which the papers were filed is not pending or on appeal in any court and any one of a number of specified events has occurred, except as specified

This bill would repeal those provisions and substitute a new procedure to provide that any papers filed or lodged in a superior court action or proceeding may be destroyed, except as specified, after a case has been closed It would also require minimum retention periods for all papers in specified cases and require that specified documents be microformed prior to the destruction of any papers.

This bill would also require the presiding judge to order that papers be microformed prior to destruction when a party makes an application for preservation of a record, unless good cause is shown that the request be denied. It would also require the Judicial Council to establish a scientifically valid sample of cases in the superior courts in each county to be retained for statistical purposes and to preserve judicial records of historical or other research interest, as specified

This bill would also require the clerk of the superior court to promptly seal and store at least one original of each microformed copy of papers, as specified

(2) Existing law provides that the county clerk, notwithstanding any law relating to the destruction of court records, may transfer certain superior court case records to a city or county museum, except as specified, if 15 years have elapsed since the filing of any paper in the action or proceeding, the records of the county clerk do not show that the action or proceedings is pending on appeal in any court, and the director of the city or county museum states in writing that he or she will maintain the records, make them available to the general public, and assume the duties as custodian of these records

This bill would repeal these provisions and substitute a new procedure which would require the clerk of the superior court to give notice of the proposed destruction of any court papers and records, including historical records, as defined, which are open to public inspection to the Secretary of State, any city or county museum, any law school

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accredited by the State Bar Association, and any university or college located in the state, as specified It would also provide that these papers and records may be permanently transferred to the above entities upon written order of the presiding judge of the court, or destroyed if no request is received from any of these entities within 6 months, or in the case of historical records, 2 years, as specified

(3) Existing law provides that, notwithstanding any other provision of law, a county clerk, on order of the presiding judge of the appellate department of the superior court, is required to destroy a statement or transcript on appeal from the municipal or justice court, as specified, without retaining a micrographic film print or copy, 10 years after the decision becomes final.

This bill would change 10 years to 5 years after the decision becomes final

(4) Existing law permits all papers and records filed and kept in all proceedings in municipal and justice courts to be destroyed upon order of the presiding judge of the court after the expiration of the specified minimum retention period.

This bill would reduce the minimum retention period for all infraction cases, as specified, and for misdemeanor cases involving alleged violations of the Vehicle Code, except as specified, from 4 years to 3 years

This bill would also reduce the minimum retention periods for all papers and records of civil actions, special proceedings, and small claims actions that have been dismissed or not prosecuted to judgment, as specified It would also revise and recast those provisions which provide for the destruction of papers and records upon dismissal of a civil action, as specified

This bill would impose new duties on court personnel, thereby imposing a state-mandated local program

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,-000, shall be made from the State Mandates Claims Fund

Ch. 1132 (AB 967) Bentley. Contractors. administrative arbitration

(1) Existing law provides that, after investigating any verified complaint of an alleged violation of specified provisions of the Contractors' State License Law and finding a probable violation, the Registrar of Contractors may, with the concurrence of both the licensee and the complainant, and under certain circumstances, including, but not limited to, findings by the registrar that the complainant has suffered material damages, as defined, refer the alleged violation and any dispute arising thereunder to arbitration Existing law provides that once the registrar determines the scope of a dispute and that arbitration would be a suitable means of resolving the dispute, the registrar shall, among other things, notify the complainant and the licensee of this decision and of the consequences of selecting administrative arbitration over other remedies, and forward an "agreement to arbitrate" to the complainant and the licensee Existing law further provides that if either or both of the parties fail to return the agreement within 30 days of the date it is mailed by the registrar, the registrar shall assume that the parties do not wish to agree to arbitrate and shall proceed with the normal complaint or investigative process

This bill would provide that, in order to refer a violation to arbitration, the registrar need only find a possible violation The bill would also redefine "material damage" to mean damages greater than $2,500 and less than $25,000 The bill would further provide that in all cases in which a possible violation of a specified provision exists and the damage is less than $2,500, the complaint shall be referred to administrative arbitration utilizing specified criteria The bill would establish a pilot project regarding the mandatory arbitration of these types of cases, as specified, and would set forth the procedure to be followed with respect to the mandatory arbitration of these types of cases, as

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specified.

In addition, the bill would delete the provision which requires the registrar to determine the scope of the dispute before notifying the parties regarding administrative arbitration and would require the registrar to notify the parties of the consequences of selecting administrative arbitration over judicial remedies This bill would also delete the provision regarding the failure of one or both of the parties to return the agreement to arbitrate and would make technical changes to a provision relating to the registrars review and investigation of complaints

(2) Existing law, with respect to arbitration under the Contractors' State License Law, provides that the expenses of witnesses, expert witnesses, or reports for either side shall be paid by the party producing the witnesses or reports

This bill would delete this provision and would provide, instead, that upon the request of either party involved in arbitration, the board shall pay the expenses, under specified conditions, for one expert witness appointed by the board The bill would also specify that parties who choose to present the findings, as evidence, of another expert witness shall pay for those services The bill would also make a statement of legislative intent with regard to expert witnesses

(3) Existing law requires the Contractors' State License Board, in concurrence with the Department of Consumer Affairs, to contract with a consultant to evaluate the program one year after implementation.

This bill would provide, instead, that the board shall contract with a consultant to evaluate and assist with the program and shall report to the Legislature, on or before September 1, 1991, regarding mandatory arbitration, as specified

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

Ch. 1133 (AB 1310) Killea Controlled substances manufacture and sale

(1) Existing law makes it a misdemeanor for 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 fail to require proper identification before a transaction or to report the transaction to the Department of Justice not less than 21 days prior to the delivery of the substance. Existing law defines "proper identification" to mean a motor vehicle operator's license or other official state-issued identification of the purchaser which contains a photograph of the purchaser and includes other specified information

This bill would define "proper identification" to mean a valid motor vehicle operator's license or other official and valid state-issued identification of the purchaser which contains a photograph of the purchaser. This bill would provide, in addition, that it is a misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish to a person under 18 years of age, or for a person under 18 years of age to possess, specified listed substances which may be used in the unlawful manufacture of controlled substances, and thus this bill would impose a state-mandated local program upon local governments by creating new crimes

(2) Existing law provides that any manufacturer, wholesaler, retailer, or other person who receives from a source outside of this state any of specified listed substances which may be used in the unlawful manufacture of controlled substances shall submit a report of that transaction to the Department of Justice in accordance with regulations adopted by the department

This bill would provide that the report shall be submitted 21 days in advance of receipt of the substance, but that the Department of Justice may authorize the submission of reports within 72 hours after the actual physical receipt of a specified substance under specified circumstances where there are repeated transactions for lawful purposes

(3) Existing law provides that any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes to a person in this state, or who receives from a source outside of this state, any of specified listed substances which may be used in the unlawful manufacture of controlled substances, shall obtain a permit for the conduct of that business from the Department of Justice and that conduct of that business without a permit is a misdemeanor or a felony

This bill would provide, in addition, that no person under 18 years of age shall be

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eligible for a permit, that no business for which a permit has been issued shall employ a person under 18 years of age in the capacity of a manager, agent, or representative, that an applicant for an initial permit shall submit with the application 2 sets of 10-print fingerprint cards for each individual acting in the capacity of an owner, manager, agent, or representative for the applicant, and that in the event of subsequent changes in ownership, management, or employment, the applicant shall submit 2 sets of 10-print fingerprint cards for each individual not previously fingerprinted.

This bill would provide, furthermore, that any manufacturer, wholesaler, retailer, or other person who sells to any person in this state any laboratory glassware or apparatus, any chemical reagent or solvent, or any combination thereof, where the value of the goods sold exceeds $100 and the payment is made in cash or by cashiers check, or who sells to any person in this state specified substances, shall require proper purchaser identification, enter that identification information onto the bill of sale, retain the bill of sale, and present the bill of sale upon demand by law enforcement officers, as specified. This bill would provide that a violation of these provisions is a misdemeanor, and thus this bill would impose a state-mandated local program upon local governments by creating new crimes.

(4) Existing law requires the Department of Justice to establish a Clandestine Laboratory Enforcement Program to assist state and local law enforcement and prosecutorial agencies in apprehending and prosecuting persons involved in the unlawful manufacture of controlled substances This program is scheduled to be repealed as of January 1, 1990

This bill would delete the repealer and thus this bill would impose a state-mandated local program upon local governments by continuing a state-mandated local program in existence

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 1134 (AB 1558) Allen. Emergency medical personnel.

Under the Emergency Medical Services and the Prehospital and Emergency Medical Care Services Personnel Act, each county may establish an emergency medical services (EMS) agency, for the establishment and administration of an EMS program in the county.

Existing law also establishes the Emergency Medical Services Authority, which, among other things, adopts regulations governing these emergency medical services provisions

Existing law specifies certain training requirements of EMT-I's, EMT-II's, and EMT-P's, requires the Emergency Medical Services Authority to establish minimum standards and promulgate regulations for the training and scope of practice for EMT-I's, and requires the authority to develop, after approval of the commission, minimum standards for the training and scope of practice for EMT-II's and EMT-P's Existing law also provides that a local EMS agency may require additional training standards for EMT-II's and EMT-P's and additional training or qualifications for practice within the EMS area in an advanced life support or limited advanced life support prehospital care system.

This bill would require that the adoption of the above additional standards, training, or qualifications by a local agency be consistent with specified standards.

Existing law requires the authority to establish the standards for continuing education and competency examination for certification and recertification of all prehospital personnel

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This bill would, instead, require the authority to establish the standards for continuing education and to designate the examinations for certification and recertification of prehospital personnel.

Existing law also requires the authority to establish criteria for the statewide recognition of the certification or authorization of prehospital emergency medical care personnel in the basic scope of practice of those personnel, in accordance with specified criteria. Existing law also requires the authority to develop and adopt, as specified, minimum standards for the training and scope of practice for EMT-P.

This bill would limit the above requirement to criteria for the statewide recognition of EMT-P's, as specified, and would make other changes related to the above. The bill also would contain a statement of legislative intent regarding the above. The bill also would require the authority, on or before January 1, 1991, to adopt standards for a statewide scope of practice, which would be required to be utilized for the training and certification testing of EMT-P personnel for certification as EMT-P's. The bill furthermore would require the director of the authority to approve any addition to a local optional scope of practice for EMT-P's proposed by the medical director of a local EMS agency prior to its implementation, as specified.

Existing law requires each EMS agency to have a medical director. Existing law requires the medical director to issue a certificate to an individual upon proof of satisfactory completion of an approved training program and passage of the examination for competence.

Existing law further requires the medical director to recertify Emergency Medical Technician I's (EMT-I's), Emergency Medical Technician II's (EMT-II's), and Emergency Medical Technician-P's (EMT-P's), as defined, through passage of an examination for competency at an interval specified by the authority.

This bill would, instead, require the medical director to issue a certificate to an individual upon proof of satisfactory completion of an approved training program, passage of the certifying examination designated by the authority, completion of any other requirements for certification established by the authority, and a determination that the individual is not precluded from certification for grounds specified under existing law for suspension or revocation of a certificate or placing the certificate holder on probation.

The bill would require recertification upon proof of the individual's satisfactory recertification designated by the authority, completion of any continuing education or other requirements for recertification established by the authority, and a determination that the individual is not precluded from recertification because of grounds specified under existing law for suspension or revocation of a certificate or placing the certificate holder on probation.

Existing law permits the authority to adopt provisions for collection of fees by the appropriate agency for testing, certification, or authorization and accreditation in the appropriate scope of practice.

This bill would, instead, permit the authority to adopt provisions for the establishment and collection of fees by the appropriate agency, which may be the authority, or an entity designated by the authority to collect fees for the authority, for testing, certification, authorization, accreditation, and registration with the appropriate state or local agency, in the appropriate scope of practice.

The bill would create the Emergency Medical Services Personnel Fund, to be comprised of fees collected pursuant to the above-described provisions. Entities collecting these fees would be required to transmit amounts collected to the authority for deposit in the Emergency Medical Services Personnel Fund. This fund would be continuously appropriated to the authority to maintain the authority's testing and personnel registry program, and to make reimbursement to entities for the performance of functions for which these fees are collected.

Since a violation of the provisions of the Emergency Medical Services and the Prehospital Emergency Medical Care Personnel Act is a misdemeanor, the bill would create new crimes, thereby creating additional duties for local law enforcement agencies, and thus constituting a state-mandated local program.

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In addition, since implementation of examination and other requirements would impose additional costs upon local EMS agencies, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

This bill would declare that its provisions would take effect immediately, as an urgency statute

Ch 1135 (AB 1667) Condit Crimes

Under existing law, it is a public offense, punishable as specified, for any person to willfully threaten to commit a crime which will result in death or great bodily injury to another person, if under the circumstances the threat causes the threatened person reasonably to be in sustained fear for his or her own safety or his or her immediate family's safety, as specified

This bill would make technical, nonsubstantive changes to those provisions

Existing law provides that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, persons convicted of specified controlled substance offenses

This bill would add to those provisions persons convicted of violating certain other controlled substance offenses, by possessing for sale, selling, or offering to sell cocaine base, cocaine, or methamphetamine, as specified, and who have specified prior controlled substance convictions

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

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

Ch 1136 (AB 1787) Katz Motor vehicles driver training

(1) Existing law does not require special training specifically for transit busdrivers A certificate issued by the Department of Motor Vehicles is required to operate schoolbuses, youth buses, tour buses, and general public paratransit vehicles, and a commercial motor vehicle license and an endorsement, evidencing qualification by examinations prescribed by the department, is required to operate a commercial passenger vehicle

This bill would define a transit bus to be any publicly owned or operated bus used to provide regularly scheduled transportation for a fee to the general public, as specified, excluding a paratransit vehicle

(2) Under existing law, a general public paratransit vehicle may be operated only by a person having in his or her possession a certificate issued by the Department of Motor Vehicles permitting the operation of general public paratransit vehicles

This bill would permit those vehicles to also be operated by persons possessing a certificate to drive a schoolbus or school pupil activity bus

(3) Existing law requires the State Department of Education to develop or approve training of schoolbus or school pupil activity bus and farm labor vehicle drivers

This bill would require the department to develop or approve training for school pupil activity bus, transit bus, schoolbus, and farm labor vehicle drivers, and would authorize the department to charge fees as specified

The bill would authorize the issuance of certificates, and would authorize cancellation of the driver's license or certificates if the training is not successfully completed

The bill would require that all transit drivers have a specified certificate, and that they comply with specified standards by July 1, 1994, and would declare that this bill shall not alter the relationships between transit operators and drivers regarding the costs of busdriver training

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The bill would require the Department of Motor Vehicles to establish orderly implementation procedures, and would require the Department of the California Highway Patrol to determine compliance by transit operators, as specified

To the extent that this bill would create new requirements for school districts, it would impose a state-mandated local program

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

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

The bill would require the amount of reimbursed costs to be deducted from other funds allocated to transit districts.

(5) The bill would become operative on July 1, 1990

Ch. 1137 (AB 1802) Friedman Unlawful detainer actions: trial.

Existing law requires that an oral deposition shall be scheduled for a date at least 10 days after service of the deposition notice.

This bill would specify that in unlawful detainer actions, as defined, an oral deposition shall be scheduled either 10 days after service of the deposition notice or no later than 5 days before trial, whichever is sooner

This bill would also incorporate additional changes in Section 2025 of the Code of Civil Procedure proposed by AB 157, to be operative only if AB 157 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 1138 (AB 1909) Assembly Committee on Judiciary. Courts. municipal and superior

(1) Existing law specifies the number, compensation, and classification of municipal court personnel in Alameda, Butte, Santa Barbara, Santa Clara, Kern, Merced, Napa, Orange, Sacramento, San Diego, San Bernardino, San Joaquin, Shasta Sonoma, and Stanislaus Counties.

This bill would revise the number, compensation, and classification of municipal court personnel in Alameda, Butte, Santa Barbara, Santa Clara, Kern, Merced, Napa, Orange, Sacramento, San Diego, San Bernardino, San Joaquin, Shasta, and Stanislaus Counties and the number 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.

(2) Existing law specifies the compensation and duties of court reporters.

This bill would revise the compensation of court reporters in Alameda, Santa Clara, and Santa Barbara Counties and in counties with a population of 490,000 to 503,000, and the compensation and duties of court reporters in Butte County, thus imposing a state-mandated local program by requiring a higher level of service under an existing program

(3) Existing law establishes the Ukiah-Little Lake Justice Court District with 2 judges in Mendocino County

This bill would change this to the Mount San Hedrin Municipal Court District with 2 municipal court judges, and specify the number, compensation, and classification of municipal court personnel, thus imposing a state-mandated local program by requiring a higher level of service under an existing program.

(4) Existing law provides for the number, classification, and compensation of superior court personnel in Orange County.

This bill would revise the number, classification, and compensation of superior court personnel in Orange County, thus imposing a state-mandated local program by requiring a higher level of service under an existing program

(5) Existing law establishes 2 municipal court districts in Kern County Existing law also provides for a traffic referee and one court commissioner in the West Kern Judicial District.

This bill would establish 2 additional municipal court districts in Kern County with 2 judges each, rename the West Kern Judicial District the Bakersfield Municipal Court,

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repeal the traffic referee position, and add an additional court commissioner, thus imposing a state-mandated local program by requiring a higher level of service under an existing program

(6) Existing law authorizes additional Municipal Court judges in San Diego County upon the adoption of a specified resolution or resolutions by the board of supervisors.

This bill would establish those judgeships, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(7) Existing law specifies the number and compensation of court commissioners, traffic trial commissioners, and traffic referees in the municipal court.

This bill would revise the compensation of municipal court commissioners in Napa, San Diego, Stanislaus, and Shasta Counties, and the qualifications of municipal court commissioners in Shasta County It would also authorize the appointment of a municipal court commissioner in lieu of the appointment of a traffic referee in Placer and Yolo Counties, and would revise the compensation of commissioners, traffic trial commissioners, and traffic referees in San Diego County The bill would impose a state-mandated local program by requiring a higher level of sevice under an existing program.

This bill would also make numerous technical and conforming changes.

(8) Existing law authorizes the board of supervisors in San Diego County to enhance the fine imposed for certain Vehicle Code violations, as specified, in order to cover county costs involved.

This bill would instead require the courts in San Diego County to establish certain administrative assessments for clerical and administrative costs relating to these Vehicle Code violations, as specified, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(9) Existing law establishes the Grass Valley, Nevada, and Truckee Justice Courts and the number, compensation, and classification of justice court personnel in Nevada County

This bill would create in lieu of these courts the Nevada County Municipal Court with 3 judges and revise the number, compensation, and classification of municipal court personnel, thus imposing a state-mandated local program by requiring a higher level of service under an existing program.

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

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

Ch 1139 (AB 1978) Wright. Domestic insurers' investment in real property.

Existing law authorizes incorporated domestic insurers to invest in notes or bonds secured by a mortgage or other 1st lien on unencumbered real property, under prescribed conditions

This bill would limit that investment authorization to bonds or notes secured by a 1st lien on specified unencumbered real property

Ch 1140 (AB 2080) M Waters Housing

Existing law generally requires that 20% of any taxes allocated for redevelopment under a redevelopment plan providing for so-called tax-increment financing, to be deposited in a redevelopment agency's Low and Moderate Income Housing Fund to be used for low- and moderate-income housing Existing law specifies that any interest earned by the Low and Moderate Income Housing Fund accrues to the fund and may only be used for increasing and improving the community's supply of low- and moderate-income housing to certain persons and families

This bill would impose a state-mandated local program by, instead, requiring that any interest earned by the fund and any repayments or other income to the agency for loans, advances, or grants, of any kind, from the fund accrue to and be deposited in the fund be only used in the manner prescribed for the fund The bill would state a finding by the Legislature that in making these amendments the Legislature does not express an intent or make a finding as to whether the amendments constitute a substantive change

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in, or are declaratory of, existing law.

Existing law requires, whenever all or any portion of a redevelopment project is developed with low- or moderate-income housing units, the redevelopment agency to ensure that the housing be made available for rent or purchase to the persons and families of low or moderate income displaced by the project.

This bill would impose a state-mandated local program by requiring a redevelopment agency, except as otherwise required by existing law, to make housing units assisted with moneys from the Low and Moderate Income Housing Fund available at affordable housing cost to, and occupied by, very low income and lower income households, and persons and families of moderate income by household type, as determined in the housing element of the city or county, as specified. The bill would allow adjustments as exceptions to this provision under specified conditions, where housing needs for this type of housing are greater than levels set forth in the bill.

The bill would impose an additional state-mandated local program by requiring, beginning January 1, 1991, each redevelopment agency to issue a report, with specified information, which identifies projects for which a then enforceable agreement was entered into by the agency as of January 1, 1989, which commits the use of moneys from the Low and Moderate Income Housing Fund. The bill would also impose additional restrictions upon an agency's use of moneys from the Low and Moderate Income Housing Fund for certain housing projects.

Existing law requires that on or after January 1, 1996, whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from a certain housing market as part of a redevelopment project, the redevelopment agency must, within 4 years of the destruction or removal, rehabilitate, develop, or construct, for rental or sale to persons and families of those income levels, an equal number of replacement dwelling units at affordable housing cost within the territorial jurisdiction of the agency.

This bill would impose a state-mandated local program by, instead, requiring that, whenever those units are destroyed or removed as part of a specified redevelopment project, the redevelopment agency within 4 years of the destruction or removal, rehabilitate, develop, or construct, for rental or sale, an equal number of replacement dwelling units within the territorial jurisdiction of the agency at affordable housing cost to the same income level of persons and families of low or moderate income and very low income households as those persons displaced from those destroyed or removed units. The bill would also define the phrase "longest feasible time" for these purposes.

Under existing law, when a redevelopment agency deposits less than 20% of so-called tax increment revenues in the Low and Moderate Income Housing Fund in any fiscal year, the amount equal to the difference between the 20% of the revenues allocated to the agency for each affected project and the amount deposited that year constitutes a deficit of the project.

This bill would, instead, make those provisions applicable when an agency deposits less than 20% of those tax revenues allocated to the agency in the 1985–86 fiscal year or any subsequent fiscal year.

Existing law requires each redevelopment agency to present an annual report, containing specified information, to its legislative body.

This bill would require that the report include certain information concerning projects financed with funds from the agency's Low and Moderate Income Housing Fund.

Existing law requires that the housing element of a city or county contain certain information and provisions, including a specified program setting forth a 5-year schedule of actions.

This bill would require that the program include a description, as specified, of available funds in an agency's Low and Moderate Income Housing Fund.

Existing law requires the California Housing Finance Agency to submit to certain public agencies an annual report which includes specific information evaluating the extent to which the programs administered by the agency have attained the statutory objectives of the agency, including, among other things, the primary purpose of the

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agency in meeting the housing needs of persons and families of low or moderate income.

This bill would also require that report to include certain statistical and other information relating to congregate housing for the elderly

Existing law authorizes the California Housing Finance Agency and a city, county, or city and county to issue revenue bonds for the purpose of financing the construction and development of multifamily rental housing.

This bill would revise the minimum occupancies required under this program for persons in lower-income categories in order to conform the financing of developments under the program with specified provisions of federal law.

This change would reflect federal requirements that have been applicable to qualified mortgage bonds since the enactment of the federal 1986 Tax Reform Act

This bill would incorporate additional changes in Section 65583 of the Government Code, proposed by SB 1282, to be operative only if SB 1282 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

This bill would incorporate additional changes in Section 33334 3 of the Health and Safety Code, proposed by SB 1235, to be operative only if SB 1235 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

This bill would incorporate additional changes in Section 33413 of the Health and Safety Code, proposed by SB 1287, to be operative only if SB 1287 and this bill are both chaptered and become effective January 1, 1990, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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. 1141 (AB 2098) Lempert Contracts· Automobile Sales Finance Act

Under existing law, any conditional sales contract subject to the Automobile Sales Finance Act is required under that act to contain a specified notice with respect to complaints concerning unfair or deceptive practices or methods by the seller in at least 8-point bold type if the contract is printed

This bill would also require a contract to contain a notice that would provide that complaints concerning unfair or deceptive practices or methods may be referred to the city attorney, the district attorney, or the Department of Motor Vehicles, or any combination thereof. It would also provide for the notice to state that the seller cannot change the financing or payment terms stated in this contract after the buyer has received possession of the vehicle The bill would further require that the notice state that it is an unfair or deceptive practice for the seller to try to change the terms of the contract Since the willful violation of the Automobile Sales Finance Act is a misdemeanor, this bill would impose a new crime and thus create a state-mandated local program

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

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

Ch 1142 (AB 2322) Bates Adoption

Existing law provides for independent adoptions where no agency licensed to place children for adoption is a party. Existing law further provides that petitioners for an independent adoption and all persons from whom consent is required for that adoption and whose addresses are known shall be interviewed by the State Department of Social Services or by a licensed county adoption agency as soon as possible and in the case of residents of California within 45 working days, excluding, legal holidays, after the filing of the adoption petition

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This bill would provide with regard to independent adoptions that, notwithstanding the above time limits, if certain specified additional advice and assessment requirements have been met, the State Department of Social Services or a licensed county adoption agency shall interview any person willing to be interviewed from whom consent is required within 10 working days of receiving a copy of the filed adoption petition and documentation that the specified conditions have been met.

The specified advice and assessment would be required to be performed by the department or a licensed county adoption agency or, upon its election to do so, a licensed private full-service or noncustodial adoption agency, as defined The bill would prohibit the agency providing this advice to a birth parent from accepting relinquishment of the child where the birth parent decides to relinquish the child for adoption rather than consenting to the adoption of the child by the original petitioners for adoption, except as specified The bill would make a related change with regard to full-service and noncustodial adoption agencies

Among other things, this bill would also require any relationship between an attorney and a licensed private adoption agency to be disclosed in writing to any person from whom consent is required and to the adoption petitioner

The State Department of Social Services would be required to study the effect of the above provisions, as specified, and to report its findings to the Legislature on or before January 1, 1993. The bill would also authorize the State Department of Social Services to adopt emergency regulations, as specified

All of the above provisions would take effect and become operative only if Senate Bill 64 of the 1989–90 Regular Session or other legislation authorizing the establishment of a fee of at least $500 to be paid by the adoptive parents, as specified, to the State Department of Social Services or the county adoption agency is chaptered and takes effect on or before January 1, 1990 Furthermore, these provisions would be operative only until January 1, 1994

Because the bill would mandate new and increased duties on licensed county adoption agencies, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1143 (AB 2327) Epple Public Employees' Retirement System statutory maintenance

The existing Public Employees' Retirement Law confers upon the Board of Administration administrative control over the Public Employees' Retirement System

This bill would make technical, corrective, clarifying, updating, and conforming changes in provisions relating to the Second Tier, public agencies, state safety members, state peace officer/firefighter members, basic death benefits, service computation, leaves of absence, and death benefits

This bill would also add the Prison Industry Authority as an employer of state safety members, make the waiver of contributions for certain premium compensation for planned overtime also applicable to members of State Bargaining Unit 7, and revise the public service provision and provide greater flexibility in the purchase of public service credit

Provisions of that law authorize the purchase of service credit for public service and leaves of absence

This bill would specify the contribution rate to be used to compute that purchased service credit for members of the Second Tier

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Ch. 1144 (AB 2435) Ferguson. Housing. mobilehomes.

Existing law permits the Department of Housing and Community Development to transfer to department-approved 3rd-party entities, as defined, its responsibility of enforcing certain state and federal manufactured home and mobilehome construction and safety standards Existing law repeals this authority and that definition 3 calendar years subsequent to the initial approval date by the department of a 3rd-party entity or January 1, 1990, whichever occurs first, unless a later enacted statute extends or repeals those dates.

This bill would repeal all of these provisions.

Existing law prohibits the department from issuing a manufacturer, distributor, or dealer license to any applicant who does not have an established place of business. Existing law requires the established place of business to have an office, and in the case of a manufacturer, a manufacturing area situated on the same property.

This bill would specify for that purpose in the case of a dealer or distributor, the established place of business is required to have an office located within the State of California and in the case of a manufacturer, the established place of business is required to have a manufacturing area situated on the same property. Since violation of these provisions constitutes a misdemeanor, the bill would impose a state-mandated local program

Under the existing Mobilehomes-Manufacturing Housing Act of 1980, the Department of Housing and Community Development is prohibited from issuing a license to a manufacturer or dealer who does not have an established place of business Existing law requires a person holding a salesperson license to obtain a replacement license upon changing his or her employment address

This bill would specify that any of those manufacturers or dealers licensed, under that act which has closed its place of business, and any salesperson licensed under that act who is no longer residing at the address last filed with the department, may be served with process pursuant to specified law, at the last known place of business, in the case of a manufacturer, or last known address, in the case of a salesperson, unless those entities or persons have notified the department of another address where service can be made. This bill would make these provisions applicable to any manufacturer, dealer, or salesperson who is licensed under that act, or whose license is renewed under that act, on or after the effective date of its provisions.

Existing law requires administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards to be forwarded to the Building Standards Commission for approval.

This bill would exempt administrative regulations adopted by the Department of Housing and Community Development that apply directly to the implementation or enforcement of building standards from that requirement.

Existing law creates the Mobilehome Recovery Fund for payment of claims arising out of losses sustained from specified unlawful activities involving the sale or purchase of a mobilehome

This bill would, in addition, permit payments for claims arising out of losses sustained from conversion of a mobilehome. Since the 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 appropriations measure.

Existing law sets administrative service fees when a dealer does not submit an application to register or transfer a manufactured home, mobilehome, or commercial coach to the department within 10 calendar days from the date the transaction was required to be reported. The amount of the fee increases, as specified, according to how late the application is submitted after the date of sale This bill would set those fees based on the date of sale, lease, or rental, and would make technical nonsubstantive changes Since the bill would increase the number of fees paid into the Mobilehome Revolving Fund, which is continuously appropriated, this bill would constitute an appropriations measure

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.

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

Ch 1145 (SB 578) Garamendi University of California· research facilities.

Existing law authorizes the State Public Works Board to finance the construction, renovation, and equipping of research facilities on sites within the University of California The law generally authorizes the board to issue certificates, revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the research facilities, but prohibits the issuance of these debt instruments for any facility unless the Legislature, by statute, authorizes the total amount of debt instruments that may be used to finance the specific facility.

This bill would authorize the board to finance the acquisition of land, buildings, related infrastructure, and equipment and the construction, renovation, and equipping of research facilities and related infrastructure on sites owned by, or subject to a lease or option to purchase held by, the University of California The bill would authorize the board to issue certificates, revenue bonds, notes, or anticipation notes for a specific facility for specified long-term scientific research activities if the Legislature authorizes a specific amount of financing to be made available to the board for a specific period of time without authorizing any specific building The bill would specifically authorize the board to use financing of up to $250,000,000 until June 30, 1992, for the acquisition of land, buildings, related infrastructure, and equipment and the construction, renovation, and equipping of research facilities and related infrastructure for the specified long-term scientific research activities The bill would require any project proposed for this financing to be approved by statute unless the board secures a waiver of this approval requirement from the Joint Legislative Budget Committee

Ch. 1146 (SB 600) Roberti Unemployment benefits schedule

(1) Existing law provides that employer contributions towards unemployment insurance are paid determined according to 6 schedules, and that employer contributions to the state's Unemployment Fund shall accrue and become payable towards unemployment insurance benefits, as provided, with respect to wages paid for employment

This bill would provide for a 7th schedule, as specified, for the determination of employer contribution rates would provide for the lowering of certain of those rates, and would provide that effective January 1, 1991, employers, as specified, in addition to other required contributions, may submit a voluntary contribution for purposes of redetermining their contribution rate

(2) Existing law provides for the payment of employer contributions towards unemployment insurance at an emergency solvency surcharge rate when the balance of the Unemployment Fund is less than 0.8% of wages in employment, as defined

This bill would lower the threshold percentage of 0.6% of wages in employment, as currently defined

(3) Existing law requires each employer, under pain of penalty for noncompliance, to file with the director a return and report of wages paid to his or her workers according to a prescribed form

This bill would delete certain requirements for information to be contained in each employer's return and report This bill would also specify additional monetary penalties for an employer's failure without good cause to file the return and report as required.

(4) Existing law generally does not authorize the payment of unemployment insurance benefits to certain educational employees of a nonprofit organization, any public entity, or any federally operated school with respect to a period between 2 succeeding academic years, or to specified vacation or holiday periods.

This bill would delete educational employees of any federally operated school from those employees to whom this provision is applicable.

(5) Existing law disqualifies from receiving unemployment insurance benefits for 2 to 10 weeks benefit claimants making false statements

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This bill would require disqualification for 2 to 15 weeks for those claimants making false statements who did not receive benefits, and disqualification for 5 to 15 weeks for those claimants making false statements who did receive benefits

(6) Existing law provides a schedule of benefits for unemployment compensation claims filed after January 1, 1983, with a minimum weekly benefit amount of $30.

This bill would revise the schedule of benefits for new claims filed on or after January 1, 1990, by increasing the minimum weekly benefit amount from $30 to $40 and by increasing maximum weekly benefit amounts. The maximum benefit amount increases, as well as increases in minimum earnings requirements, would be phased in annually through 1992 The increase in benefit amounts would increase the amounts payable from the Unemployment Fund, a continuously appropriated fund, thereby making an appropriation.

(7) Existing law requires the Employment Development Department to give notice of unemployment insurance benefit determinations, but does not specify conditions of that notice

This bill would require the department to give notice personally or by mail, and to reissue notice where the department is aware that notice was not received and the correct address of the affected party can be determined.

(8) This bill would state the Legislature's intent to annually appropriate all funds in the Employment Development Department Contingent Fund, and would provide that the tax rates provided by the bill would apply, as specified, during the 1990 calendar year and thereafter

Ch 1147 (SB 666) Morgan. Education

Existing law contains various programs to improve educational programs and schools

This bill, in addition, would enact the Morgan-Hart Class Size Reduction Act of 1989, which would establish the Program to Reduce Class Size in Grades 9 to 12, Inclusive. The bill also would establish the Language Arts Enrichment Program in Grades 1 to 3, Inclusive.

The bill would authorize any school district that maintains any of grades 9 to 12, inclusive, to apply to the Superintendent of Public Instruction for an apportionment to implement the Program to Reduce Class Size in Grades 9 to 12, Inclusive, as prescribed

The bill also would authorize school districts to apply to the Superintendent of Public Instruction for an apportionment to implement the Language Arts Enrichment Program in Grades 1 to 3, Inclusive, as prescribed Funding under this program would be required to be used to increase direct individual instruction in language arts to pupils

The bill would require the Superintendent of Public Instruction, on or before November 1 each year, to report to the Governor and to both houses of the Legislature regarding the number of districts that have implemented either the Program to Reduce Class Size in Grades 9 to 12, Inclusive, or the Language Arts Enrichment Program in Grades 1 to 3, Inclusive, or both, as specified.

The bill would declare the intent of the Legislature that up to $110,000,000 be appropriated, as specified, for the Program to Reduce Class Size in Grades 9 to 12, Inclusive, and the Language Arts Enrichment Program in Grades 1 to 3, Inclusive

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

Ch 1148 (SB 680) Marks. Voter registration

Existing law requires the county clerk to conduct a preprimary election residency confirmation procedure by mailing a nonforwardable postcard to registered voters, and to cancel or correct the voters' affidavit of registration based upon the postal notices on the postcards

This bill would authorize the county clerk to contract with the United States Postal Service to obtain use of postal service change-of-address data, as specified.

This bill would authorize the county clerk, in lieu of mailing a residency confirmation postcard to conduct the preprimary election residency confirmation procedure, to use the change-of-address data services of the United States Postal Service obtained pursuant to this bill.

This bill would require the county clerk who enters into a contract for change-of-

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address data to send a specified notice of reregistration to registered voters who have changed their addresses.

Ch. 1149 (SB 707) Rogers Airport planning.

Under existing law, state functions relating to aeronautics are performed by the Department of Transportation and the California Transportation Commission. Within the department is an administrative division known as the Division of Aeronautics.

This bill would require the division, in consultation with transportation planning agencies, to prepare a California Aviation System Plan, and would specify the elements which the plan is to include The bill would direct the division to submit the plan to the commission, to revise biennially the capital improvement program element of the plan, and every 5 years to revise the remainder of the plan The bill would require the commission to hold hearings on and adopt, or revise and adopt as revised, the plan.

The bill would direct the division to require that every project submitted for funding under the Aeronautics Account, except for specified matters, be consistent with the plan. The bill would specify eligible airport-related projects. The bill would also require that funds to carry out its provisions be obtained from federal grants

Ch. 1150 (SB 777) Stirling Common interest subdivisions

(1) An existing provision of the so-called "Subdivided Lands Law," pertaining primarily to subdivision public report requirements, define "real estate development" to mean a common interest development as defined in the Davis-Stirling Common Interest Development Act.

This bill would delete that provision

(2) Under existing law, a common interest subdivision is defined as a real property development which consists or will consist of separately owned lots, parcels, areas, or spaces with specified features including, among other things, mutual, common, or reciprocal interests in, or restrictions upon, all or a portion of these separately owned lots, parcels, areas, or spaces, or both

This bill would redefine a common interest development as a community apartment project, as defined, a condominium project, as defined, a planned development, as defined, or a stock cooperative, as defined

The bill would also define an estate in a common area, common ownership, and an estate in a separate interest, as specified

Ch. 1151 (SB 829) Watson. Crimes: graffiti

Existing law prohibits certain specified unlawful acts, including the writing, spraying, scratching, or otherwise affixing of graffiti, as defined, on or in the facilities or vehicles of a public transportation system, as specified, or in the facilities of, or vehicles operated by, entities subsidized by the Department of Transportation. A violation of any of these provisions is an infraction, punishable by a fine not to exceed $250 or by prescribed community service not to exceed 20 hours.

This bill, instead, would provide that a violation of any of these provisions is punishable by both such fine and prescribed community service not to exceed 48 hours and that any community service which is required for a violation of any of these offenses by a person under the age of 18 years may be performed in the presence, and under the direct supervision, of the person's parent or legal guardian The bill also would provide that if a minor is personally unable to pay any fine levied for violating this provision, the parent or legal guardian of the minor would be liable for payment of the fine

Notice of these provisions relating to the parent or legal guardian would be included also, as specified, in any petition to commence proceedings in a juvenile court to declare a minor a ward or dependent child of the court. Because this provision would result in increasing the duties and responsibilities of local officials, the bill would create a state-mandated local program

In addition, the bill would provide that any fine levied for the affixing of graffiti on or in those facilities or vehicles shall be credited by the county treasurer, as specified, to the public transportation system or entity having jurisdiction over the involved facility or vehicle for removal of the graffiti Because the bill would impose additional

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responsibilities on the county treasurer, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

However, the bill also 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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 1152 (SB 1122) Robbins Health care service plans

Existing law, known as the Knox-Keene Health Care Service Plan Act, prohibits any person from engaging in business as a health care service plan without a license secured from the Commissioner of Corporations unless exempted by law Existing law specifically exempts from the licensing requirement a health care service plan which (1) provides only emergency ambulance services or advanced life support services or both, and (2) is operated by the State of California, any city, county, city and county, public district, or public authority

This bill would additionally exempt a health care service plan operated by any city, county, city and county, public entity, or political subdivision which provides services only to its employees, their dependents, and retirees, but not to the general public, which provides funding for the program, and which provides that providers are not at risk in contracting arrangements However, during the period of exemption, any public entity or political subdivision operating such a health care service plan would be prohibited from engaging in specified behavior

The bill would repeal this provision on December 31, 1992.

The bill would also require the Senate Office of Research to conduct a study of the factors which should be considered by the Legislature in determining whether to create an exemption, and the scope of the exemption under the act for public entities and political subdivisions operating a health care plan for their employees, retired employees, and their dependents which meet specified conditions The bill would require the study to be completed and submitted to the Legislature no later than December 31, 1991

Ch 1153 (SB 1143) Stirling Small claims court

Under existing law, upon the commencement of an action in the small claims court, the judge or clerk is required to do either of the following (1) sign an order directing a defendant who resides within the county in which the action is filed to appear for a hearing not more than 40 days nor less than 10 days from the date of the order, (or if the defendant resides outside the county, a hearing date not more than 70 nor less than 30 days from the date of the order), cause a copy of the claim and order to be mailed or delivered to the defendant, inform the plaintiff of the hearing date, and direct him or her to appear, or (2) cause a copy of the claim to be mailed to the defendant by any form of mail providing for a return receipt or cause a copy to be delivered personally to the defendant, sign an order, upon proof of service as specified above, setting a hearing date for a defendant who resides within the county in which the action is filed of not more than 40 days nor less than 10 days from the date of receipt of proof of services.

This bill would require that the hearing date for a defendant who resides within the county be set not more than 40 days nor less than 15 days from the date of the order or the date of receipt of service of the order as specified under both (1) and (2) above

Existing law also provides that if the service of the claim and order as specified under (1) above is not completed at least 5 days prior to the hearing date where the defendant resides in the county, (or 15 days where the defendant resides outside the county), unless the defendant personally appears and does not request a continuance, the court is required to continue the date for the hearing for 10 days

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This bill would require that the above specified provisions apply to both (1) and (2) above, that the service be completed 10 days prior to the hearing date, and that the continuance be granted for 15 days.

This bill would also allow any party to submit a written request for a continuance of the hearing date, and provide that when the court finds that it would best serve the interests of justice, the court shall continue the date for the hearing for at least 15 days, and shall cause notice to be served on the parties by first-class mail

This bill would impose a state-mandated local program by requiring a higher level of local service from small claims courts

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000. shall be made from the State Mandates Claims Fund

Ch 1154 (SB 1276) Presley. Air pollution: vehicles

(1) Existing law provides for a Certification Account in the Automotive Repair Fund for purposes relating to fees collected from manufacturers of new motor vehicles However, that fund was abolished and the balance therein transferred to the Vehicle Inspection and Repair Fund

This bill would provide that the Certification Account is created in the Vehicle Inspection and Repair Fund, and would make a related change

(2) Existing law requires that, when a motor vehicle is required to be equipped with a pollution control device, it be so equipped. Under existing law, it is an infraction to operate the vehicle unless it is so equipped with the device correctly installed and in operating condition, or to disconnect, modify, or alter the device, or install, sell, offer for sale, or advertise devices which alter the original design or performance of a device or system, except as specified.

This bill would authorize the executive officer of the State Air Resources Board, or an authorized representative of the executive officer, to enter premises, as specified, to inspect vehicles operated for commercial purposes, and related records, pertaining to those vehicles for purposes of enforcing that law

The bill would subject violators to a civil penalty, payable to the Treasurer for deposit in the Air Pollution Control Fund. The bill would specify the particular violations for which the penalty may be collected, and would exclude specified tampering by a rental customer of a vehicle in violation except if more than 20% of an owner's vehicles are found to be nonconforming during each of 3 consecutive inspections conducted 30 or more days apart, as specified

(3) Existing law requires the manufacturer of light- and medium-duty motor vehicles and engines, commencing with the 1990 model-year, to warrant to purchasers that specified requirements are met, including the ability to conform to emission standards for 5 years or 50,000 miles, and to pass a specified test for 3 years or 50,000 miles

This bill would delete the 5 year or 50,000 mile limit from the requirement of ability to conform to emission standards, and would except from the test requirement those motor vehicles and engines where the manufacturer demonstrates that the failure to pass the test was caused by the abuse, neglect, or improper maintenance or repair of the vehicle or engine The bill would also specify that a motorcycle is not a light-duty vehicle for purposes of the warranty requirements, and would make a corrective change.

(4) Existing law requires the Bureau of Automotive Repair in the Department of Consumer Affairs to take actions, as specified, to ensure the reduction in emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen.

This bill would specify that the authority of the bureau relates to reduction of vehicle emissions of those substances, and would make related changes

(5) Existing law provides for the implementation of a motor vehicle inspection pro-

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gram at the request of an air pollution control district or air quality management district, within the standard metropolitan statistical area in which any violation of emission standards exists

This bill would require that program to include the urbanized area defined by the United States Bureau of the Census, rather than the standard metropolitan statistical area.

(6) Existing law requires that vehicle emission testing and repair be conducted by licensed smog check stations and qualified mechanics who have passed a test, if the repairs are performed for compensation

This bill would delete the requirement that the repairs be for compensation The bill would require the mechanics to pass a test biennially and meet experience and training requirements prescribed by the department

(7) Existing law requires a specified review committee to report to the Legislature on or before January 1, 1992, on the effect of cost limitations on parts and labor under the biennial motor vehicle inspection program on reductions in air pollution

This bill would allow until December 31, 1992, for the completion of that report.

(8) Existing law requires vehicles of public agencies that are exempt from annual renewal of registration to obtain a certificate of compliance with emission standards after a test of the vehicle using an analyzer system that meets certain requirements

This bill would apply to those vehicles the same test requirements which are applied to other vehicles The bill would require the analyzer system to meet the requirements of the department, thereby imposing a state-mandated local program

(9) Existing law authorizes the department to impose annual license fees for smog check mechanics

This bill would instead authorize biennial license fees and an initial and biennial examination fee.

(10) Existing law requires the department to adopt standards for certification of emissions testing equipment

This bill would require the department to also adopt standards for decertification of the equipment

(11) Existing law requires smog check stations to use equipment meeting certain requirements, including the ability to read bar code information on vehicles, by a specified date

This bill would allow the department to defer the requirement for certain equipment until a substantial portion of the vehicles subject to the smog check requirements are equipped with bar code labels

(12) Existing law does not give the department authority to set standards for test analyzer system calibration gases and for certifying and decertifying gas blenders

This bill would confer that authority

The bill would prohibit any person who is not certified from blending, filling, or selling gas or from using gas that is not certified Since a violation of this provision would be a misdemeanor under other provisions, the bill would impose a state-mandated local program by creating a new crime.

(13) Existing law allows the department to charge smog check stations a fee not to exceed $6 for the issuance of certificate of compliance or noncompliance forms

This bill would require that the fee charged by the stations to consumers for certificates to be the same as the fee charged by the department

(14) Existing law requires a certificate of compliance or noncompliance with motor vehicle emission standards upon the registration of vehicles previously registered outside this state or upon transfer of registration of a vehicle, except in certain instances which include, on and after January 1, 1993, 1955 through 1965 model-year vehicles that are required under other provisions of law to be equipped with a certified device

This bill would instead exempt from that certificate requirement, commencing January 1, 1993, vehicles of the 1965 or earlier model year

(15) This bill also makes additional changes proposed by AB 1104, to be operative only if AB 1104 and this bill are both chaptered and become effective on January 1, 1990, and this bill is chaptered last.

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

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

Ch. 1155 (SB 1287) Seymour Housing: redevelopment.

Under existing law, with certain exceptions, redevelopment agencies are required 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 Existing law permits an agency in carrying out this requirement to, among other things, provide subsidies to persons and families of certain income levels, to the extent that those households cannot obtain housing at affordable costs on the open market

This bill would specify that those subsidies may include payment of a portion of the principal and interest on bonds issued by a public agency to finance housing for those persons, if the agency ensures by contract that the benefit of the subsidy will be passed on to those persons and families in the form of lower housing costs

Existing law requires a redevelopment agency to replace an equal number of dwelling units of low- or moderate-income housing destroyed or taken out of that housing market by a redevelopment project, within 4 years

This bill would limit that requirement to those projects which are subject to a written agreement with the agency or where financial assistance has been provided by the agency

This bill would incorporate additional changes in Section 33413 of the Health and Safety Code, proposed by AB 2080, to be operative only if AB 2080 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 1156 (SB 1290) Seymour Bank and corporation taxes low-income housing credit.

The existing Personal Income Tax Law and Bank and Corporation Tax Law allow taxpayers a credit under both laws for a percentage of costs incurred in constructing or rehabilitating low-income housing in this state Those laws provide that the aggregate amount of tax credits which can be granted under both laws shall not exceed $35,000,000 per year in the 1987 and 1988 calendar years, but the aggregate amount of credits granted in 1989 may exceed $35,000,000 by an amount equal to the unallocated credit from 1987 and 1988, and the credit period, as specified, for amounts attributable to unallocated credit from 1987 and 1988 shall not begin until after December 31, 1989. These provisions are repealed on December 1, 1990

This bill would provide that the aggregate amount of tax credits granted under both laws shall not exceed $35,000,000 in any year, rather than only in the 1987 and 1988 calendar years

This bill would provide, under the Bank and Corporation Tax Law, that the tax credit provisions shall remain in effect on or after December 1, 1990, for as long as similar provisions under federal income tax laws are in effect

This bill would become operative only if SB 726 of the 1989–90 Regular Session is chaptered.

This bill would take effect immediately as a tax levy

Ch 1157 (SB 1347) Deddeh Insurance filing of certificates.

(1) Existing law requires insurers issuing policies of motor vehicle liability insurance to provide certificates of proof of ability to respond in damages, as specified, pursuant to designated provisions of the Vehicle Code

This bill would authorize the filing of a single certificate, as specified

(2) Existing law provides various means of producing proof of financial responsibility and ability to respond in damages involving motor vehicle accidents

This bill would define the term "ability to respond in damages" for purposes of the Vehicle Code, and make related changes in various provisions regarding ability to respond in damages and financial responsibility, as specified The bill would also make

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various technical changes

Ch 1158 (SB 1393) Vuich. Courts: Fresno, San Luis Obispo, and Tulare Counties.

(1) Existing law requires that all vacancies in the office of clerk of a justice court are to be filled by appointment by the judge, by a majority of the judges, or by the judge senior in service when there is an equal division of the judges. Existing law also requires that all vacancies in the clerk's office are to be filled by appointment by the clerk

This bill would provide that in Tulare County the ordinances and resolutions of the board of supervisors shall govern the filling of a vacancy in the office of clerk of a justice court and all vacancies in the clerk's office.

(2) Existing law establishes the number, compensation, and classification of municipal court personnel and the location of court facilities where court sessions are required to be held in San Luis Obispo County

This bill would revise the number, compensation, and classification of municipal court personnel in San Luis Obispo County and provide that court sessions may be held at any other location within the county, as specified, thereby creating a state-mandated local program by requiring a higher level of service under an existing program.

(3) Existing law establishes the number, compensation, and classification of municipal court personnel in Fresno and Tulare Counties.

This bill would revise the number, compensation, and classification of municipal court personnel in Fresno and Tulare Counties, thereby creating 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 1159 (SB 1451) Dills *Beverage containers convenience incentive payments.*

Under existing provisions of 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 Department of Conservation 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. 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 convenience incentive payments to assist in establishing recycling locations. The department is required to stop making these payments if another recycling center is willing to certify operation within the convenience zone without receiving incentive payments.

This bill would specify that the department is required to stop making these payments if the recycling center, which is willing to certify operation in the convenience zone, operates in compliance with the act for 60 days, thereby making an appropriation by changing the conditions under which funds in the continuously appropriated account may be used to make the payments The bill would also require the department to pay to the recycling center all amounts which were to be paid prior to the termination of these payments

Ch 1160 (SB 1456) C Green Highways· truck traffic management.

Existing law requires the Department of Transportation to study urban freeway truck traffic congestion as it pertains to urban gridlock, and to submit a report to the Legislature by January 1, 1989.

This bill would require the department to cooperate with and assist agencies in the Los Angeles area in developing truck traffic management strategies, and would authorize the department to examine the impact and feasibility of designating specified freeways for use by trucks, and lane restrictions, during peak traffic periods.

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Ch. 1161 (SB 1655) Nielsen. Forest practices.

(1) Existing provisions of the Z'berg-Nejedly Forest Practice Act of 1973 state the intent of the Legislature that the goal of maximum sustained production of timber products be achieved while giving consideration to specified values

This bill would add regional economic vitality and employment to that list of values The bill would make a technical correction

(2) The act authorizes the board to exempt from the act, or portions thereof, persons engaged in specified activities.

This bill would also authorize the board to exempt timber operations on land managed by the Department of Parks and Recreation, the one-time conversion of less than 3 acres to a nontimber use, and easements granted by a right-of-way construction agreement administered by the federal government, as prescribed, and would make a conforming change

Ch. 1162 (SB 1704) Hart. Terrorizing.

(1) Under existing law, the Governor may offer a reward of not more than $50,000 payable from the General Fund, for information leading to the arrest and conviction of persons who have committed any of specified offenses including a crime involving the burning or bombing of public property

This bill would also permit the Governor to offer a reward for information leading to the arrest and conviction of any person who has committed a crime involving the burning or bombing of any bookstore or public or private library, as specified.

(2) Existing law makes it a felony punishable as specified, to explode, ignite, or attempt to explode or ignite any destructive device or explosive or to commit arson, in or about certain specified places, including, among other places, health facilities and places of worship, for the purpose of terrorizing another or in reckless disregard of terrorizing another, as defined

This bill would also make it a felony to explode or ignite those devices in or about bookstores or a public or private library

(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.

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

Ch 1163 (SB 1714) Dills Public contracts: bidder's security

Existing law requires that various contracts let by specified school districts, counties, cities, local agencies, utility districts, transit districts, transit development boards, and county transportation commissions, be awarded to the lowest responsible bidder after competitive bidding

This bill would, in addition, require that all bids be presented under sealed cover and be accompanied by one of specified forms of bidder's security

This bill would impose a state-mandated local program by requiring local public agencies to accept those forms of bidder's security. This bill would require the timely return, as specified, of the bidder's security to unsuccessful bidders.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

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Ch 1164 (SB 1716) Boatwright Highways San Pablo Avenue.

Under existing law, the Department of Transportation is required to improve and maintain state highways, and funds are appropriated to the department for these purposes.

This bill would authorize the department to pay annually to Contra Costa County and each of the Cities of El Cerrito, Richmond, San Pablo, Pinole, and Hercules the added costs of maintenance and operation of San Pablo Avenue caused by increased traffic detoured onto that avenue because of specified construction work on State Route 80, thereby making an appropriation These provisions would be repealed as of the date the department certifies to the Secretary of State that the construction is complete

The bill would provide that it becomes effective only if AB 488 is enacted and becomes effective.

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

Ch. 1165 (SB 353) Presley. Peace officers

(1) Under existing law, several code sections in the Penal Code classify various officers and employees of state and local agencies as peace officers

This bill would recast those sections by designating peace officers in the several sections of the Penal Code according, in part, to the officers' and employees' occupation The bill would add to the listing of peace officers security officers of the California State Police Division and security officers of the Hastings College of the Law The bill would also make numerous conforming and technical changes

(2) Existing law requires the Commission on Peace Officer Standards and Training to pay from the Peace Officers' Training Fund to each eligible local government agency state aid for training expenses of full-time regular paid employees of the eligible agencies

This bill would prohibit an allocation from the fund to a local governmental agency if the agency was not entitled to receive funding from the fund in accordance with the law as it read on December 31, 1989

(3) Existing law requires the Commission on Peace Officer Standards and Training to undertake certain training programs regarding peace officers.

This bill would require any person or persons desiring peace officer status under the law who, on January 1, 1990, were not entitled to be designated as peace officers to request the Commission on Peace Officer Standards and Training to undertake a feasibility study, as specified, regarding designating the person or persons as peace officers. It would require the request and study to be undertaken in accordance with regulations adopted by the commission. The bill would authorize the commission to charge any person requesting a study, a fee, not to exceed the actual cost of undertaking the study. It would require the commission to issue its study and recommendations within 18 months of the request and to provide a copy of the same to the Legislature.

The bill would provide that a section included in the Briggs Death Penalty Initiative Act, proposed to be amended by this bill, shall become effective only when approved by the voters.

This bill would incorporate changes in Section 25755 of the Business and Professions Code and Sections 830 1, 830.2, 830 3, 830 6, 830 7, and 12028.5 of the Penal Code to be operative only if specified applicable bills (e g , SB 352, SB 1351, SB 1578, AB 1506, AB 1688, and AB 2089) are chaptered, as provided, and this bill is chaptered last.

The bill would also incorporate changes in Section 25258 of the Vehicle Code made by Chapter 245 of the Statutes of 1989.

Ch 1166 (SB 1351) Boatwright. Peace officers

(1) Existing law provides that peace officers employed by the Department of Alcoholic Beverage Control are authorized while acting as peace officers, to enforce any penal provision of law prohibiting various acts involving alcoholic beverages or intoxicating liquors while they are in, on, or about any licensed premises in the course of their employment

This bill would delete the restriction concerning the enforcement of those penal provisions while the described peace officers are in, on, or about any licensed premises,

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and instead would allow these persons, while acting as peace officers, to enforce any of those provisions of law while in the course of their employment.

In addition, the bill would provide that any agents assigned to the Drug Enforcement Narcotics Team by the director of the department and other agents of the department shall successfully complete a 4-week course on narcotics enforcement, as specified.

(2) Existing law enumerates specified persons who are peace officers whose authority extends to any place in the state for purposes of performing their primary duty or when making an arrest under specified provisions of law The authority of these peace officers to carry firearms is subject to prior authorization and terms and conditions specified by the employing agency. Included within this category of peace officers are persons employed by the Department of Alcoholic Beverage Control for the enforcement of the Alcoholic Beverage Control Act who have been designated by the Director of Alcoholic Beverage Control

This bill would delete those peace officers from the above-described category of peace officers, and, instead, would include that category of peace officers within another category of peace officers whose authority extends to any place in the state without specified restrictions as to authority to carry firearms

Ch. 1167 (AB 1504) Quackenbush Firearms.

(1) Under existing law, every person who commits an assault upon the person of another with a firearm is guilty of either a felony punishable by imprisonment in the state prison for 2, 3, or 4 years, or a misdemeanor, punishable by imprisonment in a county jail for a term of not less than 6 months or more than one year or by a fine, as specified, or by both the fine and imprisonment Existing law contains enhanced penalties for assaults upon peace officers or firefighters, as specified

This bill would provide that every person who commits an assault upon the person of another with a semiautomatic rifle shall be punished by imprisonment in the state prison for 3, 6, or 9 years and would provide for enhanced penalties where the assault is upon a peace officer or firefighter Thus the bill would create a new crime, thereby imposing a state-mandated local program This bill would also incorporate changes in Section 245 of the Penal Code made by Chapter 18 of the Statutes of 1989

(2) Existing law provides that grand theft is punishable, as a misdemeanor, by imprisonment in the county jail for not more than one year, or, as a felony, in the state prison.

The bill, instead, would provide that when grand theft involves the theft of a firearm, it shall be punishable, as a felony, by imprisonment in the state prison for 16 months, 2, or 3 years, and in all other cases of grand theft, it shall be punishable, as a misdemeanor, by imprisonment in the county jail for not more than one year or, as a felony, in the state prison

(3) Existing law imposes an additional term of one year for any person who is armed with a firearm during the commission or attempted commission of a felony unless the arming is an element of the offense of which he or she is convicted

Existing law also imposes an additional term of one year for any person who personally uses a deadly or dangerous weapon in the commission or attempted commission of a felony

This bill would increase these additional terms to 3, 4, or 5 years. The bill would require the court to order imposition of the middle term unless there are circumstances in aggravation or mitigation, and it would require the court to state its reasons for its enhancement choice on the record at the time of sentencing.

The bill would also incorporate changes in Section 12022 of the Penal Code made by Chapter 19 of the Statutes of 1989.

(4) Existing law imposes an additional term of 3 years for any person who, while armed with a firearm in the commission or attempted commission of any felony, has in his or her immediate possession ammunition for the firearm designed primarily to penetrate metal or armor

This bill would increase this additional term to 3, 4, or 5 years. The bill would require the court to order imposition of the middle term unless there are circumstances in aggravation or mitigation, and it would require the court to state its reasons for its enhancement choice on the record at the time of sentencing

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(5) For any person convicted of a specified sex crime, existing law imposes additional enhancements of 3 years if the person uses a firearm or any other deadly weapon during the commission of the offense or 2 years if the person is armed with a firearm or other deadly weapon during the commission of the offense

This bill would revise these enhancements to 3, 4, or 5 years respectively, and 1, 2, or 3 years, respectively The bill would require the court to order imposition of the middle term unless there are circumstances in aggravation or mitigation, and it would require the court to state its reasons for its enhancement choice on the record at the time of sentencing

(6) Existing law imposes an additional term of 2 years for any person who, during the commission or attempted commission of a felony, furnishes or offers to furnish a firearm to another for the purpose of aiding, abetting, or enabling that person or any other person to commit a felony, as specified

This bill would revise this additional term to 1, 2, or 3 years. The bill would require the court to order imposition of the middle term unless there are circumstances in aggravation or mitigation, and it would require the court to state its reasons for its enhancement choice on the record at the time of sentencing

(7) Existing law imposes an additional term of 2 years for any person who personally uses a firearm in the commission or attempted commission of a felony unless the use of the firearm is an element of the offense

This bill would increase this enhancement to 3, 4, or 5 years The bill would require the court to order the imposition of the middle term unless there are circumstances in aggravation or mitigation, and it would require the court to state its reasons for its enhancement choice on the record at the time of sentencing

(8) Existing law prohibits a state employee from purchasing any goods, supplies, equipment, or materials from the state, except as specified

This bill would add an exception to allow a member of the California Highway Patrol to purchase his or her state-issued service revolver if the Commissioner of the California Highway Patrol directs the Department of the California Highway Patrol to change its state-issued service weapon system

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

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

Ch 1168 (AB 60) Isenberg Health insurance and employment training

Existing law does not establish a health coverage program to provide health insurance to residents of the state who are not otherwise able to obtain adequate health insurance meeting prescribed criteria

This bill would establish such a program to be known as the California Major Medical Insurance Program, which would be administered by a Major Medical Insurance Board appointed as specified The program would be limited to state residents, as specified

The bill would provide for the scope of coverage, rate limitations, deductibles, copayments, method of operation, including authority to contract with public and private entities for program administration, and subscriber eligibility and enrollment, as specified The bill would require the program to include a prescribed promotional component and state agencies would be required to assist therein if requested by the board

The bill would require transfer of $30,000,000, annually, to the Major Medical Insurance Fund, which the bill would create, from the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund under this program until at least $30,000,000 has been deposited in the Major Medical Insurance Fund from specified moneys in the Cigarette and Tobacco Products Surtax Fund

The bill would include as unfair competition, subject to prescribed remedies, specified referrals by an insurer, insurance agent or broker, or health plan administrator of a person to the major medical program offered under the bill if the referral is made for the purpose of separating that person from group health coverage provided in connection with the person's employment The bill would specify that it is an unfair labor

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practice contrary to public policy for employers to make these referrals.

Ch 1169 (AB 717) Hansen 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 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

Under existing law, in parole revocation proceedings, a parolee or his or her attorney is required to receive specified reports pertaining to the proceedings

This bill would authorize the reports of child abuse and the information contained therein to be disclosed to the Board of Prison Terms, as specified, where parole revocation proceedings are pending against a parolee charged with child abuse This bill would also require that the parolee or his or her attorney receive a copy of child abuse reports pertaining to the parole revocation proceedings, as specified, thereby imposing a state-mandated local program by increasing the duties of local child protective agencies with respect to these child abuse reports

This bill also would include additional changes in Section 11167 5 of the Penal Code, as proposed by AB 627 (Ch 153, Stats 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1170 (AB 855) Felando Administrative regulations

Existing law provides, generally, that state agency regulations adopted to implement, interpret, make specific, or otherwise carry out the provisions of a statute must be consistent and not in conflict with the statute to be valid or effective

Existing law requires that state agency regulations adopted pursuant to a specified procedure be reviewed by the Office of Administrative Law for, among other things, reference to statutory authority

This bill would provide that if the office becomes aware of an existing regulation for which the statutory authority has been repealed or becomes ineffective or inoperative by its own terms, the office would be required to order the adopting agency to show cause why the regulation should not be repealed for lack of statutory authority, the agency would be permitted to initiate a review by filing a Request for Review with the Governor's Legal Affairs Secretary, and the Governor would make the final decision on whether the regulation should be repealed

Ch 1171 (SB 89) Torres Workers' compensation peace officers.

Existing law provides that in the case of active volunteer or paid firefighting members of state and local fire departments, an injury under the workers' compensation law includes cancer which develops or manifests itself during the period of the specified employment, provided the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer.

This bill would add peace officers, as specified, to those persons for whom cancer, which occurs during employment, is an injury under the workers' compensation law.

This bill would impose a state-mandated local program by requiring local agencies to incur additional workers' compensation costs for peace officers injured by cancer

The California Constitution requires the state to reimburse local agencies and school

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districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1172 (SB 202) Watson Criminal records

Existing law requires local law enforcement agencies and designated state agencies to install and maintain records needed for the reporting of statistical data required by the Attorney General and to report statistical data to the Department of Justice Existing law requires local law enforcement agencies to report information relative to misdemeanor violations relating to obscene matter and justifiable homicides committed within their jurisdiction.

This bill would require local law enforcement agencies, at the direction of the Attorney General and subject to the availability of adequate funding for the Department of Justice, to report to the Department of Justice, in a manner to be prescribed by the Attorney General, such information as may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability

This bill would require the Department of Justice to submit an annual report to the Legislature, commencing July 1, 1992, analyzing the results of the information obtained from local law enforcement agencies

This bill would impose a state-mandated local program by imposing new reporting duties on local law enforcement agencies

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1173 (SB 628) Mello Annexation of noncontiguous territory

Existing law permits a city to annex noncontiguous territory within the county in which the city is located, under specified conditions

This bill would, upon approval by the local agency formation commission, authorize the City of Soledad to annex noncontiguous territory, of not more than 1,000 acres, located in the County of Monterey, and which constitutes a state correctional training facility

The bill would provide that, if after the annexation any part of the annexed territory is sold by the State of California, the territory sold will no longer be part of the City of Soledad It would require the legislative body of the City of Soledad to enact a confirmatory resolution, as specified, concerning the territory no longer annexed to the city

The bill would prohibit any territory contiguous to the territory permitted to be annexed by the bill, but which is not contiguous to the city and not owned by the state, from being annexed to the city.

The bill would specify that its limitations concerning the annexation of territory would not apply if territory annexed to the city becomes contiguous to the city

The bill would permit the City of Soledad to enter into an agreement apportioning any increase in state subventions due to the annexation The bill would require that the inmate population, resident staff, and dependents of the resident staff of the state

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correctional facility be counted in population data for purposes of calculating state subventions.

Under the Mills-Alquist-Deddeh Act, all transit operators and city or county governments with responsibility for providing municipal services to a given area collectively, are authorized to file claims with the transportation planning agency for only those funds that represent that area's apportionment, as defined, in the local transportation fund

This bill would define the term "area," for purposes of apportioning funds for Monterey County, to include the Correctional Training Facility-Soledad even if annexed by the City of Soledad

The bill would make legislative findings that, due to the unique circumstances of the City of Soledad, that a special law is necessary and that a general law cannot be made applicable, within the meaning of certain provisions of the California Constitution.

Ch 1174 (SB 1038) Doolittle Contractors

Existing law provides that it is a misdemeanor for any person to engage in the business or act in the capacity of a contractor unless the person is otherwise exempted from licensure A citation for nonlicensure may, among other things, contain an order of abatement and an assessment of a civil penalty, as specified

This bill would authorize waiver of a part of the civil penalty if the person against whom the civil penalty is assessed completes the requirements for, and is issued, a contractor's license This bill would prohibit issuance of a contractor's license in those cases, unless outstanding injuries to the public are satisfactorily settled It would also authorize the Contractors' State License Board to require that an applicant, who has been convicted for contracting without a license or cited for nonlicensure (where the citation has been reduced to a final order), and where there was substantial injury to the public, as a condition precedent to the issuance of a license, post a contractor's bond in twice the amount required pursuant to other provisions of law

Existing law requires an applicant for a contractor's license to show such degree of knowledge and experience in the classification applied for, and such general knowledge of the building, safety, health, and lien laws of the state and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public An applicant must qualify in regard to his or her experience and knowledge and any work required to be performed by a licensed contractor which was not performed on or after January 1, 1987, by an applicant that was neither licensed nor exempted from licensure, may not be used to meet the experience or knowledge requirements, as specified

This bill would instead provide that an applicant who has been convicted of a nonlicensure violation may not apply for a license for a one-year period from the date of conviction, as specified

Existing law requires the registrar to review experience gained by applicants from other states to determine whether all of that experience was gained in accordance with the contractors' licensing laws of that state

This bill would instead require this review to determine whether the experience was gained in a lawful manner

The Budget Act of 1989 appropriates money for the support of the Contractors' State License Board, but provides that, in expending funds, the board shall give first priority to completing complaint mediation and investigation of all consumer complaints and complaints from industry sources, and shall give second priority to investigation of applicants at the level of 3% of all applications received

This bill would also provide that the board shall investigate applications using unlicensed experience or self-employment to meet the experience criteria at the level of 5% of these applications received by the board

Ch 1175 (SB 1466) Seymour. Health services

Under existing law, in-home medical care, as defined, may be provided to ventilator-dependent children in foster family homes Existing law further provides that in order to be placed in a foster home, a ventilator-dependent child shall be receiving medical supervision and case management under the California Children's Services Program,

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and the in-home medical care shall be provided by a licensed home health care service agency

This bill would delete the provisions relating to ventilator-dependent children, and would, instead, provide that in-home medical care and home and community-based services, as defined, may, when deemed medically appropriate by the State Department of Health Services, be provided by a licensed home health care service agency to children with special medical needs, as defined by the department, in foster family homes. The bill would require that in order to be eligible under these provisions for placement in a foster home, a child shall be receiving medical supervision and medical case management by an agent designated by the department. It would also provide that no more than 2 children eligible for services under these provisions may be placed in a single licensed foster home at one time.

This bill would require the department to report to the Legislature on or before July 1, 1990, regarding various federal waivers for HIV- and drug-exposed foster children

This bill would make various findings and declarations in regard to its provisions.

By changing the requirements for eligibility for foster home placement, this bill would require a higher level of service for counties in administering foster home programs, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1176 (SB 1709) Robbins Insurance

Under existing law, the Insurance Commissioner may hold a hearing concerning the validity of an insurance rate rating plan, or rating system after a complaint by an aggrieved person, after refusal of the affected insurer or insurer group to enter into informal conciliation requested by the commissioner, or if the commissioner orders an insurer or group of insurers to correct a noncompliance, with specified requirements and standards, and the insurer fails to establish that the noncompliance does not exist

This bill would require the commissioner to issue his or her decision in these cases no later than 60 days after the completion of the hearing

Ch 1177 (AB 762) Mountjoy Contractors

Existing law requires the Contractors' State License Board to require an applicant, previously found to have failed to pay a contractor, subcontractor, consumer, or employee based on a recorded and unsatisfied judgment from a court of law or an unsatisfied arbitration award to file a bond or other security to a maximum of $50,000 as a condition precedent to the issuance, reinstatement, reactivation, or renewal of a contractor's license

This bill would revise those provisions by, among other things, (1) including the failure to pay a materials supplier in the list of persons to whom the bond or security requirement, applies, (2) limiting the applicability of the requirement to unsatisfied judgments and to the issuance, reinstatement, or reactivation of a license, (3) deleting the $50,000 bond or security maximum, (4) allowing the applicant 90 days after notification from the board to file the bond, (5) providing that the bond may be reduced in the event of partial satisfaction of a judgment, (6) providing that failure to maintain the bond shall result in the automatic suspension of the license, (7) requiring a licensee to notify the board of any entered and unsatisfied judgments within 90 days of the judgment, and (8) providing that failure to notify the board within 90 days of any entered and unsatisfied judgment shall result in the automatic suspension of the license The bill would also provide that for the purposes of these provisions, the term "judgment" includes any final arbitration award.

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The bill would provide that the revised provisions are to be operative only until January 1, 1992.

The bill would also authorize the Contractors' State License Board to require that an applicant, who has been convicted for contracting without a license or cited for nonlicensure (where the citation has been reduced to a final order), and where there was substantial injury to the public, as a condition precedent to the issuance of a license, post a contractor's bond in twice the amount required pursuant to other provisions of law.

This bill would incorporate additional changes proposed by SB 1565, to be operative only if SB 1565 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch. 1178 (AB 1331) O'Connell Controlled substances

Existing law makes it a felony, punishable by imprisonment in the state prison for 3, 5, or 7 years, for a person 18 years of age or older to engage in specified acts involving a minor with respect to specified controlled substances.

This bill, in addition, would provide for an additional term of imprisonment of 1, 2, or 3 years at the court's discretion for any person 18 years of age or over who is convicted of violating the above-described provision where the defendant is at least 4 years older than the minor

Ch. 1179 (AB 1340) Harris Municipal utility districts. waste water control

(1) Existing law provides for the creation of special districts within municipal utility districts for sewage disposal or solid waste recovery purposes, in accordance with prescribed procedures, and permits the board of directors of the municipal utility district to make and enforce regulations for the control of waste water within the boundaries of the special district not in conflict with the general laws of the state. Existing law provides that any person who intentionally or negligently violates any order issued by the district for violation of rules regulating or prohibiting the discharge of waste water which causes, or threatens to cause, a condition of contamination, pollution, or nuisance, may be liable civilly in a sum not to exceed $6,000 for each day in which the violation occurs

This bill would raise the civil penalty for a violation of that provision to $25,000 The bill would also make any person who fails to comply with any order issued by the district, subject to a civil penalty not to exceed $10,000 for each day in which the discharge, violation, or refusal occurs

(2) Under existing law, any person who intentionally discharges waste water in any manner, in violation of any order issued by the district, which results in contamination, pollution, or nuisance, is guilty of a misdemeanor

This bill would require that any person who knowingly makes any false statement, representation, record, report, plan, or other document filed with the district, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the district be punished by a fine of not more than $25,000, or by imprisonment in the county jail for not more than 6 months, or by both. By creating a new crime, the bill would impose a state-mandated local program

(3) Under existing law all fines and forfeitures collected upon the conviction of a defendant in a municipal or justice court are required to be distributed to cities, counties, and the state according to a statutory scheme

This bill would require that, notwithstanding these provisions, 50% of any fine imposed upon a defendant for a violation of a district order, or making a false statement as specified to the district, be distributed to the district and 50% transferred to the general fund of the county. The bill would also provide for the distribution of court imposed civil fines, as specified

(4) Under existing law, the districts recover civil penalties by petitioning the superior court to impose, assess, and recover the sums.

This bill would permit the district to administratively impose penalties, in accordance with the procedure specified in the bill, up to specified maximums, against any person who violates reporting or discharge requirements, subject to judicial review as prescribed

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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

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

Ch 1180 (AB 2233) Polanco Crimes: sexual conduct matter

Existing law punishes, as specified, various activities relating to the distribution or exhibition of obscene matter, as defined. Those provisions generally require as an element of the crime, that a person in this state who engages in those prohibited activities has the "intent" to distribute or exhibit that obscene matter.

This bill would make it a public offense, punishable as specified, for any person in this state to knowingly possess or control any matter, as defined, knowing that it depicts a person under the age of 14 years personally engaging in or simulating specified sexual conduct This bill would also provide that it is not necessary to prove that the matter is obscene in order to establish a violation of these provisions. Thus, the bill would impose a state-mandated local program by creating new crimes

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

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

Ch 1181 (SB 594) Maddy Instructional materials [12]

Existing law provides for the establishment in state government of the Curriculum and Supplemental Materials Commission, consisting of 18 representatives, including 13 public members, appointed in a prescribed manner Existing law requires at least 3 of the public members to be full-time classroom teachers assigned to teach any of grades 1 to 8, inclusive

This bill would instead require that at least 7 of these public members be current classroom teachers, or mentor teachers, or both, assigned to teach kindergarten or any of grades 1 to 12, inclusive This bill, notwithstanding this requirement, would require that current members of the commission who were appointed to the commission on or before December 31, 1989, be allowed to complete their terms

Existing law authorizes the governing boards of school districts to adopt instructional materials for use in the public schools Existing law requires school district governing boards when adopting instructional materials to include only instructional materials which, among other things, accurately portray, whenever appropriate, man's place in ecological systems and the necessity for the protection of our environment

This bill would revise this requirement to, instead, refer to humanity's place in ecological systems and the necessity for the protection of our environment.

Existing law requires the State Board of Education to adopt instructional materials for use in kindergarten and grades 1 to 8, inclusive, for use by school district governing boards, subject to the requirement that adoptions be made biennially for all applicable levels for specified subject areas, and the requirement that the state board adopt not less than 5, but no more than 15, of designated types of basic instructional materials in each subject in each grade, as specified

This bill would delete the latter requirement and, instead, would require the state board to adopt basic instructional materials for kindergarten and grades 1 to 8, inclusive, in specified categories, as well as any other subject, discipline, or interdisciplinary areas for which the state board determines that adoption to be necessary or desirable, and would authorize the state board to phase in the new submission over a 3-year period, and would repeal this provision January 1, 1993 This bill would require the state board to adopt instructional materials, instructional materials systems, instructional materials sets, or a combination thereof, for basic instructional materials in each subject in each grade

This bill would require the state board to adopt procedures, as prescribed, for the submission of basic instructional materials in the identified subject areas at least every

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2 years The bill would authorize the state board to prescribe reasonable conditions to restrict the resubmission of previously rejected materials. The bill would also prescribe criteria applicable to the adoption of instructional materials. The bill would require the state board to provide a specific, written explanation of the reasons why submitted basic instructional materials were rejected, based upon one or more of the prescribed criteria for the adoption of instructional materials.

Existing law requires the State Board of Education, at the time of initiating a call for bids for instructional materials, to establish a date upon which state-adopted materials shall initially be available for use by pupils

This bill would delete this requirement and, instead, would require the state board, upon making an adoption, to establish the date upon which those state-adopted materials shall initially be available for use by schools.

Existing law prescribes the duties of the Curriculum Development and Supplemental Materials Commission, including, among other things, the requirement that the commission develop criteria for evaluating instructional materials submitted for adoption in order to ensure that the materials adopted adequately cover the subjects in the indicated grade or grades and meet the requirements of specified provisions of current law

This bill would require these criteria to be consistent with the duties imposed upon the State Board of Education pursuant to the requirements of this bill This bill would require the commission to recommend to the state board policies and activities to assist the State Department of Education and school districts in the use of the curriculum framework and other available model curriculum materials.

Existing law requires the Curriculum Development and Supplemental Materials Commission to appoint task forces or committees of subject matter experts to assist and advise them Existing law requires each task force or committee to be comprised of classroom teachers and representatives of various ethnic groups and types of school districts

This bill would require each task force or committee to include a majority of current classroom teachers providing instruction in kindergarten and grades 1 to 8, inclusive, or mentor teachers, or certificated teachers employed by school districts or county offices of education who are not in a position that requires a specified services credential, or any combination of those teachers

This bill would authorize the commission, for the purpose of developing the curriculum framework, and for other purposes, to expand the authority for appointment of classroom teachers to include classroom teachers providing instruction in kindergarten and grades 1 to 12, inclusive

This bill would appropriate $150,000 from the General Fund to the Superintendent of Public Instruction for the period commencing January 1, 1990, and ending June 30, 1990, for the purpose of establishing additional staff positions and for administrative costs incurred in the implementation of this bill

Ch 1182 (SB 1403) Campbell Olympic training centers

Existing law does not make any provision for state funding of training centers, developed and constructed in conjunction with the United States Olympic Committee (USOC)

This bill would provide for an appropriation of $15,000,000 from the General Fund to the Department of Commerce for a loan for allocation to a specified nonprofit organization in three annual increments for purposes of developing and constructing a California Olympic Training Center This bill would condition the loan allocations on the nonprofit organization's ability and willingness by December 31, of 1990, 1991, and 1992, to provide a matching sum for the development and construction of the center

This bill would provide for the repayment of the loan allocations, at a specified interest rate and no later than 20 years after the date of receipt, through the California Olympic Training Account, which the bill would create, in the General Fund The account would consist of revenues, minus certain costs, derived from additional vehicle registration fees imposed for commemorative Olympic license plates, as specified, to be offered to California motorists

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Ch. 1183 (AB 2477) Campbell Education: American Indian pupils.

Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs These programs, as formerly or presently maintained, ceased or will cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise If the Legislature does not enact that legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative

Existing law, which became inoperative June 30, 1987, as specified, contains provisions directed to improving the education accomplishments of Native American Indian pupils in the rural educational systems in California by way of instructional projects provided in prekindergarten to grade 4, inclusive

This bill would reactivate those provisions, would retitle those provisions as the American Indian Early Childhood Education Program, would make those provisions inoperative June 30, 1995, and would repeal them January 1, 1996

Ch 1184 (AB 123) Elder STRS-classroom teachers one-year final compensation

For the computation of State Teachers' Retirement System age and service retirement allowances, the existing statutes define final compensation as the highest annual compensation earnable during any period of 3 consecutive years

This bill would prescribe, for classroom teachers, as defined, retiring after June 30, 1990, a final compensation period of any 12 consecutive months if they are employed by an employer which, pursuant to the statutes relating to local public school employer-employee relations, has entered into a written agreement opting therefor This bill would require that the written agreement to include a mechanism to pay for the benefit and allowance increase through employer contributions or employee contributions or both, as specified The employer would be required to annually reimburse the system for the cost of all related benefit and allowance increases, for all years of service normally included in the calculation of the benefits and allowances and the administrative expenses of the system Employers, upon execution of an agreement, would be required to notify all certificated employees thereof. Certificated employees of the employer who are in PERS would be authorized to elect, within a specified period, to terminate membership in PERS and become a member of STRS Employers would be required to certify the eligibility of an employee, upon retirement or eligibility for a disability allowance, pursuant to the criteria set forth herein 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 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1185 (AB 1169) Allen Child care Infant Home Care Model Program [13]

Under existing law, various child development programs are administered by the State Department of Education.

This bill would establish a 3-year pilot project on infant home care for the purposes of developing and evaluating a model program for the recruitment, training, and monitoring of a network of infant care providers This bill would require the State Department of Education to contract with a nonprofit agency located in Los Angeles County, a nonprofit agency located in Orange County, and a nonprofit agency located in Butte County to establish the Infant Home Care Model Program

This bill would require that the model program recruit adults to become infant care providers and provide these individuals with training, as specified This bill would

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require the Legislative Analyst to evaluate the success of the pilot program based on an analysis of the agencies' annual evaluation of specified indicators and the effectiveness of the program. This bill also would require the Legislative Analyst to report the results of the evaluation in the analysis of the 1991–92 Budget Bill.

This bill would appropriate $60,000 to the State Department of Education for the purposes of providing staff, training materials, and specified administrative costs for the 1989–90 fiscal year This bill would specify the intent of the Legislature that no moneys appropriated by this bill be used to cover the costs of providing the child care services under the model program

Ch. 1186 (AB 1562) Wyman School district reports [14]

Existing law requires the governing board of each school district to make various reports to specified public agencies

This bill would require the Superintendent of Public Instruction to report to the education policy committees of the Legislature and to the Joint Legislative Budget Committee on the number and identity of reports that schools and school districts are mandated and requested to file with the state, the use, application, and utility of the collected data, and the time of school principals, teachers, and clerks that is required to prepare the reports, as specified

The bill would require the Legislative Analyst to include in the Analysis of the 1991–92 Budget Bill a review of the report prepared by the Superintendent of Public Instruction pursuant to this bill The bill would require the Legislative Analyst to include recommendations on specified matters

This bill would appropriate $50,000 to the superintendent for the purpose of conducting this study

Ch 1187 (SB 410) Torres Educational programs [15]

Under existing law, the State Department of Education is responsible for supervising the administration of certain educational programs in the public schools, including programs directed at high-risk pupils and specialized program participants.

This bill would require the Superintendent of Public Instruction to prepare a report to be submitted to the Legislature on or before December 31, 1989, to identify in every county each educational program directed at high-risk pupils and specialized program participants, including information obtained from a survey of each county regarding the relative success of these programs that are operated in each school district within each respective county, and a description and comparative analysis of funds allocated to these programs, as specified

This bill would also require the Superintendent of Public Instruction to submit a report to the Legislature on or before December 31, 1989, on the programs administered by the State Department of Education for the purpose of assisting pupils who are at risk of not completing high school and programs that are designed to provide education and training to noncollege bound youth The bill would require the report to include all available recent indicators of the relative success of these programs, and would require the report to include a description of the allocation of funding to each program and a comparative analysis of the level of funding for these programs in each county

This bill would appropriate $125,000, as specified, to the State Department of Education for the purpose of conducting the survey and preparing the reports required by this bill

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

Ch 1188 (AB 400) W Brown Willie L. Brown, Jr Community Service Scholarship Program

Existing law establishes the California Community Service Fellowship Program, which authorizes the payment of monthly benefits to college and university students who perform specified community service work

This bill would also establish the Willie L Brown, Jr. Community Service Scholarship Program, which would entitle each participating public high school to at least one scholarship per year, to be awarded by a community service scholarship committee, as

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specified, to pupil applicants determined to have made significant contributions to the community through volunteer service, and to have met other designated criteria The bill would authorize the Student Aid Commission to administer the program, and would require the commission to fund the scholarships, to the extent funds are made available for that purpose

This bill would require the commission, no later than September 1, 1991, and annually thereafter, to report to the education policy and fiscal committees of the Legislature regarding the status of the program.

The provisions of this bill would become operative on July 1, 1990

Ch. 1189 (AB 412) Jones Public assistance Aid to Families with Dependent Children· overpayments

Under existing law, a county may recover overpayments made to recipients of Aid to Families with Dependent Children (AFDC) in a prescribed manner, with the state receiving a share of the amount collected in proportion to the amount of state funds originally paid

This bill would require the State Department of Social Services to implement a pilot program in Fresno County to provide that when the error rate of the county is less than the statewide average, the county would be reimbursed its administrative costs in recovering the payments, up to the amount of the state's share of the recovered payment If the error rate of the county was more than the statewide average, the county would be limited to the county share of the recovered payment or could be reimbursed its administrative costs from the state share if the recovered portions was dedicated to support eligibility functions, as defined

The bill would require the State Department of Social Services to report to the appropriate committees of the Legislature on or before January 30, 1992, on the pilot program.

This bill would repeal the above provisions on January 1, 1993

Ch. 1190 (AB 464) Baker Postsecondary education Budget Act appropriation

This bill would amend and supplement the Budget Act of 1989 by appropriating $3,711,000, as scheduled, to the Trustees of the California State University and the California State University and to the Board of Governors of the California Community Colleges

Ch 1191 (AB 558) Bane. Horseracing. state license fees

Under existing law, the state license fee for a harness racing meeting at the California Exposition and State Fair with an average daily handle of $650,000 or less is 0 5% of the amount handled

This bill would apply the 0 5% state license fee rate to all harness racing meetings at the California Exposition and State Fair, and the Los Angeles County Fairgrounds in Pomona. However the bill would, notwithstanding any other law, require associations conducting harness racing meetings at the California Exposition and State Fair and the Los Angeles County Fairgrounds in Pomona to pay not less than the actual amount necessary to cover the costs for compensation, including any fringe benefits, to stewards and official veterinarians and to cover the costs of laboratory tests relating to horseracing for that racing meeting, as provided by the board under a designated provision

Ch 1192 (AB 652) Bane Horseracing. purses

(1) Under existing law, purses are required to be paid to horsemen at the racing meeting, except for specified payments for administrative expenses and services, welfare funds, or pension programs which may be governed by an agreement with the appropriate horsemen's organization

This bill would require the distribution of purses for all racing meetings other than thoroughbred meetings to be governed by prior contracts in some cases, and in other cases, the California Horse Racing Board would be required to determine, within 15 days of the racing meeting, the amounts payable to the horsemen's organization for administrative expenses and services

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(2) Under existing law, the California Horse Racing Board may authorize an association conducting a racing meeting to accept wagers on the results of out-of-state feature races having a gross purse of more than $100,000 during the period it is conducting the racing meeting if certain conditions are met

This bill would permit the board to authorize an association to accept wagers on the results of out-of-state harness or quarter horse feature races or stake races, and, with the board's approval and with the concurrence of the horsemen's organization contracting with the association, other designated harness or quarter horse races during the period it is conducting the racing meeting on days or nights when live races are being run, subject to those conditions

Ch 1193 (AB 1274) Hauser Housing programs.

Existing law provides for the issuance of general obligation bonds in specified amounts for earthquake safety housing rehabilitation programs for various programs to provide housing to low, lower, or very low income households, and for programs to provide emergency shelter to the homeless

This bill would define "bond" for these purposes as a bond that is tax exempt under both state and federal law, or a bond that is tax exempt under state law and taxable under federal law.

This bill would provide legislative findings and declarations of state policy regarding low-income housing

This bill would require the Department of Housing and Community Development to require local agencies to submit reports on the actions taken to implement housing policies, as specified The bill would require that the Legislative Analyst report by July 1, 1991, as specified

Specified provisions of this bill would be repealed January 1, 1992

Ch 1194 (AB 1448) Isenberg State Housing Law landlord-tenant relations repairs relocation assistance

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

Existing law requires, if the court finds that the building is in a condition which substantially endangers the health and safety of residents, the court to order the owner, as defined, to pay all reasonable and actual costs of the enforcement agency and requires the court to require the local enforcement agency to provide tenants with a specified notice

This bill would further require the court to order that if the owner undertakes repairs or rehabilitation as a result of being cited for a violation and if the conditions of the premises or repair or rehabilitation significantly affect the safe and sanitary use of the premises by the lawful tenant such that the tenant cannot safely reside in the premises, the landlord shall provide or pay for the costs of comparable temporary housing, as specified This bill would also require the court to determine the date when the tenants are to be relocated and order the owner to offer the tenants the first right to return to occupancy upon completion of the repairs or rehabilitation, as specified 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 bill would also provide a procedure by which the enforcing agency which declares any dwelling a nuisance shall be deemed to have acquired jurisdiction to abate a nuisance and raze or remove the building or cause repairs to be made

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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. 1195 (AB 1450) Katz. Controlled substance offenses: forfeiture proceedings

(1) Existing law provides that all state and local law enforcement agencies shall immediately notify the Department of Alcoholic Beverage Control of any arrest made by them for violations over which the department has jurisdiction which involve a licensee or licensed premises, and requires the department to promptly cause an investigation to be made as to whether grounds exist for suspension or revocation of the license or licenses of the licensee

This bill would prohibit the department from opening or making an entry to a file, initiating an investigation of a licensee, or suspending or revoking a license (1) solely because the licensee has reported to a state or local law enforcement agency that suspected controlled substance violations have taken place on the licensed premises, or (2) solely based on violations occurring without the actual knowledge and willful consent of the licensee.

(2) Existing law, which is to remain in operation only until January 1, 1994, provides for the forfeiture of certain property involved in specified controlled substance offenses

This bill would revise those provisions to apply to interests in boats, airplanes, or vehicles used in any manner, rather than used as an instrument, to facilitate specified controlled substance violations, to add specified weapons, devices, or ammunition used in any manner to facilitate specified controlled substance violations, to add specified alcoholic beverage licenses, when the premises are used, with the licensee's actual knowledge and actual consent, for specified controlled substance violations, and to change the special vesting rule to apply to cases where an innocent party fails to establish, rather than fails to claim, an interest in the property The bill would add specified precursor violations to the list of controlled substance offenses for which property is subject to seizure incident to, or subsequent to, arrest The bill would require agreement of all the parties for the consolidation of forfeiture proceedings with any related criminal action The bill would also provide that specified powers of a court do not apply to forfeiture proceedings.

The bill would provide for a special hearing to determine the probable cause for the seizure of an alcoholic beverage license for suspected controlled substance violations, as specified

The bill would provide that interest accrued thereon, as well as the property seized for forfeiture, shall be distributed as provided in existing law The bill would also delete a definition of "local governmental entity," and make various technical and clarifying changes.

(3) Existing law establishes the Peace Officers' Training Fund, which is appropriated without regard to fiscal years

The bill would also provide specifically for the forfeiture of alcoholic beverages and alcoholic beverage licenses for controlled substance violations, the proceeds of which would be distributed, as specified The bill would make an appropriation by expanding the assets subject to forfeiture for controlled substance violations, distribution of which goes in part to the Peace Officers' Training Fund, as specified

Ch 1196 (AB 1461) Polanco Financial institutions transmission of money to foreign countries

Existing law prohibits any person from engaging in the business of receiving money for the purpose of transmitting the money or its equivalent to foreign countries, unless the person has first obtained a license from the Superintendent of Banks or is exempt. Existing law exempts banks, trust companies, foreign banks, as specified, and incorporated telegraph companies, as specified from these licensing requirements.

This bill would exempt incorporated telegraph companies until July 1, 1990, as specified, and would qualify these other exemptions, to among other things, exempt only those banks and savings and loan associations, the deposits of which are insured by the Federal Deposit Insurance Corporation and Federal Savings and Loan Insurance Corporation, respectively, as specified, would additionally exempt from these licensing requirements associations, as defined, credit unions, and industrial loan and thrift and loan companies, as specified

Existing law authorizes these licensees to operate through agents

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This bill would require a licensee appointing an agent or continuing any person as its agent to have a written contract containing specified provisions including a requirement that the person make and keep accounts, correspondence, memorandums, papers, books, and other records as the superintendent requires and preserve the records, as specified The bill would also prohibit a person from acting as an agent of a licensee or acting in any other similar capacity and would prohibit a licensee from appointing a person to act as an agent or to act in any other similar capacity for the receipt of transmission money on behalf of the licensee without obtaining the authorization of the superintendent, as specified. However, the bill would provide, among other exceptions, that any person appointed as an agent by a licensee before February 1, 1989, may continue to act as an agent without the original appointment having been authorized although the licensee is required by the bill to notify the superintendent by March 31, 1990 of all agents appointed by the licensee prior to February 1, 1989. The bill would also provide that with respect to any person appointed as an agent by a licensee on or after February 1, 1989, but before January 1, 1990, the licensee shall comply with the required approval process on or before March 31, 1990. However, the bill would provide that the application fee otherwise required for these agents is waived and would permit these latter agents to continue to serve as an agent for 45 days after the filing of the application for approval with the superintendent but in no event beyond May 15, 1990, without approval, as specified.

The bill would permit the superintendent to disapprove the application for the appointment of an agent upon certain findings and would also permit the superintendent to revoke or suspend any authorization issued upon specified findings The bill would prohibit an agent from appointing a subagent to receive transmission money

The bill would prohibit acquisition of control, as defined, of a licensee without the approval of the superintendent The bill would specify procedures and standards for these approvals and would authorize the superintendent to issue orders and apply for injunctions or other judicial relief to restrain violations and threatened violations

The bill would require the superintendent's approval, as specified, for establishment of a branch office, as defined, of a licensee and would require the licensee to notify the superintendent and the public at least 60 days before changing the location of a branch office

Under existing law, if the superintendent finds, among other things, that an applicant for a license has adequate capital to engage in the business of receiving money for transmission, the superintendent shall approve the application

This bill would require licensees to maintain tangible shareholder equity, as defined, determined to be adequate by the superintendent of at least $250,000 However, the bill would provide that this requirement does not apply to licensees licensed before January 1, 1990, until January 1, 1991

Under existing law, every licensee or its agent is required to forward all moneys received for transmission to a foreign country or to give instructions committing equivalent funds to the person designated by the customer within 10 days after receiving the money unless otherwise ordered by the customer.

This bill would require the licensee to refund to the customer within 10 days of receipt of the customer's written request for a refund any and all moneys received for transmission to a foreign country that have not been forwarded within 10 days of receipt, as specified, unless otherwise instructed by the customer, except as specified.

The bill would also require that a receipt be provided by a licensee or its agent to a customer in writing and made available to the customer in English and in the language principally used by that licensee or that agent to advertise, solicit, or negotiate, as specified, if other than English The bill would require the receipt to either include or have attached a specified statement, as specified, disclosing certain rights and remedies available to the customer.

Existing law requires money exchange houses, as defined, to post signs concerning the rates of exchange, as specified, and requires 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

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of currency presented by the customer and the total amount returned to the customer.

This bill would require similar disclosures with respect to persons receiving money or its equivalent for transmission to a foreign country. The bill would require that the licensee disclose in its receipt with the customer this information in English and in the same language as that principally used by the licensee or any agent of the licensee to advertise, solicit, or negotiate, as specified. The bill would require that the posted information be in English and in the same language principally used by the licensee or any agent of the licensee to advertise, solicit, or negotiate, as specified, with respect to receiving money or its equivalent for transmission to a foreign country at each office of the licensee or agent.

Under existing law, specified fees are charged for the services performed by the superintendent, including a $100 fee for each branch office and a $5 fee for each agency at which money is received for transmission to a foreign country

This bill would increase these fees to $125 and $25, respectively. The bill would increase other fees, as specified, and authorize additional fees including among others, a $3,500 filing fee for an application for approval to acquire control of a licensee. The bill would authorize the superintendent to levy an assessment on a pro rata basis on those licensees which at any time during the preceeding calendar year received transmission money at a rate to be fixed by the superintendent but not to exceed one dollar per $1,000 of transmission money, received by the licensee Because all moneys collected by the superintendent are to be deposited to the credit of the State Banking Fund, a continuously appropriated fund, this bill would constitute an appropriation

Under existing law, a person licensed by the Superintendent of Banks to receive money for the purpose of transmitting the same or its equivalent to foreign countries, as specified, is exempt from the requirements of the Payment Instruments Law when selling any foreign currency payment instrument which is issued by the licensee and which is not designated on its face by the term "money order" or "travelers check" or by any substantially similar term

This bill would instead specify that these licensees are exempt from the Payment Instruments Law when the licensee is selling specified checks or drafts drawn by the licensee

Under existing law, the violation of the provisions with respect to the transmission of money or its equivalent to a foreign country is a felony.

This bill would instead provide that any person who violates these provisions or who, without complying with these provisions represents that he or she is authorized to receive, or who solicits or receives money or the equivalent for transmission to a foreign country shall upon conviction be fined not more than $50,000 or be imprisoned in the state prison, or in a county jail for not more than one year, or be punished by both the fine and imprisonment The bill would increase the civil penalty for violations of these provisions from $100 a day to an amount not to exceed $1,000 for each violation or in the case of a continuing violation, $1,000 a day. The bill would also specifically provide that any person who receives money for the actual or purported purpose of transmitting the same or its equivalent to foreign countries, as specified, and who fails to do at least one of several specified acts, including the forwarding of the funds as represented, is guilty of a misdemeanor or felony depending on the total value of the funds received from the customer, as specified Thus, because this bill would create a new crime and change the definition of a crime and the penalty for a crime, it creates a state-mandated local program

This bill would appropriate $141,000 from the State Banking Fund to the Department of Banks for the purposes of 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.

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

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Ch 1197 (AB 1625) Burton AIDS: investigational drug treatment Medi-Cal eligibility

Under existing law, specified medical services are provided to eligible persons under the Medi-Cal program, which is funded in part by the federal government and administered by the State Department of Health Services.

This bill would provide that notwithstanding any other provision of law, and subject to federal financial participation, medically necessary inpatient and outpatient services associated with the administration of any drug that has been classified by the department or the Food and Drug Administration as having treatment Investigational New Drug (IND) status, shall be covered services under the program, subject to utilization controls, when the drug is being administered for the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), or human immunodeficiency virus (HIV), to otherwise eligible persons. This bill would also require the department to adopt emergency regulations to implement this bill

Ch 1198 (AB 1695) Bronzan. Health: women, infants, young children, and adolescents.

Existing law provides for a program of maternal and child health

This bill would require the State Department of Health Services to report to the policy and fiscal committees of the Legislature on the costs, savings, and administrative structure that would be necessary to implement a common eligibility procedure and uniform eligibility standard for departmental programs that deliver services to pregnant women, women with infants and young children, and programs for children and adolescents by November 1, 1990.

This bill would appropriate $155,000, or so much thereof as is necessary, from funds available in Item 4260-111-001 of the Budget Act of 1989 for the purposes of this act.

Ch. 1199 (AB 2160) Bronzan Health. food. pesticides: laboratories.

(1) Existing law requires the State Department of Health Services to prepare a program for monitoring pesticide residue in processed food. Existing law provides for the regulation of environmental laboratories and, among other things, authorizes the department to accredit laboratories which perform, for regulatory purposes, analyses of drinking water, waste water, hazardous wastes, and contaminated soils or sediments, as specified Existing law authorizes the department to establish, by regulation, minimum standards concerning the operation and maintenance of environmental laboratories, provides for the issuance of a certificate of accreditation to laboratories in specified fields of testing, and requires the payment of specified nonrefundable annual accreditation fees from accreditation applicants in those testing fields. Existing law directs the department to require any laboratory which is accredited, or has applied for accreditation or for renewal of accreditation, to analyze performance evaluation samples provided by the department

This bill would additionally authorize the department to accredit laboratories which perform analyses of food. The bill would require that the regulations governing the minimum standards for accreditation of laboratories that perform analysis of food be adopted, in cooperation with the Department of Food and Agriculture, as they relate to the testing of raw agricultural commodities or dairy products

The bill would authorize the department to issue a nonrenewable certificate of interim accreditation to applicants for accreditation, as specified, to remain in effect for a period of not to exceed one year or until the accreditation is granted or denied, whichever is earlier The bill would include prescribed forms of testing for pesticide residue in food within the specified fields of testing for which accreditation may be sought The bill would require laboratories which are accredited, or are applying for accreditation, in the fields which test for pesticide residue in food to pay an additional specified fee

The bill would require a laboratory which is accredited, or has applied for accreditation or for renewal of accreditation, pursuant to these provisions to analyze the performance evaluation samples provided by the department The bill would require the department to provide performance evaluation sample sets to each accredited labora-

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tory which performs analyses of food for pesticide residues, as specified. The bill would define pesticide Since a violation of these requirements would be a crime pursuant to other provisions of law, the bill would impose a state-mandated local program by creating new crimes

(2) Existing law authorizes the Director of Food and Agriculture to accredit commercial laboratories to test produce and environmental samples for pesticide residue and exempts laboratory activities regulated pursuant to this provision from accreditation by the department pursuant to the procedures described in paragraph (1)

This bill would require, on January 1, 1991, or 60 days after specified regulations are adopted, whichever is later, that a laboratory which performs pesticide chemical analyses on food for other persons, be accredited by the department pursuant to the procedures described in paragraph (1), but would exempt from this provision a laboratory operated by a government agency or by a laboratory not operated for commercial purposes, as defined, that performs pesticide chemical residue analysis on foods for research or quality control for the internal use of the person initiating the analysis. The bill would specify that a laboratory accredited by the director is not required to be accredited by the department until January 1, 1992. The bill would authorize other laboratories which perform pesticide chemical analyses on food to be accredited.

The bill would also require a laboratory or other person which performs or which brokers or otherwise arranges for the performance of pesticide chemical analyses on food to report to the appropriate state agency any finding of pesticide residues in a food for which no chemical residue tolerance has been established or that is in excess of federal or state residue tolerances or tolerances for a pesticide that is suspended, banned, or otherwise not permitted, as specified, if the food is in the channels of trade, as prescribed The bill would authorize a state agency which receives a report to request additional information, as specified Since a violation of these requirements would be a misdemeanor pursuant to another provision of law, the bill would impose 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 1200 (AB 2161) Bronzan Food and agriculture pesticides testing

(1) Existing law requires the Department of Food and Agriculture to establish a Pest Control Research Committee.

This bill would also require the department, on or before March 1, 1990, to establish a separate scientific advisory committee to review, as prescribed, recent scientific advancements concerning new and revised analytical methods for testing produce and processed foods for the presence of pesticide residues The bill would require the department to make funds available to qualified public and private entities to conduct pest management research projects Commencing July 1, 1990, the department, in cooperation with the State Department of Health Services, would be required to conduct an assessment of dietary risks associated with the consumption of produce and processed foods treated with pesticides, and to submit each risk assessment to the state department for peer review, as specified The department would also be required to review the existing federal and state pesticide registration and food safety system and to submit a report to the Governor and the Legislature

(2) Existing law authorizes the Director of Food and Agriculture to regulate the use of economic poisons, as defined

This bill would require pesticide use reports to be submitted to county agricultural commissioners or the director on a form and in a manner prescribed by the director Since violation of that requirement would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

(3) Existing law requires each registrant of an economic poison to pay an assessment of $0.008 per dollar of sales for all sales of the product in this state.

This bill would increase the assessment to $0 009.

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(4) The bill would create the Food Safety Account in the Department of Food and Agriculture Fund to be used, upon appropriation, for specified pesticide programs.

(5) Under existing law, every person engaged in the manufacture, packing, or holding of processed food is required to register with the state department and to pay a registration fee, as prescribed

This bill would require, with specified exceptions, each registrant to pay, in addition, a surcharge of $100 for deposit in the Food Safety Account

(6) Existing law requires farm product processors and produce dealers to pay annual license fees

This bill would require farm product processors and produce dealers, with specified exceptions, to pay a 50% surcharge to the director to be deposited in the Food Safety Account The surcharge would constitute a tax for purposes of Article XIII A of the California Constitution

(7) The bill would appropriate $3,321,638 from the General Fund and the Food Safety Account in the Department of Food and Agriculture Fund to the department and the state department for specified purposes

(8) The bill would also require the department to report to the Legislature, by July 1, 1990, on a review of the funding provisions of the bill, as prescribed.

(9) Under the Sherman Food, Drug and Cosmetic Law, which is administered by the state department, the State Director of Health Services, with the assistance of the department, and in cooperation with the federal Food and Drug Administration and the federal Environmental Protection Agency, is required to identify those pesticides most likely to leave residue in processed foods

This bill would require the state department, in addition, in cooperation with the department, on or before July 1, 1990, to commence a program to monitor processed foods for pesticide residues and other contaminants Each laboratory or other person performing or brokering or otherwise arranging to perform a chemical analysis on food in the channels of trade would be required to report any finding of pesticide chemical residues in a food that is in excess of specified tolerances to the state department or the department, as prescribed Since a violation of these requirements would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

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

Ch 1201 (SB 177) Dills 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 authorizes the department to claim against the estate of a decedent who received Medi-Cal benefits or the recipient of property of that decedent by distribution or survival in an amount equal to the payments for the health care services received, except where the eligible person was under 65 when the services were received, or where there is a surviving spouse, or where there is a surviving child who is blind or permanently disabled

Under existing law, the department may waive its claim for Medi-Cal services against the estate of a decedent or the recipient of property of that decedent, in whole or in part, if it determines that enforcement of the claim would result in substantial hardship to other dependents of the individual against whose estate the claim exists.

This bill would require the department to waive its claim in the above circumstances and would require the department to notify individuals of the waiver provision and of the opportunity for a hearing to establish that a waiver should be granted and would specify that the waivers shall be granted consistent with emergency regulations which the bill would require the department to adopt

The bill would also require the department to waive its claim if it determines that

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enforcement of the claim would result in hardship to heirs or survivors of the decedent.

Ch. 1202 (SB 395) Nielsen. Victims of crime. indemnification

(1) Existing law permits indemnification by the State Board of Control of victims of crime, as defined, including crimes involving sexual assault, for pecuniary losses, as defined, and specified expenses incurred as a result of the crime The board is prohibited from making payments to or on behalf of victims which exceed an aggregate amount of $23,000, or $46 000 if federal funds are available for certain expenses

This bill would allow the board to make, at its discretion, additional payments not to exceed $10,000 over either maximum payment amount for pecuniary losses, as defined, or for specified services, to or on behalf of victims of crimes involving sexual assault, in cases meeting specified criteria

Under existing law, payments to or on behalf of victims of crime are made from the Restitution Fund, which is continuously appropriated for that purpose

This bill would authorize larger payments to be made from the fund, thereby constituting an appropriation.

(2) In determining the type of assistance that will best aid a victim of crime, the board may obtain an independent examination and report from any provider of psychological or psychiatric treatment or mental health services for this purpose

This bill would require that in cases where the crime involves sexual assault, the provider shall have expertise in the needs of sexual assault victims

(3) This bill would make various findings and declarations in regard to its provisions

(4) The bill would incorporate additional changes to Section 13965 of the Government Code proposed by AB 245, SB 556, and AB 1757, contingent on the prior enactment of one or more of those bills.

Ch 1203 (SB 424) Alquist Seismic safety loan insurance

Existing law establishes the California Housing Insurance Fund to provide a program of loan insurance, administered by the California Housing Finance Agency, for various categories of housing, in accordance with specified priorities Existing law does not permit that fund to be used to provide for loan insurance in conjunction with seismic safety improvements

This bill would permit the agency to use that fund to provide guarantee of loans for certain seismic safety improvements to be made upon certain buildings identified as potentially hazardous, or hazardous to life in the event of an earthquake under specified existing provisions It would authorize the California Housing Insurance Fund to administer a loan loss guarantee program for this purpose The bill would require any building receiving assistance under its provisions to be designed to increase seismic structural safety in accordance with a plan developed for that building by a civil engineer, structural engineer, or an architect The bill would require the California Housing Insurance Fund to collect a premium under a specified provision of existing law for loan guarantees under its provisions, for inclusion in the Seismic Rehabilitation Loan Loss Guarantee Account within the fund, as specified The inclusion of the program created by the bill, and the addition of a new premium source, would make an appropriation by adding a new purpose and a new revenue source to the continuously appropriated California Housing Insurance Fund

This bill would authorize the California Housing Insurance Fund to borrow up to $1,800,000 from the existing Local Agency Indebtedness Fund for its purposes, to be repaid from specified loan fees charged pursuant to the bill The bill would make an appropriation by requiring that these borrowed funds be transferred to the continuously appropriated Local Government Indebtedness Fund, as created by the bill It would require that the funds borrowed by the California Housing Insurance Fund be repaid, with interest at the pooled money investment rate from moneys collected by the agency as a loan insurance premium not later than one year from the date of the expiration of the last outstanding loan loss guarantee under the bill, or not later than January 1, 2010, whichever occurs first, or unless the Legislature extends the program, as specified The bill would require the California Housing Finance Agency to annually prepare a statement on the condition of the program established by its provisions and would require

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the agency to transmit that statement to specified persons. The bill would provide that its provisions are inoperative if moneys are not transferred to the Seismic Loan Loss Guarantee Account

Ch. 1204 (SB 1055) Bergeson Nutrition.

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children, authorizes the State Department of Health Services to conduct a statewide program for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk by a health professional, as specified, and requires the state department to designate the counties within which a program will be conducted, with the approval of those counties With respect to the program, existing law defines "low income" as the income determined by the local agencies participating in the program authorized above, which is based on criteria established by the state department

This bill would change the definition of "low income" to an income of not more than 185% of poverty as determined by the federal poverty income guidelines promulgated by the United States Department of Health and Human Services, thereby creating a state-mandated local program by imposing additional duties on existing local programs

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1205 (SB 1149) Lockyer. Highways. Crow Canyon Road transportation study.

This bill would authorize the Department of Transportation, upon the request of the California Transportation Commission, to conduct a transportation study of Crow Canyon Road between Castro Valley and San Ramon, including specified matters, and to report thereon to the Senate Committee on Transportation and the Assembly Committee on Transportation by July 1, 1990

Ch 1206 (SB 1170) Morgan Health care services for children

Existing law provides for various programs which fund or regulate the provision of emergency health care services

Existing law also permits each county to establish an emergency medical services program, and to create an emergency medical services (EMS) agency

This bill would state legislative findings regarding the need for a study to determine outcome measures to be used to evaluate the implementation of a critical care system for critically ill and injured children

The bill would require the State Department of Health Services to contract with an organization with expertise in program evaluation, pediatric emergency medical services, and critical care, for the performance of a study, in consultation with a professional pediatric association, a professional emergency physicians association, professional emergency medical services medical directors association, the Emergency Medical Services Authority, and the department, to identify outcome criteria to be used to evaluate pediatric critical care systems.

The bill would require the study to include, but not be limited to, specified elements

The bill would require that the results of the study be submitted to the Legislature and the Governor not later than January 1, 1991

The bill would require $135,000 from funds appropriated in a specified item of the 1989 Budget Act to the State Department of Health Services to be expended by the department in order to implement the bill

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Ch. 1207 (SB 1517) Dills. State contracts: disabled veterans

Existing provisions of law that govern contracting by state agencies do not impose goals for the participation in those contracts by disabled veteran business enterprises, nor does existing law require that state contracts for professional bond services be subject to participation goals for disabled veteran business enterprises.

This bill would require, except as specified, that any state governmental entity that awards contracts for professional bond services have annual statewide participation goals of not less than 3% for disabled veteran business enterprises, as defined. The bill would also require that all contracts awarded by state governmental entities for construction and certain related purposes have statewide participation goals of not less than 3% for disabled veteran business enterprises

The provisions of the bill would be administered by the Treasurer in the case of contracts for professional bond services, and the Office of Small and Minority Business in the case of other specified contracts.

Ch. 1208 (SB 1556) Deddeh Veterans. county veteran service officers: funding.

Existing law authorizes counties to appoint county veteran service officers to assist veterans in presenting and pursuing claims for federal and state veterans' benefits. The Department of Veterans Affairs is authorized to pay each county a portion of the officer's expenses out of state money available therefor Existing law also authorizes the Department of Veterans Affairs and the State Department of Health Services to enter into an agreement for the purpose of obtaining federal matching funds, as specified, for contribution toward the salaries and expenses of county veteran service officers

This bill would appropriate $500,000 to the Department of Veterans Affairs for disbursement, during the 1989–90 fiscal year, on a pro rata basis to counties which have established and maintain a county veteran service officer in accordance with the staffing level and workload of each officer under a formula based on performance, as specified, and which allocate county funds in any fiscal year for county veteran service officers in an amount not less than the amount allocated in the 1988–89 fiscal year The bill would make a declaration of legislative findings

The bill would direct the department to annually compile and publish a statistical review to inform the people of each county receiving funds under the bill of the effectiveness of county veteran service officers

Ch. 1209 (AB 181) Campbell School facilities funding.

(1) Existing law requires the owner of real property, his or her agent, or the subdivider, to file a notice of intention to sell or lease, containing specified information, with the Department of Real Estate prior to the time when subdivided lands, as defined, are to be offered for sale or lease

This bill would require that the information contained in that notice of intention include a statement regarding the location of public schools serving the subdivision or certain alternative information, as specified

(2) 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 direct the Controller, as specified, to reduce the annual repayment obligation in an amount of 50% of the amount that would otherwise be computed for this purpose, with regard to school districts in which, on or after January 1, 1989, a general obligation bond measure was approved, which measure includes within its purposes the funding of the construction or reconstruction of school facilities.

(3) Under existing law, the State Allocation Board is authorized to apportion funding for school facilities projects, for designated construction purposes, on behalf of applicant school districts under the Leroy F Greene State School Building Lease-Purchase Law of 1976 (hereafter the "Greene Act") Existing law defines "construction," for that purpose, to include, but not be limited to, reconstruction, remodeling, and replacement of school facilities, as well as the performance of deferred maintenance activities.

This bill would delete that reference to "remodeling" and, instead, would include

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"modernization" within that definition.

(4) Under existing law, any school district applying for project funding under the Greene Act is required to comply with a matching share requirement for the building cost portion of any project. The matching share is computed on the basis of the maximum fee that the district is otherwise authorized to levy upon residential, commercial, and industrial development within the district, over a designated period of time.

That period of time terminates on the date the notice of completion for the project is issued, except that it may not exceed the time reasonably necessary for the final apportionment under the Greene Act to be issued where the district meets its obligations as an applicant under that act

This bill would provide, instead, that the period of time would terminate on the date the notice of completion for the project is issued

Existing law exempts from the calculation of the district matching share amounts expended by the district during the designated period of time to acquire, subject to specified limits, interim classroom facilities pursuant to the statutory authority of a city, county, or city and county to levy developer fees or other requirements.

This bill would authorize the State Allocation Board to allow the acquisition of interim classroom facilities beyond those limits to the extent it determines the acquisition to be necessary to alleviate severe classroom overcrowding

This bill would also reduce the district matching share by the amount of certain administrative expenses incurred by the school district in collecting school facilities fees or other requirements.

This bill would also authorize the State Allocation Board, subject to specified conditions, to accept land from applicant school districts to comply with all or part of the district matching share requirement

(5) Existing law specifies that, where the building area of a project funded under the Greene Act is increased pursuant to the expenditure of local funds, that increase, not to exceed 110% of the building area that would be allowed under the Greene Act, is excluded from the calculation of the area of adequate school construction for the purposes of subsequent project applications submitted by that district under the Greene Act

This bill, in addition, would entitle any applicant district that locally funds 75% or more of certain costs of any project to a specified enhancement in allowable project building area and cost, and to an entitlement to expedite project funding through self-certification of project eligibility

Existing law authorizes the State Allocation Board to approve a supplemental apportionment, in the amount of up to $5,000 for new construction and up to $1,200 for any other project, for certain small school districts as reimbursement for administrative expenses incurred by the districts in filing the application for a project

This bill would increase those amounts to $5,500 and $1,320, respectively, to be biennially adjusted to account for inflation, as specified

Existing law authorizes the State Allocation Board to charge rent for all projects funded under the Greene Act, in an amount that does not in any year exceed the sum of $1, interest earned on funds in the county school lease-purchase fund for the district, any unencumbered bond funds of the district, and certain proceeds from the sale or lease of surplus school buildings and land

This bill would reduce the amount of that rent entitlement by deleting from that calculation the amount of any unencumbered bond funds of the district that are used to fund a project for which 75% or more of the costs are locally funded, as described above

Existing law bases the eligibility of an applicant district for funding under the Greene Act, in part, upon the board's calculation of the area of adequate school construction existing in the district at the time of application

This bill would exempt, from the calculation of existing adequate school construction, any portable classroom made available under specified statutory authority

(6) Existing law authorizes any school district, in filing or amending a project application on or after January 1, 1987, to base the calculation of its area of existing adequate

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school construction on an alternative formula, as specified, based on computations involving the instructional space in the district as of January 1, 1986, and district pupil loading standards in effect on that date.

This bill would specify that "district pupil loading standards," for this purpose, include those pupil loading standards in effect as a result of actions including, but not necessarily limited to, the execution of a collective bargaining agreement or the adoption of a district policy by the governing board of the school district

(7) Existing law increases the prescribed maximum allowable areas of school building construction for applicant districts under the Greene Act to 107% of the area otherwise allowable, for the purpose of determining the area of allowable new building construction for project funding

This bill would, instead, specify that the area of allowable new building construction be increased to 107% of the area otherwise allowable for that purpose.

(8) Existing law requires that, under each project funded by the Greene Act, at least 30% of allowable new building construction for classrooms be utilized for relocatable structures

This bill would authorize the State Allocation Board to reduce that requirement under that condition that, as the result of a future project, at least 30% of total building construction for classrooms on that schoolsite will be utilized for relocatable structures

(9) Existing law directs the Department of General Services to supervise the reconstruction or alteration of, or the addition to, school buildings in this state, where the estimated cost exceeds $20,000, in part to ensure conformity to designated structural safety standards

This bill would direct the department, in calculating the cost of any project of reconstruction or alteration of, or addition to, any school building for the purpose of determining the applicability of designated structural safety standards, to exclude the cost of air-conditioning equipment or insulation materials, or of their installation

Existing law also requires that any building or structure to be used for school purposes comply with those designated structural safety standards, subject to specified exceptions, including trailer coaches used for classrooms or laboratories that are not expanded or fitted together with other sections to form one unit greater than 16 feet in width, and that meet certain use restrictions and other conditions

This bill would revise that limit to include, instead, trailer coaches that are not expanded or fitted together with other sections to form one unit greater than 24 feet in width

(10) Existing law grants the authority to school district governing boards to impose, against a development project, as defined, certain fees or other requirements for purposes of school construction or reconstruction, subject to specified limits, as a condition to the issuance of a building permit to that development project Existing law also prohibits the imposition of other developer fees for those purposes, excepting certain statutory fees and requirements relating to interim school facilities

This bill would specify that the space against which those developer fees or requirements may be imposed, in the case of a commercial or industrial development project, does not include the square footage of any structure existing on the site of that development project as of the date the first building permit is issued for any portion of that development project

This bill would specify that, as to residential construction other than new construction, those developer fees or other requirements may be imposed only where the resulting increase in assessable space, as defined, resulting from the construction exceeds 500 square feet

The bill would exclude designated school facility expenses from the "construction or reconstruction" purposes for which the developer fees or other consideration may be expended

The bill would authorize the expenditure of up to 3% of the fees collected in any fiscal year for administrative costs incurred in collecting the fees or other consideration, and would make related changes, including providing express authority for a school district to contract with the appropriate city or county for the collection of the fees or other requirements

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This bill would require a school district governing board that levies a developer fee or other requirement to provide notice to the appropriate city or county, as specified.

This bill would set forth specified procedures governing the adoption of, or increase in, any developer fee or other requirement by a school district governing board, including public hearing, notice, and protest procedures, and certain additional finding and public hearing requirements that apply only with regard to commercial or industrial development

This bill would provide for the payment and distribution of the developer fee or other requirement where 2 nonunified school districts have common territorial jurisdiction over the site of the development.

This bill would require any school district that imposes any developer fee or other requirement to repay or reconvey that fee or other requirement, as to any development project for which the building permit expires on or after January 1, 1990, without the commencement of construction, as defined. This bill would thereby impose a state-mandated local program

The bill would prohibit the imposition of a developer fee or other requirement on the replacement of a development project that is damaged or destroyed as a result of a disaster, as specified

This bill would authorize the governing board of any school district that received funds that are collected pursuant to a fee or other requirement imposed by a city or county for interim school facility purposes under a local ordinance, resolution, or other regulation in existence on September 1, 1986, to expend those funds for any purpose for which the revenues from developer fees imposed by the school district may be expended, where a public hearing is first held on the subject of the expenditure.

Existing law limits the developer fee or other requirement, in the case of residential development, to a specified amount per square foot of habitable space, which is defined to include, except as specified, the space determined by the city or county building department to be within the perimeter of a residential structure

This bill would change the term "habitable space" to "assessable space" and make other changes that it would state to be declaratory of existing law The bill would also apply a similar procedure to the determination of the space against which a developer fee or other requirement may be imposed in the case of commercial or industrial development. In addition, this bill would provide that the dollar amount of the maximum developer fee or other requirement would be increased for inflation every 2 years, rather than annually as provided under existing law.

This bill would specify that those fees or other requirements do not apply to certain facilities used exclusively for religious purposes, used exclusively as private full-time day schools, or owned and occupied by one or more governmental agencies The bill would also define "commercial or industrial development" for this purpose to include certain hotels, inns, motels, tourist homes, and other lodgings

This bill would limit the amount of those school facilities fees or other requirements in the case of any manufactured home or mobilehome located within a mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which residence is limited to older persons, as defined by federal law, to the amount of those fees or other requirements applicable to commercial or industrial development, subject to specified conditions

The bill would permit the imposition of school facilities fees or other requirements against certain senior citizen facilities only as to new construction, and would limit the amount of those fees or other requirements to the amounts applicable to commercial and industrial development.

(11) Existing law specifies that a development project that is governed by a contract, entered into on or before January 1, 1987, between a subdivider or builder and a school district, city, county, or city and county for payment for school construction purposes as a condition to the approval of residential development is not subject to the statutory provision that limits local agencies to the use of designated authority for the imposition of developer fees or other requirements for school construction purposes

This bill would, instead, specify that any residential development to which that con-

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tract applies is exempt from the authority of a school district governing board to levy a developer fee or other requirement, as well as from the restrictions on that authority.

(12) Existing law prescribes the procedures and requirements for real estate developments under the Subdivision Map Act. An "advisory agency," for purposes of the act, is a designated official or an official body charged by the local agency with the duty of making investigations on the design and improvement of proposed divisions of real property, or with the authority to impose conditions upon, or approve or disapprove, these proposals

This bill would require the advisory agency, whenever there is consideration of an area within a development for a public schoolsite, to give written notice to the State Department of Education of the proposed site The bill would require the department to investigate the proposed site, and within 35 days after receipt of the notice to submit a written report and recommendations concerning the site to the advisory agency and the school district The bill would preclude the school district from acquiring title to the property until the report of the State Department of Education has been received or, if the report is not favorable, until 30 days after the report has been read at a public hearing, as specified

This bill, by requiring the advisory agency to give the specified written notice, would impose a state-mandated local program

(13) Existing law provides that compliance with a school facilities fee or other requirement on the part of any manufactured home or mobilehome is required as a condition of the close of escrow or approval of occupancy, as applicable

This bill would specify that this requirement would apply only where it is stated, on the face of the document certifying or approving occupancy or installation, that the issuance of the document is conditioned upon the payment of the school facilities fee or other requirement

(14) This bill would direct the State Allocation Board to determine the extent to which the 5-year plans for construction and rehabilitation of school facilities that are required of applicant school districts under the Greene Act are appropriate in determining the eligibility of those districts for funding under that act, and to develop a more accurate method of making enrollment projections under the Greene Act for rapid residential growth school districts

(15) This bill would declare the intent of the Legislature in the 1989–90 Regular Session to approve a $1,000,000,000 state general obligation bond measure to fund the construction and reconstruction of public school facilities, to be submitted to the voters at the primary election to be held June 5, 1990

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

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

Ch 1210 (AB 321) Roybal-Allard. Crimes. sexual assault· examination of victim

Existing law provides for a protocol and minimum standards to be used in the examination and treatment of victims of sexual assault and attempted sexual assault

This bill would require the Office of Criminal Justice Planning to develop a course of training for qualified health care professionals, as defined, in the treatment of victims of sexual assault, as specified The bill further would specify the training objectives the course would be required to satisfy The bill would require the office to consult with health care professionals and appropriate law enforcement agencies in developing the curriculum for the course and to obtain recommendations on the best means for disseminating the course statewide

The bill would also specify that the provisions relating to the development of the

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course by the office shall be implemented to the extent that funds are available to the office

Ch 1211 (AB 898) Areias Technology education.

Existing law establishes a program of educational technology local assistance, the objective of which is to enhance the role of technological advances in the context of instruction in public elementary and secondary schools. The program is to terminate on June 30, 1989.

This bill would request the California Council on Science and Technology to conduct a study related to identifying and evaluating the role of technology in addressing statewide educational concerns, and in governmental, business, and other community contexts, as specified. The bill would request the council to submit the study to the Legislature, the Governor, and other designated public entities, no later than July 1, 1992

Ch 1212 (AB 1523) Hansen Department of Consumer Affairs· funds: release time donation

Existing law provides that the funds of one board or commission within the Department of Consumer Affairs shall not be used to pay the expenses of any other board or commission, and no money may be taken from the fund of any board or commission when it will interfere with the administrative duties imposed upon the board or commission

This bill would provide that those provisions shall not prohibit moneys from being transferred for a release time bank of any board, commission, or bureau pursuant to a memorandum of understanding on the same terms and conditions applicable to other state agencies

Ch. 1213 (AB 1779) Roos Privacy home addresses

(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 exempt from mandatory public disclosure specified home address records maintained by the Department of Housing and Community Development and the Department of Motor Vehicles

(2) Existing law requires the Department of Housing and Community Development to furnish information regarding the current registration and title status of manufactured housing and mobilehomes to any person requesting the information

This bill would make home addresses confidential if requested

(3) Existing law authorizes the Department of Motor Vehicles to permit inspection of, or sell information from, its vehicle registration and drivers' license records.

The bill would authorize the department to establish commercial requester accounts for individuals and organizations and to issue individual requester codes The bill would impose fines and penalties for misuse of confidential information, and make unauthorized disclosure of department records a misdemeanor, thereby imposing a state-mandated local program by creating new crimes

(4) Existing law makes the home addresses of specified public official and law enforcement personnel appearing in any records of the Department of Motor Vehicles confidential.

This bill would make any residence address in any department record confidential and restrict the release of any mailing addresses

(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. 1214 (AB 1940) N. Waters Fair managers: funds.

(1) Existing law requires the Department of Food and Agriculture to classify, annually, county and district agricultural association fairs receiving state funds, and to review and maintain job descriptions and compensation information on managers of these fairs.

This bill would require the department to report its findings annually to fair directors and fair managers.

(2) Under existing law, $6,460,000 of the first balance of the Fair and Exposition Fund is annually appropriated to the department for the encouragement of county and district agricultural fairs with a limit on apportionment to each fair of $85,000 on the basis of need in any one year

This bill would revise the apportionment requirements by deleting the basis of need restriction and require the submission of specified information to the department

The bill would annually appropriate $3,540,000 of the first balance of the fund to provide an additional grant of up to $45,000 to each fair from the department The bill would provide that during specified fiscal years not more than 5% of the fund may be used to augment the department's budget to provide services to fairs and implement specified provisions

Ch 1215 (AB 2000) Farr. California Ocean Resources Management Act of 1990

Under existing law, the California Coastal Act of 1976 prescribes various coastal resources planning and management policies, including policies for protection of the marine environment

This bill would enact the California Ocean Resources Management Act of 1990, to establish a coordinated program of ocean resources planning and management as prescribed. The bill would establish the Ocean Resources Task Force with specified membership, and would provide for appointment of an advisory committee, as prescribed. The bill would require the task force to prepare a report regarding existing ocean resources management activities and impacts, including recommendations on specified matters, and to submit the report to the Governor and the Legislature by January 1, 1993.

This bill would make legislative findings and declarations

Ch 1216 (AB 2097) Lempert Carriers safety of operation and registration.

(1) Under existing law, the operations of highway common carriers, cement carriers, passenger stage corporations, highway permit carriers, household goods carriers, and charter-party carriers of passengers are regulated by the Public Utilities Commission, and those carriers are required to have a certificate of public convenience and necessity or a 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 Existing law directs the commission to suspend the certificate or permit of some of these carriers upon receipt of a written notification from the department that the carrier has consistently failed to maintain its vehicles in safe condition, as specified

This bill would require the commission to suspend the certificate or permit of any of those corporations or carriers upon receipt of a written notification from the department that the corporation or carrier has failed to maintain its vehicles in safe condition if that failure is either a consistent failure or presents an imminent danger to public safety, or is a failure to comply with certain periodic report requirements This bill would permit any of these corporations or carriers to obtain a reinspection of its terminal and vehicles by the department by submitting a written request for reinstatement to the commission and paying a reinstatement fee of $125. It would require the commission to reinstate the certificate or permit upon written recommendation from the department. It would also permit the commission to revoke the certificate or permit at any time 90 days or more after its suspension if the commission has not received a recommendation for reinstatement, and the corporation or carrier has not filed a written request for a hearing

This bill would also require the commission to deny a new or renewal application for a certificate or permit by a charter-party carrier upon receipt of a written notification from the department that the carrier has failed to maintain any vehicle it uses in safe operating condition or to comply with the Vehicle Code or certain regulations relative to motor carrier safety, or to comply with certain periodic report requirements

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(2) Under existing law, the commission is required to establish a classification of highway carriers known as owner-operators. Among other things, an owner-operator holds a class 1 or class 2 driver's license and holds highway carrier operating authority from the commission pursuant to specified provisions of the Public Utilities Code. During the period from January 1, 1989, to December 31, 1992, a new licensing system will be implemented by the Department of Motor Vehicles providing for, among others, class A and B licenses

This bill would extend that provision to include persons who hold a class A or class B driver's license, and hold highway carrier operating authority pursuant to the Highway Carriers' Act

(3) Under existing law, the commission requires each charter-party carrier to pass an annual bus terminal inspection conducted by the Department of the California Highway Patrol

This bill would limit that provision to charter-party carriers that operate tour buses, as defined

(4) Existing law defines a "tour bus" as a bus designed for carrying more than 10 passengers, including the driver, which is operated by or for a charter-party carrier of passengers

This bill would remove from the definition the requirement that the bus be designed to carry more than 10 passengers, and would include buses operated by either a passenger stage corporation or any highway carrier of passengers

(5) Existing law requires the prospective employer of a driver who drives a vehicle requiring a class 1 or class 2 driver's license, or certain certificates, to obtain a report showing the driver's current public record as recorded by the Department of Motor Vehicles Existing law also requires the employer of a driver who drives a vehicle requiring a class 1 or class 2 driver's license, or certain certificates, and each transit operator, to make a request to the department to participate in a pull notice system, which is a process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled Existing law also requires these employers to verify periodically that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of specified provisions Under existing law, an employer who continues to employ a person against whom a report shows a disqualifying action has been taken is guilty of a misdemeanor.

This bill would extend these provisions to the employers of drivers who drive a vehicle requiring a class A or class B driver's license, and would also apply these provisions to owners, employers, family members, and volunteers who drive the subject vehicles It would, however, exempt from these provisions the employer of a casual driver, as defined A violation of this provision would be a crime, thus, the bill would impose a state-mandated local program

(6) Under existing law, the Department of the California Highway Patrol is required to inspect, at least every 25 months, every maintenance facility or terminal of any person who at any time operates any of specified vehicles There is currently a fee for the inspection.

This bill would permit the carrier to designate the terminal where vehicles can be inspected The bill would exempt certain vehicles hauling hazardous material, implements of husbandry, and vehicles owned or operated by an agency of the federal government from these provisions, and would also exempt federal, state, and local public entities from the fee requirement.

(7) Under existing law, every operator of specified types of vehicles is required to cause the vehicle to be inspected at least every 45 days, or more often if necessary, to ensure safe operation.

This bill would change the frequency of inspection to 90 days, but would exempt

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vehicles out of service for more than 90 days. It would delete the authority of the department to provide for alternative inspection schedules.

(8) Under existing law, the Department of the California Highway Patrol is required to recommend to the Public Utilities Commission or the Interstate Commerce Commission that the carrier's operating authority be denied, suspended, or revoked, whichever is appropriate, upon determining that a tour bus operator failed to complete and document an inspection required by the Vehicle Code, or that a tour bus operator's terminal is rated unsatisfactory.

This bill would require the department to make the recommendation when it determines that the tour bus has failed to maintain any vehicle used in a safe operating condition, has failed to comply with certain regulations relative to motor carrier safety or failed to comply with certain periodic report requirements with respect to its drivers This bill would also require that a recommendation be made concerning certain other motor carriers and other vehicles This bill would also require the department to notify the carrier in writing of certain matters before it sends the recommendation.

(9) Existing law requires every motor carrier to obtain a carrier identification number from the department

This bill would exempt from this provision certain vehicles transporting hazardous materials and historical vehicles

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

Ch 1217 (AB 2299) Cortese Liens

(1) Existing law requires prescribed disclosure 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 by a written notice signed by the purchaser or lessee However, the failure of the buyer or lessee to sign the notice does not invalidate any grant, conveyance, lease, or encumbrance

This bill would provide that the failure to furnish the notice to the buyer or lessee does not invalidate any grant, conveyance, lease, or encumbrance.

(2) Under existing law, a local agency issuing a building permit for any portion of a residential development subject to a fee or charge for public improvements or facilities may require the applicant to enter into a contract for payment of the fee or charge, or portion thereof owed

This bill would require the local agency to record a release of the obligation if the obligation is paid in full, or a partial release, as specified, thereby imposing a state-mandated local program on local agencies and the county recorder.

(3) Under existing law, the court has authority to impose a lien on any real property owned by an indigent criminal defendant or in which an indigent defendant has an interest, as specified, to compensate the county in part or for all of the legal expenses incurred by the county in the indigent's defense

This bill would require that the lien be recorded with the county recorder in the county or counties in which the property is located, thus imposing a state-mandated local program The bill would provide that the lien would have priority over subsequently recorded liens or encumbrances. The bill would also provide that the lien is not effective against a bona fide purchaser without notice of the lien

(4) Under existing law, a public utility district may provide, by resolution or ordinance, that delinquent water charges and interest and penalties thereon constitute a lien on the real property served.

This bill would specify that these delinquent charges may constitute a lien on the real property served to the extent that the property is owned by the person or entity receiving the service

The bill would also make other technical, nonsubstantive 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1218 (SB 14) Roberti Hazardous waste reduction

(1) Under existing law, every generator of hazardous wastes is required to submit a report to the State Department of Health Services at least once every 2 years concerning changes in waste volume and toxicity achieved through waste reduction Under existing law, the money in the Hazardous Waste Control Account in the General Fund may be expended by the department, upon appropriation by the Legislature, to carry out the hazardous waste control law

This bill would enact the Hazardous Waste Reduction and Management Review Act of 1989, which would require the department to adopt a format to be used by generators by January 1, 1991, and to establish a technical and research assistance program to assist hazardous waste generators in reducing hazardous waste

The bill would require each generator of hazardous waste, as specified, on or before September 1, 1991, and every 4 years thereafter, to complete and conduct a source evaluation review and plan and a source evaluation review and plan summary specifying source reduction measures which will be implemented by the generator The bill would require each generator to certify that the plan will be implemented The bill would also require each generator of hazardous waste, on or before September 1, 1991, and every 4 years thereafter, to prepare a hazardous waste management performance report and a hazardous waste management performance report summary concerning the hazardous waste management approaches implemented by the generator

The bill would require the department to select at least 2 categories of generators on or before September 1, 1992, and every 2 years thereafter, for specified enforcement activities. The bill would also authorize the department, on and after September 15, 1991, to require a generator to provide the department with a copy of the generator's review and plan, plan summary, report, or report summary, within 30 days after the request of the department. The department would be required to take specified enforcement actions to require the completion of the review and plan, plan summary, report, or report summary and would be authorized to take enforcement actions to require the implementation of the review and plan or plan summary

The bill would require the State Director of Health Services to submit a report to the Governor and the Legislature commencing July 1, 1993, and once every other year thereafter, concerning the implementation of the act and would require the Auditor General to submit a report by December 1, 1993, assessing the department's performance in the implementation of the act The bill would also establish procedures for the protection of trade secrets.

The bill would require the department to adopt, by regulation, on or before January 1, 1991, a system for charging and collecting a fee from generators subject to the act, set in an amount sufficient to produce revenues to implement the act and would authorize the department to set the fees at a level to repay the Hazardous Waste Control Account for the initial costs of implementing the act The fees would be required to be paid by September 1, 1991, and to be deposited in the Hazardous Waste Control Account in the General Fund, for expenditure by the department, upon appropriation by the Legislature, to carry out the act

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

This bill would impose a state-mandated local program by creating new crimes concerning the generation of hazardous waste

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

Ch 1219 (SB 61) Campbell State government energy services.

Existing law requires the State Public Works Board, prior to entering into certain leases and energy service contracts, to provide 30 days' prior notice to the committees in each house of the Legislature which consider appropriations and the Joint Legislative Budget Committee, as specified

This bill would revise the prior notice requirements to delete the requirement that it be sent to the appropriations committees and add the requirement that notice be sent to the fiscal committees. It would also extend the notice period to 45 days and would provide that the Chairperson of the Joint Legislative Budget Committee may conduct a related hearing, as specified

This bill would provide that if a hearing is conducted, the Joint Legislative Budget Committee may recommend to the board approval, modification, or rejection of leases or energy services contracts.

Ch 1220 (SB 213) Petris Child victims and witnesses

Existing law provides various special procedures applicable to child victims and witnesses

This bill would enact the California Child Victim Witness Pilot and Demonstration Programs which act would require the establishment of a 3-year pilot program in the office of the Attorney General and a 3-year pilot program in the Judicial Council The bill would provide that the program to be operated by the office of the Attorney General shall consist of an investigative pilot and demonstration program and the program to be operated by the Judicial Council shall consist of judicial and child advocacy demonstration programs with each of the respective programs functioning in up to 3 counties which have applied to, and have been designated by, either the Attorney General or the Judicial Council The California Child Victim Witness Pilot and Demonstration Programs would be primarily designed to implement and evaluate the recommendations of the California Child Victim Witness Judicial Advisory Committee (Ch 1282, Stats 1986), as specified The Attorney General and the Judicial Council would be required to report, as specified, to the Legislature not later than July 1, 1994, on the results of each pilot and demonstration project The bill would repeal these provisions as of January 1, 1994

The bill would appropriate $83,000 from the General Fund to the Controller to be allocated, as specified, to the Department of Justice and the Judicial Council for purposes of establishing and implementing the California Child Victim Witness Pilot and Demonstration Programs

Ch 1221 (SB 276) Campbell Medi-Cal reimbursement. [16]

Existing law defines a "congregate living health facility" as a residential home providing inpatient care, including medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, and social recreational services, and supplemental services either to certain physically disabled persons or those persons with a diagnosis of terminal illness, as defined. Existing law also provides for the provision of basic health services for qualified low-income individuals through the Medi-Cal program, and authorizes the Director of Health Services to adopt regulations establishing rates of reimbursement for services provided by Medi-Cal providers.

Existing law provides for purposes of the Medi-Cal program a schedule of benefits

This bill would include within the scope of Medi-Cal benefits services provided by facilities licensed as congregate living health facilities to individuals diagnosed as having acquired immune deficiency syndrome (AIDS).

The bill would appropriate $1,250,000 from the General Fund to the Office of AIDS in the State Department of Health Services for allocation to specified facilities for the provision of services for individuals with AIDS, and would make findings and declarations regarding those facilities

This bill would provide that its provisions would only be operative to the extent that

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specified federal Medicaid financial participation is available

Ch. 1222 (SB 748) Royce Bank and corporation taxes· minimum tax

The existing Bank and Corporation Tax Law provides that all banks and corporations subject to tax and not exempted shall pay annually a minimum tax of not less than a specified amount, except that credit unions whose gross income is $20,000 or less shall pay annually a minimum tax of not less than $25

This bill would provide that credit unions shall not be subject to the minimum tax

This bill would take effect immediately as a tax levy but would be operative for income years beginning after December 31, 1989

Ch 1223 (SB 818) Presley Attorneys· State Bar of California.

(1) Existing law provides that 15 of the attorney members of the Board of Governors of the State Bar are elected from districts, each of which is comprised of specified counties.

This bill would repeal the provisions that establish the State Bar Districts as of July 1, 1990. It would require the board beginning July 1, 1990, and every 10 years, thereafter, to adjust the county lines of the State Bar Districts, as specified It would also enact provisions which require that the 15 attorney members be elected from these newly created State Bar Districts to be operative July 1, 1990

(2) Existing law requires that one member of the board from State Bar District No 7 at the time of his or her election, and any member from the district may, maintain his or her principal office for the practice of law outside the City of Los Angeles.

This bill would delete this authorization

Ch 1224 (AB 114) Floyd Public works wages

(1) Existing law governs the awarding of public works contracts and the wages and hours of workers employed on public works

This bill would provide that work performed entirely by volunteer labor and which meets specified conditions shall not be subject to the laws governing the awarding of public works contracts and the wages and hours of workers employed on public works

The bill would also provide that a contractor or subcontractor performing a public works project who is found by the Labor Commissioner to be in willful violation of the public works law, or to be in violation of this law with intent to defraud, with a prescribed exception related to apprenticeship requirements, shall be ineligible to bid on or to receive a public works contract, as specified It would require the commissioner to promulgate rules and regulations for administration, definition of terms, and appropriate penalties

(2) Existing law requires that not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which a public work is performed be paid to all workers employed on public works

This bill would provide that the awarding body for a public works project shall not require the payment of the general prevailing rate of per diem wages on public works projects of specified sizes and types of work if the awarding body elects to initiate and enforce a labor compliance program containing specified requirements for every public works project under the authority of the awarding body

(3) Existing law requires a public agency that withholds any penalty or forfeiture from any contract payment for failure of a contractor or subcontractor to comply with the labor laws on public works to transfer all penalties and forfeitures to the Treasurer to become a part of the General Fund of the state, and requires a court collecting any fines or penalties under the criminal provisions of the labor laws pertaining to public works to provide for payment of these amounts to the Treasurer for deposit in the General Fund of the state.

This bill would provide that any political subdivision which elects to initiate and enforce a labor compliance program shall deposit all penalties and forfeitures in the general fund of the political subdivision, and would provide that any court collecting any fines or penalties under the criminal provisions of the public works law or any labor law pertaining to public works, when the fines and penalties resulted from enforcement

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actions by a political subdivision pursuant to a labor compliance program, shall deposit the fines or penalties in the general fund of the political subdivision.

(4) Existing law permits the Director of Industrial Relations to establish rules and regulations for the purpose of carrying out the prevailing wage provisions.

This bill would instead permit the director to establish rules and regulations for the purpose of carrying out the public works labor laws, including the responsibilities and duties of awarding bodies under the public works law.

(5) Existing law requires a contractor on a public works contract to forfeit a penalty of $25 for each calendar day for each worker paid less than the prevailing wage rates

This bill would increase this penalty to not more than $50 for each calendar day for each worker paid less than the prevailing wages, and would provide that the amount of the forfeiture shall be determined by the Labor Commissioner based on specified factors

(6) Existing law requires the public agency awarding a public works contract to notify the Division of Labor Standards Enforcement when there is insufficient money due to a contractor to cover all penalties forfeited and amounts due for wages to employees, provided that in the case of a worker claiming the difference between the prevailing wage rate and the amount paid him or her, the awarding body has first been given a specified notice

This bill would delete the requirement that the awarding body be given the specified notice

(7) Existing law provides that the ratio of apprentices to journeymen on a public work may be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each 5 journeymen, with specified exceptions These provisions do not apply to contracts of general contractors involving less than $30,000 or 20 working days, or to contracts of specialty contractors not bidding through a general or prime contractor involving less than $2,000 or 5 working days.

This bill, instead, would specify, with certain exceptions, that the ratio be no less than one hour of apprentice work for every 5 hours of labor performed by a journeyman In addition, it would provide that these provisions do not apply to the contracts of specialty contractors not bidding through a general or prime contractor which involve less than $30,000 or 20 working days.

(8) Existing law specifies the penalties applicable to a contractor who willfully fails to comply with provisions of law relating to the employment of registered apprentices upon public works

This bill would repeal those provisions and instead require the Director of Industrial Relations to deny the contractor or subcontractor the right to bid on a public works contract, as specified, as a penalty for the willful failure to comply with apprenticeship requirements It would require a contractor or subcontractor who violates the apprenticeship requirements to forfeit a civil penalty in the sum of $50 for each calendar day of noncompliance It would provide for the withholding of this civil penalty from contract progress payments, or the deposit of these funds, and for the interpretation and enforcement of its provisions in the same manner as existing law

In lieu of these penalties, the bill would provide the director with discretion in the case of a first time violation to order the contractor or subcontractor to provide apprentice employment, with the concurrence of the joint apprenticeship committee.

(9) This bill would incorporate additional changes in Section 1775 of the Labor Code, proposed by this bill and AB 254 or SB 197, or both, to become operative only if AB 254 or SB 197, or both, and this bill are chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 1225 (AB 1278) Filante Mental health

Pursuant to existing law the State Department of Mental Health is vested with various duties and responsibilities concerning the mental health services, including, but not limited to, regulating and providing funding for local mental health service programs

This bill would appropriate $145,000 to the department for the purpose of contracting with an organization to establish a statewide network of families who have mentally

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disordered family members, for the purposes of providing information, advice, support, and other assistance to these families

Ch 1226 (AB 1570) Sher Recycled oil markets

(1) Existing law requires the California Waste Management Board to evaluate the potential for state and local agencies to purchase lubricating and other petroleum products made from recycled oil and to prescribe guidelines for providing facilities for the free deposit of used oil in specified amounts.

This bill would require state agencies and contractors with state agencies to purchase lubricating oil, as defined, and industrial oil, as defined, containing the greatest percentage of recycled oil, unless a specified certification is made. The bill would also require local agencies to purchase lubricating oil and industrial oil which contains recycled oil if the product meets specified conditions, thereby imposing a state-mandated local program

(2) Existing law requires the board to evaluate the potential for state and local agencies to purchase petroleum products made from recycled oil and to submit specified recommendations to the Legislature and for used oil haulers to make records, as specified, available to the board

This bill would repeal those provisions The bill would require the manufacturer of every oil container, as specified, to label the container in a specified manner or to supply the retailer with specified material The bill would also require the board to maintain access to a toll-free telephone number to inform callers of specified information.

(3) Existing law requires the board to submit a specified annual report to the Legislature relating to used oil collection and recycling

This bill would, instead, require the State Department of Health Services to include that information in its report regarding hazardous waste which is required, under existing law, to be submitted to the Legislature on or before January 1 of each odd-numbered 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

(5) The bill would appropriate $75,000 from the General Fund to the board to maintain the toll-free telephone number required by the bill, unless AB 939 is enacted and becomes effective on or before January 1, 1990, in which case the appropriation would be from the Solid Waste Management Fund, which would be created by AB 939

Ch 1227 (AB 1463) Klehs Income taxes bank and corporation taxes: credits ridesharing

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize specified credits against the taxes imposed

This bill would allow under both laws, until January 1, 1996, a tax credit to employers for specified percentages of the cost of purchasing or leasing certain vehicles provided under an employer-sponsored ridesharing incentive program for employees conducted principally in this state It would also allow under both laws until that date, a tax credit to employers in specified amounts for the cost paid or incurred by them for providing subsidized public transit passes to employees The credits would be in lieu of any other deductions to which the taxpayer would otherwise be entitled with respect to the costs on which the credits are based

This bill would provide a tax credit under the Personal Income Tax Law until January 1, 1996, to employees participating in non-employer-sponsored vanpools equal to 40% of the cost of their vanpool subscription costs This credit may not exceed $480 per taxable year

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This bill would require the Legislative Analyst to evaluate the programs created by the bill and report the same to the Legislature before January 1, 1995

This bill would take effect immediately as a tax levy

Ch 1228 (AB 1640) Filante Transportation planning and development transit capital improvement projects: appropriation

Existing law specifies the types of transit capital improvement projects eligible for funding from the Transportation Planning and Development Account in the State Transportation Fund

This bill would include passenger ferries and terminals among those eligible projects

This bill would appropriate $5,589,750 from the Transportation Planning and Development Account in the State Transportation Fund for specified transportation purposes pursuant to a designated schedule

This bill would provide that specified provisions of this bill shall not become operative unless SB 1391 of the 1989–90 Regular Session is enacted and takes effect on or before January 1, 1990

Ch 1229 (AB 1717) M. Waters State contracts: minority and women business enterprises

(1) Existing law provides that all contracts awarded by state governmental entities for construction, certain professional services, materials, supplies, equipment, alteration, repair, or improvement shall have statewide participation goals of not less than 15% for minority business enterprises and not less than 5% for women business enterprises State contractors are required to make a "good faith effort" to meet these participation goals If a contractor fails to make a good faith effort, the contract is awarded to the next lowest responsible bidder who is responsive to the minority and women business enterprise goals

This bill would delete the requirement that the contractor show a good faith effort and instead require that the contract be awarded to the lowest responsible bidder meeting or making good faith efforts to meet these goals The bill would provide that a bidder is making efforts to meet these goals if the bidder meets the participation goals or has made a good faith effort to do so, as defined

(2) Existing law defines "contractor" for the purposes of the minority and women business enterprise participation goals to mean any person or persons, firm, partnership, corporation, or combination thereof who submits a bid and enters into a contract with a representative of the state Existing law defines a "women business enterprise" to include a domestic corporation with its home office located in the United States

This bill would instead, define "contractor" to mean any person or persons, regardless of race, color, sex, ethnic origin or ancestry, or any firm, partnership, corporation, or combination thereof, whether or not a minority or women business enterprise, who submits a bid and enters into a contract with a representative of the state This bill would also define a "women business enterprise" to include a domestic corporation with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other business

(3) This bill would declare the intent of the Legislature in enacting its provisions, and would declare that nothing in the provisions regarding minority and women business enterprise participation goals shall be construed to authorize any awarding department or contractor to discriminate in the awarding of contracts or the solicitation or acceptance of bids, on the basis of race, color, sex, ethnic origin, or ancestry.

(4) This bill would provide that contracts of $10,000 or less let by the Department of Corrections for the construction, erection, alteration, repair, or improvement of state prison facilities, or let by the state to provide labor, services, materials, supplies, or equipment, could be exempted from the statewide participation goals contracts at the discretion of the awarding department

(5) This bill would provide for the severability of various provisions of law regarding participation goals for minority and women business enterprises for state contracts

(6) This bill would make other technical nonsubstantive changes.

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Ch 1230 (AB 2372) Hannigan. Property taxation. revenues· apportionment.

Existing law provides that a county shall levy a property tax on assessed value at a rate equal to $4 per $100 of assessed value, and subsequently at an equivalent rate, as specified. Existing law further provides that revenues from the tax shall be distributed to local agencies and other specified entities in accordance with the Government Code

This bill would provide that property tax revenues be distributed to local agencies and other specified entities in accordance with the Government Code through the 1978–79 fiscal year and in accordance with Revenue and Taxation Code provisions in fiscal years thereafter This bill would further provide that property tax delinquency penalty revenues and accrued postjudgment legal interest be distributed pursuant to specified sections of the Revenue and Taxation Code, or the successors to those sections. This bill would impose a state-mandated local program by requiring county offices to change their procedures and practices regarding the distribution of tax proceeds and delinquency penalties, and would provide that the bill would not require any adjustments to allocations made during specified fiscal years

This bill would declare the Legislature's distinction between tax penalties and revenues and the Legislature's intent in enacting this bill to nullify the holding of a specified state appellate court opinion.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would provide that no reimbursement shall be made for a specified reason.

Ch 1231 (SB 8) Nielsen Agriculture marketing

Existing law provides for the repeal of the Foreign Market Development Export Incentive Program for California Agriculture Act as of January 1, 1990.

This bill would delete that termination

Ch. 1232 (SB 1391) Keene. Transit capital improvement projects and local transportation authorities [17]

(1) Existing law specifies the types of transit capital improvement projects eligible for funding from the Transportation Planning and Development Account in the State Transportation Fund

This bill would include passenger ferries and terminals among those eligible projects, and would restrict funding from specified sources to allocations for capital outlay improvements and rolling stock on intercity passenger routes.

(2) Existing law authorizes the county board of supervisors of any county to establish a local transportation authority A local transportation authority may, upon voter approval, impose a transactions and use tax and issue bonds for transportation projects in the county.

This bill would specifically provide that, if the imposition of a retail transactions and use tax and an appropriations limit of $765,000,000 was approved by the voters of a county for a local transportation authority, and the ordinance adopted by the authority requesting the board of supervisors to submit the proposition to the voters authorized the issuance of bonds, that local transportation authority may issue bonds.

(3) The bill would appropriate $11,179,500 from the Transportation Planning and Development Account in the State Transportation Fund, with $5,589,750 to the Department of Transportation for allocation, as directed by the California Transportation Commission, to specified transit capital improvement projects, and $5,589,750 to the Controller for allocation to transportation planning agencies, county transportation commissions, and the San Diego County Metropolitan Transit Development Board for public transportation purposes, as specified

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

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Ch 1233 (AB 241) Calderon. California Museum of Latino History, Art, and Culture [18]

Existing law makes no provision for an appropriation for support of the California Museum of Latino History, Art, and Culture.

This bill would make certain legislative findings and declarations with respect to this museum. It would limit the use of state moneys, from whatever fund appropriated, to specified purposes relating to the museum, including developing preliminary plans, construction, initial equipment, and operation It would impose limits on state financial assistance to one-half of the total costs of the project, as specified.

This bill would appropriate $500,000 from the Special Account for Capital Outlay in the General Fund to the Controller for allocation as a grant to the Board of Trustees of the California Museum of Latino History, Art, and Culture, for the development of preliminary plans for this museum and for administrative costs of the board of trustees

Appropriation. yes

Ch 1234 (AB 349) Campbell Domestic violence educational program

Existing law provides for various programs related to domestic violence.

This bill would authorize the Office of Criminal Justice Planning, subject to the availability of funding, to make a grant of $75,000 to a grantee, selected from among proposals submitted in response to a request for proposals, to prepare 2 videos on domestic violence, as specified, with one to address the needs of Asian victims and one to address the needs of Spanish-speaking victims.

The bill would require the grantee to provide a 20% match of the grant amount in cash or in-kind services and would declare the Legislature's intent that the grant be funded in the annual Budget Act

Ch 1235 (AB 427) Calderon Legislative open meetings

Existing law contains various provisions concerning open meetings and executive sessions of the Assembly and Senate and the committees and subcommittees thereof, and of conference committees Certain of those provisions which were enacted by Proposition 24 in 1984 duplicate and conflict with other statutory provisions adopted by the Legislature

This bill would repeal the provisions relating to open meetings and executive sessions adopted by the Legislature and the provisions enacted by Proposition 24 The bill would generally require meetings of a house of the Legislature or a committee thereof to be open and public and would limit the purposes for which closed sessions could be held to matters relating to the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to complaints or charges against a Member of the Legislature or other public officer or employee, to the classification or compensation of an employee of the Legislature, to the safety and security of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature, and to litigation, as specified It would require all open and public meetings to be held only after full and timely notice to the public as provided by the Joint Rules of the Assembly and Senate.

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

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

Ch 1236 (AB 650) Polanco Clinical laboratories

Existing law provides that any person conducting or operating a clinical laboratory may accept assignments for tests only from, and make reports to, persons licensed under provisions of law relating to the healing arts contained in the Business and Professions Code or their representatives

This bill would authorize any person to request and for any laboratory to perform, laboratory tests relating to pregnancy, glucose level, cholesterols, and occult blood and provides that the results may be provided to the person requesting the test provided the

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test is on or for his or her own body

The bill would authorize the State Department of Health Services to add additional tests to the list under specified conditions

Ch. 1237 (AB 1029) Hauser Fishing: salmon streams

Existing law provides for the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 and requires that the money deposited in the fund be available for expenditure of not to exceed specified amounts for designated purposes, including a specified amount for restoration and enhancement of salmon streams in accordance with prescribed recommendations.

This bill would require that a priority for funding be given to programs and projects restoring, enhancing, and protecting salmon streams, with those funds that employ fishermen who are unemployed or underemployed as a result of commercial fishing restrictions within and immediately adjacent to the Klamath Management Zone imposed by federal laws or regulations

Ch 1238 (AB 1031) Hauser. Tide and submerged lands City of Arcata

(1) Under existing law, various grants of tide and submerged lands have been made in trust to local agencies, including legislative grants of specified lands to the City of Arcata

This bill would repeal the existing legislative grants, and would enact a new grant of tide and submerged lands, as described, subject to specified conditions, to the City of Arcata in trust for purposes of navigation, commerce, fisheries, and for other public trust purposes The bill would require, among other things, that the city submit to the State Lands Commission for its approval a trust lands use plan, as prescribed, and submit a report of its utilization of the granted lands every 5 years to the commission. The bill would require the trustee to file each year with the commission a detailed statement of revenue from the administration of the lands and the expenditure thereof, and would prescribe related matters. The bill would also require the commission to institute, from time to time, a formal inquiry to determine if the terms and conditions of the grant are being complied with

The bill would impose a state-mandated local program by imposing requirements upon the city

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

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

Ch 1239 (AB 1402) M Waters Private postsecondary education

(1) Existing law establishes the Student Aid Commission for the purposes of administering various financial aid programs for postsecondary educational institutions

This bill would require the commission to give written notice to the Superintendent of Public Instruction of evidence indicating that an institution subject to provision (4) of this digest has failed to comply with the provisions of law relating to private postsecondary educational institutions This bill would authorize the commission to institute an emergency action based on the evidence against the institution for the limitation, suspension, or termination of eligibility under specified state programs, if the superintendent determines that the institution is not in compliance

(2) Various provisions of existing law govern private postsecondary educational institutions

This bill would make various legislative findings and declarations with respect to the students who have been substantially harmed and the damage to the public perception of reputable institutions because of the fraudulent, deceptive, and unfair conduct of some institutions, and would declare the intent of the Legislature to protect students and reputable institutions, assure appropriate state control of business and operational standards, assure minimum standards for educational quality, prohibit misrepresentations, require full disclosures, prohibit unfair dealing, and protect student rights.

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(3) Existing law defines various terminology that are used in the laws that govern private postsecondary educational institutions, including the term "agent." "Agent" is defined as any person who, at a place away from the principal school premises or site of instruction, whose primary task is to serve as a paid recruiter, while owning an interest in, employed by, or representing for remuneration or consideration a private postsecondary educational institution located within or without this state who takes specified action

This bill would revise the definition of "agent" to mean any person who, at a place away from the institution's premises or site of instruction, for consideration, solicits, promotes, advertises, offers, or attempts to secure enrollment for an institution, refers any person to an institution either for enrollment or to receive a solicitation for enrollment, or accepts application fees or admissions fees for education in an institution.

This bill would also define "representative," "owner," "person in control," and "agency" for the purposes of the laws that govern private postsecondary educational institutions

(4) This bill would not apply certain minimum standards required of private postsecondary educational institutions to those institutions that are subject to the Maxine Waters School Reform and Student Protection Act of 1989 established by this bill

This bill would prohibit an institution and representative of an institution from (a) making any statement that is in any manner untrue or misleading, either by actual statement, omission, or intimation (b) using the terms "approval," "approved," "approval to operate," or "approved to operate," without stating clearly and conspicuously that approval to operate means compliance with minimum state standards and does not imply any endorsement or recommendation by the state or by the superintendent, and (c) engaging in any false, deceptive, misleading, or unfair act, as specified This bill would require an institution to be responsible for all violations of the student protection provisions that are committed by a representative of the institution

This bill would require a representative of an institution who solicits or recruits any person at any place other than the institution's premises for enrollment in a course of instruction to make specified disclosures orally and in a correctly dated writing printed in at least 10-point type and signed by the representative before attempting to solicit or recruit or make any representation promoting the institution

This bill would require an institution, as of January 1, 1991, to discontinue offering particular classes if more than 40% of the students in that class for a specified time period who began the course and who were originally scheduled at the time of enrollment to complete the course during that period fail to complete the course or if more than 30% of the students who complete the course within that time period fail to obtain employment within 6 months of completing the course in the occupations or job titles to which the course of instruction was represented to lead, except that the superintendent would be permitted, when specified conditions are met, to allow an institution to exclude certain students who would otherwise be included in calculating the percentage of students who failed to obtain employment within this time period

This bill would prohibit an institution from entering into an agreement with any person to provide any course of instruction under specified circumstances This bill would prohibit an institution from establishing a branch campus or satellite unless the branch or satellite has first been approved by the Superintendent of Public Instruction as complying with specified criteria and requirements

This bill would require private postsecondary educational institutions to provide specified information to a person before he or she executes an agreement obligating him or her to pay any money to an institution for a course of instruction or related materials

This bill would require each private postsecondary educational institution to file annually with the Superintendent of Public Instruction a report, subscribed under penalty of perjury containing specified information and a statement that the information is documented, as well as, on a biennial basis, an audit report of financial statements, as specified. This bill would require each institution to designate an agent for service of process within the state and to provide a person with notice, as specified, when he or she executes an agreement obligating that person to pay any money to an institution for

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a course of instruction or related materials.

This bill would require the enrollment, course completion, and employment data used to determine compliance with specified provisions of the Maxine Waters School Reform and Student Protection Act of 1989 to continue to apply to an institution notwithstanding a change in the institution's ownership, name, or identification number.

This bill would give students the right to cancel an agreement for a course of instruction, including any equipment or other goods and services included in the agreement until midnight of the 5th business day after the day on which the student (a) attended the first class of the course of instruction which is the subject of the agreement, (b) attended the first class of an identical course of instruction offered by the institutions offered to other students, or (c) received the first lesson in a home study or correspondence course

This bill would require the institution to provide the student with 2 cancellation forms, as set forth in this bill, at the first class attended by the student or with the first lesson in a home study course submitted by the student. This bill would specify that a student has the right to withdraw from the course of instruction at any time. This bill would prescribe the formula for computing the amount of the refund and would require every agreement for a course of instruction to provide specified information.

This bill would require an institution to administer a test approved by the Superintendent of Public Instruction, as specified, before entering into an agreement for a course of instruction with a student

This bill would require the Superintendent of Public Instruction, the Attorney General, any district attorney or city attorney, or the Student Aid Commission to make all records maintained by an institution available immediately for inspection and copying To the extent this requirement would apply to a county district attorney or city attorney, this bill would impose a state-mandated local program This bill would make the accrediting agency liable for a civil penalty of not less than $2,500 and not more than $25,000, if the accrediting agency willfully fails to comply with the requirement of maintaining accurate current records This amount would be deposited in the Private Postsecondary Education Administration Fund This bill would prohibit a student from waiving any provisions described in the paragraphs under provision (4) This bill would prescribe the remedies that a student has if an institution violates those provisions.

This bill would specify that the provisions described in the paragraphs under provision (4) apply to postsecondary educational institutions other than institutions that (a) are incorporated and lawfully operate as nonprofit public benefit corporations, and are not managed or administered by any entity organized for profit, or (b) exclusively confer degrees upon the completion of a course of study of 2 or more years or regularly confer degrees such as a master or doctorate on students who have completed an undergraduate course of study of 2 or more years at a college or university

This bill would require the institution to provide sufficient instruction and materials pursuant to a planned curriculum appropriate to the student's educational program and establish sufficient student standards to assure that students acquire the necessary level of education, training, skill, and experience to obtain employment in the occupation or job title to which the course of instruction is represented to lead.

The provisions described in paragraphs under provision (4) would not apply to certain individual flight instructors

This bill would prohibit an institution from offering a course of instruction if the institution's approval to offer that course of instruction has been suspended or revoked This bill would authorize the Superintendent of Public Instruction to suspend or revoke an institution's approval to offer any course of instruction, to place the institution on probation, or to suspend or revoke an institution's approval to operate a branch or satellite campus because of any violation of provision (4). The bill would authorize the superintendent to take specified emergency action for not more than 60 days in certain circumstances, pending final resolution of proceedings to suspend or revoke an institution's approval to operate

This bill would require an agency to hold a valid authorization issued by the superintendent with the application for the authorization including specified information and

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would specify that any person violating this provision would be guilty of a misdemeanor, punishable as specified

This bill would specify that any person or business entity that willfully violates the minimum standards requirements or student protection provisions described in provision (4) is guilty of a crime and is punishable by (a) imprisonment in the state prison, by a fine not exceeding $50,000, or both the imprisonment and the fine, or (b) imprisonment in the county jail not exceeding one year, by a fine not exceeding $10,000, or both the imprisonment and the fine This bill would require that prosecution under this provision commence within 3 years of the discovery of the facts constituting grounds for commencing the prosecution

(5) Existing law requires the Superintendent of Public Instruction to establish and maintain the Student Tuition Recovery Fund, a continuously appropriated fund, for the purpose of relieving or mitigating pecuniary losses suffered by any California resident who is a student of an approved or authorized postsecondary educational institution which charges prepaid tuition, as a result of the institution ceasing its operation for any reason.

This bill would enlarge the purposes for which moneys in the Student Tuition Recovery Fund may be used to include the purpose of relieving or mitigating pecuniary losses suffered by any California resident who was a student of an approved institution and suffered loss due to a contractual breach or decline in educational quality, or who obtained a judgment against the institution for any violation of specified provisions of law relating to private postsecondary educational institutions, where the student certifies that the judgment cannot be collected after diligent collection efforts This additional purpose for the use of moneys in the Student Tuition Recovery Fund would thereby constitute an appropriation This bill would require the superintendent to attempt to obtain the names and addresses of people who were students of an institution within 60 days before its closure and to notify students of their rights under the Student Tuition Recovery Fund

Existing law establishes the Private Postsecondary Education Administration Fund, which is funded in part from the fees paid by private postsecondary educational institutions according to a specified fee schedule

This bill would express the Legislature's intention that the fees charged may be increased to provide adequate resources so a thorough review of these private institutions can be conducted by the state, and would increase specified fees within that fund, for purposes of the bill It would require the Superintendent of Public Instruction to report to the Legislature on the need for fee increases, as specified

It would express the intent of the Legislature that when a student is enrolled in an institution that closes prior to the completion of the student's program, the students have the option for a teach-out at another institution approved by the superintendent. It would require the superintendent to seek to promote teach-out opportunities, whenever possible, with the student to be informed by the superintendent that he or she has the option of either payment from the Student Tuition Recovery Fund or a teach-out.

(6) Existing law requires the superintendent to assess each private postsecondary educational institution which collects any moneys in advance of rendering services a specified amount The assessment per student is not to be less than $1 and not more than $4 These assessments are to be paid into the State Treasury and credited to the Student Tuition Recovery Fund and are to be allocated, generally, for the payment of valid claims

This bill would require the superintendent to levy additional reasonable assessment only if required to assure that sufficient funds are available to satisfy the anticipated cost of paying student claims. This bill would authorize the recovery from an institution of any payments from the fund to students whose claims do not comply with a specified provision of law, by appropriate action taken by the superintendent.

(7) Existing law requires agents, whose primary task is to serve as a paid recruiter for a private postsecondary educational institution, to hold a valid permit issued by the Superintendent of Public Instruction Existing law prohibits the issuance of a permit except upon the submission of satisfactory evidence of good moral character.

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This bill would prohibit the issuance of a permit if a person has previously been found by a court of law or administrative authority to have been in violation of certain provisions relating to minimum standards and prohibited activities

(8) Existing law generally requires agencies established for the purpose of recruiting students for enrollment in a private postsecondary institution to hold a valid authorization issued by the Superintendent of Public Instruction Existing law requires the application for authorization to include, among other things, a statement to the effect that the institution to which the prospective student is referred by the agency has the obligation to make available to the student a catalog or brochure containing specified information.

This bill would require the catalog or brochure to include information describing, for all vocational training programs, rather than just for those programs for which specific placement claims are made, placement data, including program completion rates, placement rates, and starting salaries

(9) This bill would prohibit any institution from paying any consideration to an agent or agency not holding a valid permit or authorization, or from enrolling any student recruited by that agent or agency, as specified

(10) Existing law authorizes the Attorney General to make certain investigation to carry out the statutes relating to private postsecondary educational institutions

This bill would extend that authority to any district attorney or city attorney

(11) To the extent that any violation of the provisions of this bill would be a crime or infraction, this bill would impose a state-mandated local program

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

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

(13) This bill would incorporate additional changes proposed by SB 190, to be operative only as specified

(14) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1240 (AB 1476) Moore Carriers. employees

(1) Under existing law, the Public Utilities Commission regulates common carriers under the Public Utilities Act, highway carriers under the Highway Carriers' Act, household goods carriers pursuant to the Household Goods Carriers' Act, and charter-party carriers pursuant to the Passenger Charter-Party Carriers' Act. Existing law requires 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.

This bill would require every passenger stage corporation, highway common carrier, cement carrier, highway permit carrier, household goods carrier, and charter-party carrier earning over $350,000 in annual gross operating revenue to file with the commission annually a report of specified information concerning its employees prepared under oath, as specified by the commission The commission would be required to submit a copy of the list to the administrator of the carrier's workers' compensation self-insurance plan if the carrier is self-insured, or to the carrier's workers' compensation insurer if the carrier's workers' compensation protection is provided by a policy or policies of insurance This bill would also require passenger stage corporations, household goods carriers, highway permit carriers, highway common carriers, cement carriers, and charter-party carriers to file with the commission on or before July 1, 1990, and continuing thereafter,

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a certification of workers' compensation coverage for its employees, a certificate of consent to self-insure issued by the Director of Industrial Relations, and the identity of the administrator of the carrier's workers' compensation self-insurance plan, or a statement that it is not subject to the workers' compensation laws of this state. The bill would provide that the commission shall not be obligated to undertake an independent investigation of the adequacy of workers' compensation insurance Since under existing law, every person who fails to comply with any provision of the Public Utilities Act or any directive of the commission is guilty of a misdemeanor, the bill would impose a state-mandated local program by creating a new crime

(2) The bill would appropriate $95,000 for its purposes to the commission, $70,000 from the Transportation Rate Fund, and $25,000 from the Public Utilities Commission Transportation Reimbursement Account in the General Fund.

(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 1241 (AB 1580) W. Brown. Timberland wildlife· study timber harvesting plans state funding· appropriation

(1) Under existing law, the Department of Forestry and Fire Protection is authorized to enter into agreements and to make loans for forest resources improvement projects

This bill would create the Timberland Task Force composed of 11 members The bill would require the task force to carry out specified duties relating to timberlands and wildlife species utilizing timberland habitats The bill would require the task force, on or before January 1, 1992, to transmit its findings and recommendations to the Fish and Game Commission with respect to threatened or endangered species, to the State Board of Forestry with respect to species of special concern impacted by management activities on private and public timberlands, and to the Legislature, as specified The bill would require the department to use a specified data base developed by the task force to review timber harvesting plans as appropriate, and to allow its use by timber harvesting plan applicants and other persons The bill would require users of the data base to pay a fee, commencing on January 1, 1992

This bill would express a legislative finding and declaration with regard to the California Academy of Sciences, a private, nonprofit organization

The bill would appropriate $900,000 including $400,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund, as specified, and $1,000,000 from the Special Account for Capital Outlay in the General Fund to the Controller for allocation, without regard to fiscal years, to the California Academy of Sciences for capital improvements and would require the academy to provide a matching sum from gifts and donations of nonstate money

The bill would make other specified appropriations for freeway soundwalls and other environmental projects.

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

Ch 1242 (AB 1652) Wright Commercial fishing gill net and trammel net permits.

(1) Existing law authorizes the taking of shark and swordfish under limited entry drift gill net shark and swordfish permits issued to persons who meet specified requirements

This bill would revise these requirements as to prior permittees

(2) Under existing law, no person may fish for commercial purposes with gill nets or trammel nets unless that person has been issued a gill net or trammel net permit by the Department of Fish and Game. Existing law makes that permit nontransferable Until January 1, 1990, the department is prohibited from issuing new permits but may renew existing permits under regulations, as specified. Existing law also requires fees collected by the department to be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund

This bill would authorize the Director of Fish and Game, instead of the Fish and Game

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Commission, to revoke or cancel commercial gill or trammel nets permits upon prescribed violations

The bill would authorize renewal of the permits to existing holders of permits who meet the qualifications prescribed in the bill; prohibit issuing permits to new persons until there are less than 325 permits issued by the department, as specified, for a particular permit year, as defined; authorize the transfer of permits to persons holding crewmember permits, the issuing of which would be provided for in the bill; and would exempt fishing under limited entry permits to take herring for roe and limited entry shark or swordfish permits from the requirements for the gill net or trammel net permit The bill would provide for related matters.

The bill would also provide for fees for the permits under the bill, thereby making an appropriation.

Because existing law makes violations of the Fish and Game Code, generally, misdemeanors, the bill would impose 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 1243 (AB 1727) Farr Property taxation· welfare exemption

Existing property tax law provides for a welfare exemption under which property used exclusively for religious, hospital, scientific, or charitable purposes and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting the statutory requirements is exempt from taxation. Charitable organizations in general must comply with 6 specific requirements to be eligible for the welfare exemption Charitable organizations whose property is used exclusively for scientific purposes (other than medical research) must comply with an additional requirement that the organization be "chartered by the Congress of the United States" and the organization's objects be "the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large"

This bill would delete in the case of oceanographic research, as defined, the requirement that an organization using property exclusively for scientific purposes be chartered by the Congress of the United States

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill

This bill would incorporate the changes to Section 214 of the Revenue and Taxation Code proposed by SB 350 if both bills are chaptered and this bill is chaptered last

This bill would become operative for the 1989–90 fiscal year and fiscal years thereafter

Ch. 1244 (AB 2075) Leslie. Minors· loitering and curfew violations.

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 traffic hearing officers to include cases involving violations of an ordinance of a city, county, or local agency relating to nontraffic offenses regarding loitering or curfew

Ch. 1245 (AB 2185) Murray Controlled substances enhancements

Existing law sets forth sentence enhancements, as specified, for persons convicted of certain controlled substance offenses.

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This bill, in addition, would apply sentence enhancements to persons convicted of a conspiracy to violate these offenses, as specified.

The bill would incorporate additional changes in Sections 11370.2 and 11370.4 of the Health and Safety Code proposed by AB 2448, to become operative only if this bill and AB 2448 are enacted and this bill is enacted last

In addition, the bill would provide that its provisions shall become operative only if AB 2448 is also chaptered

Ch 1246 (AB 2251) Friedman Health care: human immunodeficiency virus (HIV) treatment.

Existing law provides for the provision of health care services to those meeting eligibility criteria under the Medi-Cal program, administered by the State Department of Health Services. Existing law conditions Medi-Cal eligibility on, among other things, a person's lack of sufficient annual income to meet the costs of health care.

This bill would require the Director of Health Services, to the extent that state and federal funds are appropriated in the Budget Act for these purposes, to establish a separate program for the treatment of persons infected with the human immunodeficiency virus (HIV), to be administered by the director or by the counties. This bill would require the director to establish reimbursement rates for drugs under the program, financial eligibility standards, and a list of drugs, and would provide for the eligibility of persons covered under existing subsidy programs

Ch 1247 (AB 2295) Cortese. Solid waste: fertilizing materials

(1) Existing law regulates the manufacture, labeling, and distribution of agricultural products derived from municipal sewage sludge as fertilizer material, and exempts these products, when used in general commerce, from regulation as a hazardous substance and as a waste under designated provisions

This bill would provide for the exemption of these agricultural products from regulation as a solid waste under other designated provisions, and make a related legislative declaration

(2) Existing law prohibits the establishment of new solid waste transfer or processing stations or disposal sites, with specified exceptions.

The bill would enact similar provisions, including the provisions in the bill, into the Public Resources Code, to be operative only if AB 939 is enacted

Ch. 1248 (AB 2346) Kelley Income taxes: bank and corporation taxes credits: agricultural products

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide various credits against the taxes imposed by those laws

This bill would authorize a credit under both laws, until 1992, in an amount equal to 10% of the cost of agricultural products donated, as specified, by the taxpayer

This bill would take effect immediately as a tax levy.

Ch 1249 (AB 2367) Filante Business and professions.

Existing law provides for the appointment of members of the Acupuncture Examining Committee by the Governor, the Senate Rules Committee, and the Speaker of the Assembly

This bill would change the name of the committee to the Acupuncture Committee and would specify that the 5 acupuncturist members of the committee shall be appointed by the Governor, that all appointees to the committee by the Governor shall be subject to confirmation by the Senate, and that they shall represent a cross section of the cultural backgrounds of licensed members of the acupuncturist profession The bill would specify that members of the committee may be removed by their appointing power, as specified.

Existing law specifies the requirements for applicants for a license to practice acupuncture and, among other things, requires the person to pass an examination administered by the Acupuncture Examining Committee which tests the applicant's ability, competence, and knowledge in the practice of an acupuncturist.

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This bill would instead provide that, on and after July 1, 1990, and until January 1, 1995, the examination shall be administered by independent consultants with technical advice and assistance from the members of the committee

The bill would appropriate $279,000 from the Acupuncture Fund to the committee for the purpose of funding activities of the committee during the period of January 1, 1990 to June 30, 1990

Ch 1250 (AB 2385) Lancaster State employees salaries of statutory exempt employees

Existing law prescribes the salaries of various statutory exempt employees and provides that their annual compensation shall be increased on July 1 in any fiscal year in which a cost-of-living increase is provided for state employees, in an amount determined as specified

This bill would specify the amount of the salaries of these various statutory exempt employees as of January 1, 1988, would remove July 1 as the date for the payment of additional increases, would make additional increases conditional upon a general salary increase, rather than a cost-of-living increase, for state employees, and would specify that the amount of additional increases would be comparable to, but not exceed, the percentage of the general salary increase

Ch 1251 (AB 2444) W Brown Environmental quality economic and social effects

(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 laws, and to endeavor to achieve and maintain federal ambient air quality standards

This bill would require the South Coast Air Quality Management District, and would authorize the other districts, to allocate funds received from specified sources for financing assistance to small businesses, as defined, to further their compliance with district regulations The bill would impose a state-mandated local program by imposing this requirement on the south coast district

(2) Under the California Pollution Control Financing Act, the California Pollution Control Financing Authority is authorized to issue bonds of the authority to provide business and industries with an alternative method of financing required pollution control facilities. The authority may impose fees and charges on, or require deposits from, participating parties receiving financing for projects in order to establish common reserve funds for bonds of the authority for the use or benefit of qualifying small businesses, as specified

This bill would require the authority to participate with the South Coast Air Quality Management District in providing financial assistance The bill would also authorize the authority, or any other agency implementing a small business financing assistance program, to adopt any regulations with respect thereto as emergency regulations

(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 1252 (AB 385) Elder Pipeline safety advisory committee

(1) Under 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 require the State Fire Marshal to conduct and prepare a risk assessment study dealing with hazardous liquid pipelines which are located not more than 500 feet from any rail line, consisting of specified information The bill would require the study to be submitted to the Governor and the Legislature by January 1, 1991

The bill would also require the State Fire Marshal to adopt regulations governing the

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construction, testing, operations, periodic inspection, and emergency operations of intrastate hazardous liquid pipelines located within 500 feet of any rail line. The bill would also require any person who intends to perform nonemergency site cleanup, repair, reconstruction, or other alteration of a pipeline in connection with a pipeline rupture, leak, or other incident affecting safe pipeline operation to obtain the prior approval of the State Fire Marshal to do so, and would permit the State Fire Marshal to adopt regulations to implement this provision.

Since under existing law a violation of regulations of the State Fire Marshal is a crime, the bill would impose a state-mandated local program by creating a new crime.

(2) Under existing law, the State Fire Marshal is required to establish a Hazardous Pipeline Safety Technical Standards Committee to inform local agencies and every pipeline operator of changes in applicable laws and regulations affecting the operations of pipelines, and to review proposed hazardous liquid pipeline safety regulations.

This bill would change the name of the committee to the Pipeline Safety Advisory Committee

(3) Existing law provides for the California Hazardous Liquid Pipeline Safety Fund, which consists of several specified accounts

This bill would appropriate $150,000 to the State Fire Marshal for the purposes of the study required by the bill from the Intrastate Pipeline Operations Account and the Interstate Pipeline Operations Account in that fund, as specified

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

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

Ch 1253 (AB 450) La Follette Safe schools: school safety plans

(1) The California Constitution provides under the so-called "Victims' Bill of Rights" that all students and staff of public primary, elementary, junior high, and senior high schools have the inalienable right to attend campuses which are safe, secure, and peaceful

Under existing law, the School Safety Partnership, comprised of the Superintendent of Public Instruction and the Attorney General, is established to carry out various duties in conjunction with school safety programs

This bill would express the Legislature's intent to enact a procedure under which each public school, in kindergarten and grades 1 to 12, inclusive, operated by a school district, would be required, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other interested persons, to develop a school safety plan The procedure for adoption of a plan would provide for participation by local law enforcement agencies, schoolsite councils, teachers, classified employees, parents, administrators, and students

The bill would express the Legislature's intent that schools use the handbook distributed by the State Department of Education, and that schools use existing staff resources in developing school safety plans

This bill would require that grants to assist schools in implementing their school safety plan be made available as authorized by a specified provision of existing law authorizing the Superintendent of Public Instruction to award grants to implement school safety plans in accordance with enumerated criteria This bill would require that the grants be awarded by the School Safety Partnership

(2) The bill would require the Department of Justice and the State Department of Education to contract with one professional law enforcement trainer and one professional educator trainer, respectively, for the purpose of coordinating and constructing workshops to assist in the developing of school safety plans, as specified The bill would make this requirement operative only to the extent funds are made available in the annual Budget Act for its purposes

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Ch. 1254 (AB 817) Bader. Hazardous waste and air resources

(1) Existing law subjects recyclable materials to the hazardous waste control law, unless these materials are otherwise granted a variance or exempted, including if the recyclable material is a non-RCRA waste, as defined, which is transferred between 2 or more facilities operated by the same person, and the material is being transported for the purposes of recycling. Existing law exempts recyclable materials from the hazardous waste control law if the material meets certain conditions, including being recycled and used within 90 days of its generation Existing law makes recyclable materials burned for energy recovery, used to provide a fuel, or contained in fuels, subject to the hazardous waste control law, except as specified. Existing law makes used oil, as defined, subject to the hazardous waste control law, except as specified The violation of the hazardous waste control law is a crime

This bill would revise the exemption for non-RCRA waste which is transferred between 2 or more facilities to require that the material be transported between locations operated by the same generator, if the material is recycled at the last location and is not handled at any interim location not operated by that generator or that the material be transferred between locations by the same generator, if the material is handled and managed in a specified manner. The bill would require a generator subject to these exemptions to supply specified documentation to the State Department of Health Services or a law enforcement official. A violation of these requirements would be a crime under existing law, thereby imposing a state-mandated local program by creating a new crime The bill would revise specified exemptions to the hazardous waste control law concerning used oil These revisions would impose a state-mandated local program by subjecting certain recyclable material to regulation under the hazardous waste control law, and thus creating new crimes The bill would provide that recyclable materials burned for energy recovery to produce a fuel, or contained in fuels that are petroleum refinery waste, as specified, are not subject to the hazardous waste control law The bill would delete the requirement that the recyclable material be used within 90 days of its generation The bill would also delete a requirement that a facility storing petroleum refinery waste for more than 90 days prior to conversion is subject to hazardous waste stroage facilities requirements.

(2) Existing law defines "recycled oil" for purposes of the hazardous waste control law, including requirements for standards of purity, unless the department establishes more stringent standards.

This bill would change the standards relating to total halogens and polychlorinated biphenyls

(3) Existing law prohibits the use of used oil, as defined, as a dust suppressant or weed control agent

This bill would make a specified exception to that prohibition

(4) Existing law prohibits specified persons from intentionally contaminating used oil or knowingly accepting used oil contaminated with other hazardous waste, as specified.

This bill would delete persons who receive, transport, treat, or recycle used oil from that prohibition, and the knowing acceptance of contaminated used oil from that prohibition

(5) Existing law authorizes air pollution control districts and air quality management districts to prepare an industrywide emissions inventory and health risk assessment for facilities which release or have the potential to release more than 10 tons per year of total organic gases, particulates, or oxides of nitrogen or sulfur. Existing law requires any facility, except as specified, which is listed in a prescribed toxics use or toxics air emission survey, inventory, or report or which manufactures, formulates, uses or releases specified substances, to prepare and submit, in accordance with a specified schedule, an emissions inventory plan and, under specified conditions, a health risk assessment, to a district.

This bill would revise the types of facilities for which a district is authorized to prepare that inventory and assessment The bill would authorize a district to exempt facilities which are listed in those surveys, inventories, or reports from those emissions inventory plan and risk assessment requirements if the district makes a specified determination

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The bill would revise the specified schedule

(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

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

Ch 1255 (AB 890) Cortese. Local agencies.

Existing law requires each planning agency and the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and land outside its boundaries which in the planning agency's judgment bears relation to its planning The general plan contains, among other elements, a safety element for the protection of the community from seismic and other geological hazards, flooding, and fires Each county and city is required to submit to the Division of Mines and Geology of the Department of Conservation one copy of the safety element and technical studies used.

This bill would require each city and county to consult the division for the purpose of including information known by and available to the Department of Conservation and the Office of Emergency Services for the safety elements. The bill would require that at least 45 days prior to adoption or amendment of the safety element, each county and city submit a copy of the element or amendment, respectively, to the division

The bill would permit the division to review drafts and report its findings to the planning agency, as specified The bill would also require the legislative body to consider the division's findings prior to final adoption of the safety element or amendment unless they are not available in time or unless the division has indicated to the city or county that it will not review the safety element The bill would require each county and city to provide the division with a copy of its adopted safety element or amendments. By requiring cities and counties to consider the division's findings and to submit to the division copies of the adopted safety elements and amendments, this bill would impose a state-mandated local program

Existing law, repealed on January 1, 1990, requires cities and counties to make a specified referral of certain proposed actions concerning the adoption or amendment of all or part of a general or specific plan, or a zoning to other affected local agencies

This bill would impose a state-mandated local program by deleting that date of repeal

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 1256 (AB 1246) O'Connell Education.

(1) Existing law requires the Superintendent of Public Instruction, the Controller, and the Director of the Department of Finance to develop standards and criteria to be reviewed and adopted by the State Board of Education and to be used by local educational agencies in the development of the annual budget and the management of subsequent expenditures from that budget Existing law prescribes matters to be included in the standards and criteria.

This bill would revise the matters to be included in the standards and criteria

(2) Existing law requires all regular day schools required to be maintained by the governing board of any school district to be maintained within the boundaries of the district, except as otherwise provided in those provisions. There are, however, no stated exceptions to those provisions

This bill would repeal those provisions

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(3) Existing law authorizes the Superintendent of Public Instruction to approve the application of any school district to operate a program of year-round scheduling at one or more schools within the district for fewer than 175 days in each fiscal year, so long as the number of instructional days equals or exceeds 163 days and so long as the annual instructional minutes are not less than that of schools of the same grade levels utilizing the traditional school calendar

This bill would, instead, authorize any school district to operate a program of year-round scheduling at one or more schools within the district for as few as 163 days in each fiscal year, so long as the number of annual instructional minutes is not less than that of schools of the same grade levels utilizing the traditional school calendar.

(4) Existing law does not contain provisions specifically governing school district leases and agreements relating to real property and buildings to be used jointly by the district and any private person, firm, or corporation

This bill would authorize school districts to enter into those leases and agreements, as specified

(5) Existing law permits the governing board of any school district to request an emergency apportionment through the Superintendent of Public Instruction subject to specified conditions including the appointment of a trustee who serves at the pleasure of, and reports directly to the superintendent until the loan is repaid

This bill would additionally require the trustee to serve until the district has adequate fiscal systems and controls in place This bill would also require the district to select an auditor, as specified, to audit its fiscal system and would permit the superintendent to retain the trustee until deficiencies are corrected

(6) Existing law prescribes the manner in which average daily attendance is to be computed for purposes of calculating state aid to school districts

This bill would provide that commencing in the 1988–89 fiscal year any school district that has discovered an error in the attendance accounting computer program that has caused it to overstate its average daily attendance is not required to amend its prior years' reports, if the independent audit for the 1987–88 fiscal year or any previous year did not reveal the error

The bill would, commencing in the 1989–90 fiscal year, prohibit school districts from being entitled to a declining enrollment adjustment in accordance with current law for a decline in average daily attendance that is a result of an overstatement of the 1987–88 fiscal year average daily attendance

The bill also would prohibit any school district that meets designated criteria from having its revenue limit apportionment adjusted for the 1988–89 fiscal year or any prior fiscal years as a result of any attendance reporting error occurring in the 1987–88 fiscal year or any prior fiscal year The bill would prescribe the method of calculation of the declining enrollment adjustment for those school districts

The bill also would prescribe a formula for the apportionment of state funds to small school districts and would make other technical changes in the law relating to school finance

(7) Existing law authorizes the governing board of any school district to establish revolving cash funds for use by school principals and other administrative officials for services or material and for supplemental payments when an error has been made in the calculation or reporting in any classified employee payroll or in the payment of any classified employee's salary

This bill would authorize county superintendents of schools also to establish those revolving cash funds

(8) Existing law requires each school that establishes a specified school development plan to develop annual school improvement objectives

This bill would require the school development plans at both the elementary and secondary school levels to contain specified information

(9) Existing law requires that school development plans describe how any state development activities are incorporated into the plan.

This bill, instead, would require that school development plans describe how any staff development activities are incorporated into the plan The bill would make related

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changes.

(10) Existing law requires the governing boards of school districts that participate in local staff development programs to establish a district development plan.

This bill would require the district development plan to include specified information

(11) Existing law requires the Superintendent of Public Instruction to include in existing program quality reviews an assessment of the quality of the staff development programs conducted at the schoolsite

This bill, instead, would require the superintendent to include an assessment of quality of the school development programs conducted at the schoolsite The bill would make related changes.

(12) Existing law prohibits the crediting of a pupil in continuation high schools and continuation education classes from being credited with more than 15 hours of attendance in any calendar week, as specified

This bill would prohibit the crediting of a pupil in those schools and classes with more than 15 hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held

(13) Existing law prohibits the crediting of a student in classes for adults with more than 15 clock hours of attendance during any one school week, except as specified

This bill would prohibit the crediting of a student in those classes with more than 15 clock hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held

(14) Existing law prescribes a formula for computing instructional time for early-late reading programs in kindergarten and grades 1 to 8, inclusive

This bill, instead, would prescribe a formula for computing instructional time for early-late instructional programs in kindergarten and grades 1 to 8, inclusive

(15) Existing law specifies the procedures to be followed in computing the average daily attendance of a school district

This bill would include county offices of education within those provisions

(16) Existing law requires that a child be admitted to a kindergarten in any term during the first school month of the term, if he or she is of the age prescribed If there is only one term during the school year, the child is required to have his or her 5th birthday on or before December 2nd of the current school year If there are 2 terms, the child is required to have his or her 5th birthday on or before December 2nd of the current school year before he or she may be admitted to the 1st term of the school year, or have his or her 5th birthday on or before May 2nd of the current school year, before he or she may be admitted in the 2nd term in any school year

This bill would delete those provisions and instead would require that a child be admitted to a kindergarten during the 1st school month of a school year if the child will have his or her 5th birthday on or before December 2nd of that school year. The bill would make related conforming changes The bill also would specify that, in computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten only if the school district has on file for each of those pupils an agreement signed by the pupil's parent or guardian that the pupil shall be retained in kindergarten for not more than an additional school year

(17) Existing law requires that a child be admitted to the 1st grade of an elementary school during the 1st month of any school term if he or she is of the prescribed age. If there is only one term during the school year, the child is required to have his or her 6th birthday on or before December 2nd of the current school year. If there are 2 terms, the child is required to have his or her 6th birthday on or before December 2nd of the current year before the child may be admitted in the first term of the school year, or have his or her 6th birthday on or before May 2nd of the current school year before he or she may be admitted in the 2nd term of the school year.

This bill would delete those provisions and, instead, would require that a child be admitted to the 1st grade of an elementary school during the 1st month of a school year if the child will have his or her 6th birthday on or before December 2nd of that school year

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(18) Existing law authorizes the governing board of any community college district that has an average daily attendance of 20,000 or more to establish, by resolution, revolving cash funds for use by presidents and other administrative officials for specified purposes.

This bill would delete the limitation that the district have an average daily attendance of 20,000 or more

(19) Existing law requires the Regents of the University of California, if the regents have made the requirement applicable to them, 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. Under existing law, these provisions do not apply to any subject matter area that is specifically addressed by one or more subject matter projects already established in statute Existing law also prescribes the priority for funding subject matter projects. First priority is assigned to specified subject matter areas that are required as a condition of graduation from high school, other than subject matters that are specifically addressed by subject matter projects already established in statute

This bill, instead, would include within the first priority, subject matter areas that are specifically addressed by subject matter projects already established in statute The bill also would require subject matter projects already established in statute to coordinate with projects and programs established by the regents, as specified

(20) The California Constitution, as amended by Proposition 98 on November 8, 1988, establishes a constitutionally guaranteed minimum level of state funding for school districts and community college districts.

Existing law also prescribes the duties of the Legislative Counsel of California

This bill would require that, when a bill is introduced in the Legislature and each time a bill is amended, on or after January 1, 1990, the Legislative Counsel determines whether the bill appropriates funds that apply toward the minimum funding for school districts and community college districts required pursuant to the constitutional provisions described above

(21) Existing law requires the boards of trustees of city museums to report the condition of the museums to the legislative body and to the State Board of Education annually

This bill would repeal those requirements

(22) This bill would authorize the Director of the Department of General Services, with the approval of the Director of the Department of Parks and Recreation, to convey specified land, commonly referred to as the Las Cruces site in Gaviota State Park, to the Vista del Mar Union School District, upon specified terms and conditions

The bill would state that it is not the intent of the Legislature that this action be construed as setting precedent for any future disposition of state park property. The bill also would reserve to the state all remains (except human remains) or artifacts of archaeological and historical significance and all deposits of minerals, as specified, and the right to prospect for, mine, and remove those deposits from the lands The bill would require the net proceeds of any moneys received from the disposition of the parcel to be deposited in the State Parks and Recreation Fund and to be available for appropriation for state park acquisition and for development projects in Santa Barbara County If the Vista del Mar Union School District discontinues its use of the Las Cruces property and sells the property as surplus school property, the bill would give the Department of Parks and Recreation the right of first refusal to acquire the property on the same terms and conditions as are agreed upon between the Vista del Mar Union School District and a proposed purchaser of the property

(23) This bill would make legislative findings and declarations with respect to the unique circumstances regarding the Vista del Mar School District that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution

(24) The bill would express the legislative intent that existing law which requires the Superintendent of Public Instruction to withhold from state apportionments to a school district the amount of excess paid to the district due to an error or errors made by the district shall be enforced after December 31, 1989, unless the district was relying on

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erroneous written advice from the State Department of Education.

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

Ch 1257 (AB 1299) Wright Hazardous waste and substances. regulations and disclosure statements

(1) Existing law requires any person applying for a hazardous waste hauler's registration or a hazardous waste facilities permit to include a disclosure statement containing specified information with the application Existing law also requires any other person holding a hazardous waste license, as defined, to file a disclosure statement on or before January 1, 1989, and to provide certain information thereafter. A violation of the hazardous waste control law is a crime.

This bill would revise the information required to be included in the disclosure statement, thereby imposing a state-mandated local program by creating a new crime.

The bill would revise the requirements for the filing of a disclosure statement for a person applying for a hazardous waste hauler's registration by requiring the statement to be filed for the original registration and every 2nd year for renewals The bill would repeal this requirement on January 1, 1996

The bill would also require a prosecuting attorney to inform the office of the Attorney General located in the City of Los Angeles of any case concerning the violation of state and federal laws and regulations concerning hazardous waste and substances, thereby imposing a state-mandated local program

The bill would repeal the requirement that a disclosure statement be filed with hazardous waste facilities permit applications as of January 1, 1996

(2) Under existing law, the State Director of Health Services is authorized to take or contract for any necessary removal or remedial action, including investigations, whenever there is a release or threatened release of a hazardous substance, in compliance with specified provisions Existing law requires any person bidding for such a contract to submit a disclosure statement and authorizes the director to prohibit a person from bidding on such a contract if the director makes any of specified determinations.

This bill would additionally require any contract competitor, as defined by the bill, to submit the disclosure statement before receiving any award for such a contract and would authorize the director to deny or rescind the award of the contract if the director makes those determinations The bill would repeal these requirements on January 1, 1996.

(3) Existing law authorizes a state agency to adopt a regulation as an emergency regulation if the agency finds that the adoption of a regulation is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

This bill would require the State Department of Health Services to adopt emergency regulations concerning hazardous waste held or handled at transfer facilities, which ensure the protection of the public and the environment

(4) This bill would incorporate additional changes in Section 25200 4 of the Health and Safety Code, proposed by AB 411, to be operative only if AB 411 and this bill are both chaptered and become effective on January 1, 1990, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund, except that for other costs, the bill would provide that no reimbursement is required by this act for a specified reason.

Ch. 1258 (AB 1302) Wright. Workers' compensation

(1) Under existing law, insolvency insurance provided for insurers by the California Insurance Guarantee Association does not apply to (1) claim servicing agreements or insurance policies that contain retrospective rating or any other premium adjustment

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agreement under which premiums are substantially equal to covered losses and loss expenses and (2) any retroactive insurance of known loss

This bill would instead make ineligible for that coverage any claim servicing agreement or insurance policy providing retroactive insurance of a known loss or losses However, it would make eligible for coverage by the association special excess workers' compensation coverage for an employer's liability under a certificate of consent to self-insure previously issued by the Director of Industrial Relations The bill would declare that these amendments are intended to be declaratory of existing law, as specified

(2) Existing law provides the Self-Insurers' Security Fund with the right and obligation to obtain from the security deposit of an insolvent self-insurer the amount of the self-insurer's compensation obligations Existing law further provides that disputes concerning the security deposit shall be resolved by the Director of Industrial Relations and an appeal from the director's decision or determination may be taken to the Workers' Compensation Appeals Board

This bill would provide that appeals from the director's decision or determination may instead be taken to the appropriate superior court by petition for writ of mandate

(3) Existing law provides that private employers who have ceased to be self-insured employers shall discharge their continuing obligations to secure the payment of compensation which accrued during the period of self-insurance, by compliance with various obligations of current certificate holders including depositing and maintaining security deposit for accrued liability for the payment of any compensation which may become due. Existing law further provides, however, that if a private employer who has ceased to be self-insured purchases an insurance policy which provides coverages for all claims from compensation arising out of injuries occurring during the period the employer was self-insured, but which were not reported during that period, the policy will discharge the obligation of the employer to maintain a security deposit

This bill would provide, notwithstanding the above requirements, that a private employer who has ceased to be self-insured may discharge its continuing obligations as a self-insurer by the purchase of a special excess workers' compensation insurance policy. It would also require the employer to maintain the required deposit with the director for a period of 3 years after the issuance date of the special excess policy unless the insurer issuing the policy posts a financial guarantee bond, as specified, for a period of 3 years in an amount equal to the deposit required by the director

Ch 1259 (AB 1327) Jones Health care careers· recruitment

Existing law requires the Office of Statewide Health Planning and Development to develop a comprehensive plan to improve the recruitment of persons to enter educational programs for training as registered nurses and to submit the plan to the Legislature by July 1, 1990 Existing law also authorizes the office to make grants to, and enter into contracts with, public and nonprofit entities to improve programs that have the purpose of recruiting individuals to enter educational programs for training as registered nurses

This bill would require the Office of Statewide Health Planning and Development to enter into contracts with organizations to develop and implement innovative health care career recruitment projects directed toward the recruitment of individuals from groups which have been traditionally underrepresented in health care careers, including, but not limited to, second career applicants, as defined, into health care careers, as defined The bill would require the office to develop an application process for awarding the contracts, as specified The bill also would require the office, in selecting, monitoring, and evaluating projects, to consult with acute and long-term care providers and representatives of specified health care careers and to appoint an advisory committee, as specified, to advise and assist the office in its performance of specified tasks

This bill would require the office to report to the Legislature within 180 days of the completion of an evaluation of the project, as specified The bill also would require the office to make available a final written evaluation of a project to the public within 180 days of completion of the respective project

These provisions would be repealed January 1, 1992

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This bill would appropriate $50,000 from the California Health Data and Planning Fund to the office for these activities

Ch. 1260 (AB 1408) Tanner. Solid waste. facilities permits: fees.

Existing law authorizes an enforcement agency, as defined, which may be the California Waste Management Board in certain circumstances, to charge a fee for applications for new, or revision of existing, solid waste facilities permits, not to exceed $500.

This bill would, instead, require the fees to not exceed the cost to the enforcement agency of providing the services and would require the fee to be imposed pursuant to a specified procedure

The bill would provide similar provisions and would specify requirements for reports, notices, and applications, to become operative, instead, if AB 939 is enacted and adds specified provisions to the Public Resources Code

Ch 1261 (AB 1484) Bentley Fire safety residential care facilities for the elderly.

Existing law requires the State Fire Marshal to adopt regulations for various structures and occupancies

This bill would require the State Fire Marshal to develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, as defined, and residential care facilities for the elderly

Ch. 1262 (AB 1750) Woodruff Minors

Existing law provides that a minor who has fled the custody and control of his or her parent (a so-called "runaway") or who has been abandoned may be declared a ward of the juvenile court on the basis of noncriminal conduct

This bill would require the Office of Criminal Justice Planning to review statutes and problem areas, and existing state, local, and private sector services and procedures for providing services, in order to recommend state policy and to establish procedures for providing service to runaway and abandoned youth The bill would require the Office of Criminal Justice Planning to submit, on or before June 30, 1991, its recommendations, as specified, to the Legislature

Ch 1263 (AB 1764) Harris Child care intergenerational centers

Under existing law, the State Department of Education and the Superintendent of Public Instruction are authorized to administer various state child care and development programs, as specified

This bill would create an additional program that would require the Superintendent of Public Instruction to contract with an applicant local governmental agency, skilled nursing facility, or private nonprofit organization to fund the establishment in Oakland of an intergenerational center in an existing senior care facility, in which child care and development services would be provided, on an interactive basis, on the same premises as senior care services

The bill would require the Superintendent of Public Instruction to report to the Legislature no later than January 1, 1992, regarding the establishment and operation of the intergenerational center, together with his or her recommendations concerning the operation of those centers elsewhere in the state

The provisions of the bill would be repealed as of January 1, 1993.

Ch 1264 (AB 1872) Farr Public agency bonds joint powers entities, industrial development bonds

Existing law permits 2 or more public agencies, by agreement, to jointly exercise any power common to the contracting parties, if authorized by their legislative or governing bodies Existing law authorizes an entity created by a joint powers agreement to issue revenue bonds to pay the cost and expenses of acquiring or constructing certain projects, as defined.

This bill would include within that definition of a "project," a contract for the installation, provision, or maintenance of a telecommunication system or service, certain improvements at a fair's racetrack inclosure, including construction of satellite wagering

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facilities, and handicap access improvements, and joint powers agreements to form insurance pooling arrangements for prescribed purposes.

Under the Marks-Roos Local Bond Pooling Act of 1985, an entity created by a joint powers agreement may enter into a contractual agreement with a local agency to purchase bonds of the local agency to finance the cost of certain public capital improvements which are necessary to deliver local agency services or otherwise support residential and commercial development. Existing law defines "revenue" for these purposes to mean all income and receipts of the authority from a bond purchase agreement and all interest or other income from any investment of any money in any fund or account established for the payment of principal or interest or premiums on bonds

This bill would delete the requirement that the public improvements financed by those bonds be necessary to deliver local agency services or otherwise support residential and commercial development. This bill would also include within that definition of "revenue," bonds acquired by the authority, loans, installment sale agreements, other revenue producing agreements entered into by the authority, projects financed by the authority and grants and other sources of income. This bill would also exempt the issuance of bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 from the requirements of any other state laws applicable to the issuance of bonds.

Existing law provides for the repeal on January 1, 1990, of the California Industrial Development Financing Act

This bill would delete this provision, thereby continuing the act's operation indefinitely.

Existing law authorizes an industrial development authority, pursuant to the California Industrial Development Financing Act, to issue industrial development revenue bonds to finance or refinance industrial development projects, among other things

This bill would provide, as specified, that authorities shall not be authorized to undertake projects through the issuance of bonds on or after January 1, 1995, unless a later statute, enacted prior to that date, deletes or extends that date. The bill would exclude the issuance of bonds to refund bonds issued prior to January 1, 1995, from that limitation

Existing law authorizes a community redevelopment agency to issue bonds of such types as it may determine, including bonds on which the principal and interest are payable from, among other sources, the income and revenues of redevelopment projects or from taxes allocated to the agency pursuant to specified provisions It authorizes the agency to additionally secure those bonds by a pledge of revenues or taxes or encumbrance by mortgage, or deed of trust

This bill would authorize an agency to secure the payment of principal and interest of any of its bonds or any reimbursement agreement with any provider of credit to bonds by a pledge of collateral, as defined, and would specify the extent to which the pledge of collateral is enforceable

Existing law permits redevelopment agencies to issue bonds secured by a pledge of tax increment property tax revenues allocated to, and paid into a special fund of, these agencies pursuant to certain provisions of law relating to tax increment financing Recent case law (Marék v. Napa Community Redevelopment Agency, 46 Cal 3d 1020 (1988)) has created uncertainty as to whether redevelopment agencies may grant an exclusive pledge of tax increment property tax revenues to redevelopment bondholders.

This bill would provide that whenever a redevelopment agency pursuant to existing tax increment financing provisions is authorized to, and does, expressly pledge, tax increment property tax revenues allocated to, and paid into a special fund of, a redevelopment agency to secure the obligations of the agency including bonded indebtedness and specified agreements, that pledge has priority over any other claim to those tax revenues which is not secured by a prior express pledge

Ch 1265 (AB 1905) Assembly Committee on Judiciary. Family law: custody: mediation: counseling.

(1) Existing law, the Family Law Act, delineates procedures for awarding temporary custody of a minor child or children of a marriage, including the entry of an ex parte order in the absence of an agreement, understanding, or stipulation regarding custody of the child or children.

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This bill would provide that in conjunction with any ex parte order seeking or modifying an order of custody, the court shall enter an order restraining the person receiving custody from removing the child from the state pending notice and a hearing on the order and would further require the court to refrain from making such an ex parte order unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the state.

(2) Existing law requires the Judicial Council to adopt, by January 1, 1990, uniform standards of practice for the mediation of cases involving custody and visitation concerning children

This bill would extend the date for adoption of the uniform standards to January 1, 1991

Ch 1266 (AB 1907) Assembly Committee on Judiciary Family law.

(1) Under existing law, in cases in which the court has determined that a decree of dissolution ought to be granted, but by mistake, negligence, or inadvertence, the judgment has not been signed, filed, and entered, the court may cause a judgment to be signed, dated, filed, and entered as of the date when the judgment could have been originally signed, dated, filed, and entered

This bill would provide that the court shall not cause a judgment to be so entered as of a date prior to trial in the matter, prior to the date of an uncontested judgment hearing in the matter, or prior to the date of submission to the court of an application for judgment on affidavit, as specified.

(2) 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 $50,000

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

(3) Under existing law, the community property is liable for a debt incurred by either spouse before or during marriage.

This bill would specify that the term "during marriage" shall not include the period during which the spouses are living separate and apart prior to a judgment for dissolution of marriage or a judgment for legal separation.

Ch. 1267 (AB 1915) N Waters Public social services. Medi-Cal fraud

Under existing law, it is a misdemeanor for any person to furnish, give, or lend his or her Medi-Cal card or label to any person other than a provider of Medi-Cal services, or to use a Medi-Cal card other than the one which was issued to him or her to obtain health care services This provision does not apply to peace officers, and those working under the immediate direction, supervision, or instruction of peace officers, in the investigation of Medi-Cal fraud or other crimes, as specified

This bill would, in addition, make it a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison, or by a fine not exceeding $5,000, or both the fine and imprisonment, to buy or sell, or barter for purposes of resale or commercial exchange, a Medi-Cal card, label, or beneficiary identification number.

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 state that no reimbursement is required by the bill for a specified reason

Ch 1268 (AB 1963) Cortese. Subdivisions. public improvements.

Under the existing Subdivision Map Act, an approved or conditionally approved tentative map generally expires 24 months after its approval or conditional approval by a local agency, unless the subdivider is required to finance public improvements outside the

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boundaries of the tentative map totaling $100,000 or more. For these purposes, existing law defines "public improvements" to include, among other things, traffic controls, streets, roads, and certain utility facilities

This bill would, instead, impose a state-mandated local program by extending the expiration date of those maps if the subdivider is required to expend $125,000 or more to finance public improvements outside the boundaries of the tentative map, excluding, improvements of public rights-of-way which abut the boundaries of the property to be subdivided and which are reasonably related to the development of that property.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1269 (AB 2035) Polanco. Vehicles financial responsibility certificate of insurer

Under existing law, a certificate furnished the Department of Motor Vehicles by an insurance carrier certifying motor vehicle liability coverage is required to certify that the policy cited shall not be canceled except upon 10 days' prior written notice to the department

This bill would require instead that the certificate shall certify, if the motor vehicle liability policy has been canceled, that the department shall be notified in writing within 10 days after the cancellation of insurance becomes final

Ch 1270 (AB 2045) Costa Vehicles applicants for driver's licenses.

(1) Under existing law, an applicant for a driver's license is required to give an actual demonstration of his or her ability to exercise ordinary and reasonable control in operating a motor vehicle by driving it under the supervision of an examining officer

This bill would permit the examining officer to request to see evidence of financial responsibility for the vehicle prior to supervising the demonstration of the applicant's ability to operate the vehicle and would permit the examining officer to refuse to examine an applicant who is unable to provide proof of financial responsibility, except as specified This bill would also state the Legislature's intent that applicants for drivers' licenses be informed of these provisions in the Driver's License Handbook.

(2) This bill would also make additional changes proposed by AB 1912, to be operative only if AB 1912 and this bill are both chaptered and become effective on January 1, 1990, and this bill is chaptered last.

Ch 1271 (AB 2128) Floyd. PERS: public agency contract quotations.

Existing statutes authorize a recognized local employee organization, when a change is contemplated in a contract of a public agency with the Public Employees' Retirement System, to request the governing body of the public agency to ask the Board of Administration for a quotation of the approximate related employer's contributions and require the public agency, if the employee organization is willing to pay for the costs of the quotation, to make the request to the Board of Administration

This bill would eliminate the public agency as the intermediary in this process for making cost quotation requests and authorize the local employee organization to ask the board directly.

Ch 1272 (SB 44) Robbins Insurance· disclosure of discounts.

Existing law imposes various requirements relating to motor vehicle insurance, including requirements concerning the content of policies, notice of intent to nonrenew, and requirements that discounts be offered to drivers 55 years of age or older who have completed specified courses

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This bill would provide that, subject to the approval of the Insurance Commissioner of California, all motor vehicle insurers shall disclose available discounts at the time of offering to issue or renew a policy. These insurers would also be required to disclose the discounts to its agents and brokers, and to require them to make the required disclosures to applicants

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

Ch. 1273 (SB 96) Robbins. Long-term care insurance

(1) Under existing law, applicable to insurance policies to supplement Medicare and insurance policies covering long-term care, the insurer is required to notify the applicant within 45 days as to whether the applicant will be issued a policy.

This bill would increase that time period from 45 to 60 days

(2) Existing law contains provisions governing long-term care insurance and also contains distinct provisions setting forth standards for long-term care insurance.

This bill would merge those provisions by repealing the latter provisions and by adding the substance of those provisions to the former provisions It would also revise the provisions as follows

(a) The bill would define "long-term insurance benefits" for the purposes of the act

(b) Existing law defines group long-term care insurance for the purposes of that act as a policy issued to any of certain designated groups, or issued to another group if the Insurance Commissioner makes certain findings.

This bill would add to the findings that must be made with respect to a policy issued to that type of group by requiring that the commissioner find that the use of the name is not deceptive or misleading, as specified

(c) Existing law provides that long-term care insurance may not limit or deny benefits to a policyholder diagnosed as having any significant destruction of brain tissue with resultant loss of brain function However, existing law provides that the requirement does not modify any preexisting condition or underwriting standard contained in the National Association of Insurance Commissioners Long-Term Care Insurance Model regulation.

This bill would instead provide that the requirement does not modify any preexisting condition or underwriting standards and does not preclude or limit underwriting in accordance with an insurer's established underwriting standards

(d) Existing law requires an outline of coverage, prepared as specified, to be delivered to an individual prospective insured at the time an application is presented to the applicant.

This bill would require the outline of coverage to be delivered to a prospective applicant for long-term care insurance at the time of initial solicitation, as specified, and would revise requirements for the outline of coverage.

(e) Existing law requires insurers offering long-term care insurance to provide the Department of Insurance with a copy of specified materials for all long-term care insurance

This bill would revise the requirements as to material to be provided

(f) Existing law requires the commissioner to adopt reasonable regulations after notice and public hearing.

This bill would specify that the regulations be adopted in accordance with provisions of the Administrative Procedure Act governing the adoption of regulations.

(g) Existing law governing standards for long-term care insurance contains disciplinary provisions that impose penalties for the violation of the law containing those provisions

This bill would add the same provisions to the merged act

(h) Existing law, commencing January 1, 1990, provides that no long-term care policy which preconditions the availability of benefits on prior hospitalization may be delivered or issued for delivery in this state

This bill would additionally prohibit the issuance or delivery of any policy which conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care, preconditions the availability of benefits for community-based care, home health care, or home care on prior institutionalization, or

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conditions eligibility for noninstitutional benefits, as specified, on a prior institutional stay of more than 30 days.

(i) The bill would make various related changes in provisions relating to long-term care insurance.

(j) The bill would require insurers to notify long-term care insurance policyholders of the requirements of this act, as specified

Ch. 1274 (SB 172) Morgan Bond measures: analysis.

Existing law requires the Legislative Analyst to prepare an impartial analysis of each measure to be submitted for adoption by the voters at a statewide election describing the measure and including a fiscal analysis showing the financial impact to state or local government

This bill would require the Legislative Analyst to prepare, for inclusion in the ballot pamphlet for each statewide election at which state bond measures are to be submitted to the voters, a discussion of the state's current bonded indebtedness situation This discussion would be required to include specified items of information and would be required to appear on a separate page in the ballot pamphlet immediately following the rebuttal argument against the last ballot measure included in the ballot pamphlet.

Ch 1275 (SB 251) Craven. Real property securities; mortgage brokers

(1) Existing law prohibits real estate brokers, acting in certain loan transactions or transactions involving real property sales contracts, from retaining funds payable according to the terms of the promissory note or real property sales contract for more than 60 days, except pursuant to a written agreement with the purchaser or lender Existing law prohibits these agreements from providing for the payment of interest on the retained funds

This bill would delete the prohibition against the payment of interest under these agreements.

(2) Existing law requires specified trust funds reports to be filed with the Real Estate Commissioner by real estate brokers who negotiate or collect payments or provide servicing with respect to certain loan transactions or real property sales contracts if the annual dollar volume thereof exceeds a prescribed threshold. This bill would require real estate brokers who are exempt from making these trust funds reports to the Real Estate Commissioner, because their annual dollar volume does not exceed that threshold, to prepare and maintain these reports on file, where they would be available for inspection by representatives of the commissioner on 24 hours' notice

(3) Existing law requires a real estate broker when making a solicitation to a particular person and in negotiating with that person to make a loan secured by real property or to purchase a real property sales contract or a note secured by a deed of trust, to deliver to the person solicited the applicable completed statement, as specified Under existing law, this requirement does not apply with respect to a prospective lender or purchaser if the prospective lender or purchaser is one of several specified persons including, among others, the Federal National Mortgage Association, a bank, or savings and loan association

This bill would further provide that this disclosure requirement does not apply if the person solicited is one of specified governmental entities or instrumentalities, specified financial and related institutions, trustees of pension, profit sharing or welfare funds with net assets of $15,000,000 or more, any corporation with outstanding securities registered under the Securities Exchange Act of 1934 or a subsidiary thereof, or another licensed real estate broker, as specified

(4) Existing provisions in the Real Estate Law impose special regulatory requirements respecting defined real property securities, including a $5,000 bonding requirement for real property securities dealers.

This bill would increase the bond required to be filed by real property securities dealers from $5,000 to $10,000 and would authorize filing cash or cash equivalents in lieu of the bond.

(5) Under existing law, real estate brokers negotiating loans secured by a dwelling, as specified, are required to provide the borrower with prescribed disclosures, including

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certain disclosures respecting defined broker-controlled funds. Existing law also limits charges paid by the borrower with respect to these loans and balloon payments.

This bill would revise the definition of broker-controlled funds. The bill would revise the late charges respecting balloon payments that may be charged to the borrower, and would delete an ex sting exemption from the restrictions on late charges for bona fide loans of $20,000 or more secured directly or collaterally by a first trust deed or bona fide loans of $10,000 or more secured directly or collaterally by any junior lien. The bill would also authorize real estate licensees to impose service charges in connection with these loans for beneficiary statements and payoff demands, and other fees in accordance with the Civil Code and the Code of Civil Procedure.

(6) Since willful violation of any provision of the Real Estate Law is a misdemeanor and violation of certain provisions affected by the bill concerning real property securities dealers is punishable as either a misdemeanor or a felony, the bill would impose a state-mandated local program by revising the definitions of crimes

(7) This bill would incorporate additional changes in Section 10241 of the Business and Professions Code, proposed by SB 1128, to be operative only if SB 1128 and this bill are both chaptered and become effective January 1, 1990, 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 1276 (SB 267) Deddeh California Conservation Corps. urban services and restoration

Under existing law, members of the California Conservation Corps carry out projects providing environmental and natural resource benefits, with an emphasis on fire prevention, fire suppression, and disaster relief

This bill would make a finding and declaration of the Legislature regarding the Urban Services and Restoration Corps, a separate component of the California Conservation Corps The bill would require the California Conservation Corps to engage its members in projects which include improvement of public buildings in rundown neighborhoods, and maintenance of certain municipal facilities The bill would provide that public housing authorities are encouraged to work with the California Conservation Corps to recognize the corps as an innovative program when seeking funding under the Anti-Drug Abuse Act of 1988 (P.L. 100-690)

The bill would make specified provisions operative only when federal funds are made available for purposes of these provisions, and would repeal these provisions on January 1, 1993

Ch 1277 (SB 268) Rosenthal. Pipeline safety

(1) Under existing law, the California Pipeline Safety Act of 1981, the State Fire Marshal exercises safety regulatory jurisdiction over interstate pipelines used for the transportation of hazardous or highly volatile liquid substances. That portion of an interstate pipeline located within this state and subject to an agreement between the United States Secretary of Transportation and the State Fire Marshal is subject to the federal Hazardous Liquid Pipeline Safety Act of 1979 and federal pipeline safety regulations

This bill would additionally make an interstate pipeline subject to the federal Pipeline Safety Reauthorization Act of 1988

(2) Under existing law, the State Fire Marshal may exempt the application of regulations adopted pursuant to the California Pipeline Safety Act of 1981 to any pipeline, or portion thereof, when it is determined that the risk to public safety is slight and the probability of injury or damage remote

This bill would require the notification of exemptions to be written, and to include a discussion of all factors which the State Fire Marshal considered in granting the exemption.

(3) Under existing law, pipelines constructed after January 1, 1984, which normally

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operate under conditions of constant flow and pressure, are required to include a means of leak detection and cathodic protection

This bill would require those pipelines to also include a means of leak prevention and cathodic protection which the State Fire Marshal determines is acceptable The bill would also require pipelines on which construction begins after January 1, 1990, to be designed, to the extent practicable, in a manner so as to accommodate the passage of instrumental inspection devices through the pipeline and would regulate the repair of existing pipelines, as prescribed The bill would also require replacement of pipelines which cannot accommodate internal inspection devices to be done in a manner consistent with the eventual accommodation of internal inspection devices

(4) Under existing law, every pipeline over 10 years of age and not provided with effective cathodic protection is required to be hydrostatically tested every 3 years, and every pipeline over 10 years of age and provided with effective cathodic protection to be tested every 5 years

This bill would require the State Fire Marshal to adopt regulations before January 1, 1992, to establish what the State Fire Marshal deems to be an appropriate frequency for tests and inspections, in accordance with prescribed criteria

(5) Existing law requires pressure tests to be conducted in accordance with specified provisions of federal regulations, except that the additional 4-hour leak test specified in those regulations is not required Existing law also permits the State Fire Marshal to authorize liquid petroleum as the test medium

This bill would require the authorization to use liquid petroleum as a test medium to be in writing

(6) Existing law requires every pipeline operator to provide to the fire department having fire suppression responsibilities a map or suitable diagram showing the location of the pipeline and a contingency plan for pipeline emergencies

This bill would also require pipeline operators to provide fire departments with a description of all products transported within the state and an invitation and a telephone number for local fire departments to call for further information The bill would require pipeline operators to provide the State Fire Marshal with a list of all of their pipelines which should be placed on a list of higher risk pipelines to be maintained by the State Fire Marshal.

(7) This bill would also require the State Fire Marshal to study the spacing of shut-off valves that would limit spillage into standard metropolitan statistical areas and environmentally sensitive areas and, if existing standards are deemed insufficient, to adopt regulations to require the addition of new valves on existing, and new or replacement pipelines.

(8) Existing law provides that if the State Fire Marshal determines that a person has violated the California Pipeline Safety Act of 1981 or any regulation adopted pursuant thereto, that person is subject to a civil penalty of not more than $1,000 for each day that the violation persists, except that the maximum civil penalty may not exceed $200,000 for any related series of violations Existing law also provides that any person who violates any provision of the California Pipeline Safety Act of 1981, shall, upon conviction, be subject to a fine, imprisonment for 5 years, or both

This bill would raise the civil penalties to $10,000 for each day that a violation persists, or a maximum of $500,000 The bill would also provide that any person who willfully and knowingly defaces, damages, removes, or destroys any pipeline sign or right-of-way marker required by federal or state law or regulation shall, upon conviction, be subject to a fine not to exceed $5,000, to imprisonment for a term not to exceed one year, or both

(9) Existing law provides for the California Hazardous Liquid Pipeline Safety Fund, which consists of several specified accounts

This bill would appropriate $300,000 from that fund, as specified, to the State Fire Marshal for studies required by the bill

(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 impose a state-mandated local program because a violation of the

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California Pipeline Safety Act of 1981 is a crime under that act

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

Ch 1278 (SB 440) Craven Mobilehomes

Existing law permits the Department of Housing and Community Development to enforce the Mobilehomes - Manufactured Housing Act of 1980 through department-approved 3rd-party entities, as defined Existing law requires the department to assure rotation of third-party entities performing inspection services for any manufacturing facility within the state. These provisions are to remain in effect only until 3 calendar years subsequent to the initial approval date by the Department of Housing and Community Development of a 3rd-party entity, as defined, or until January 1, 1990, whichever occurs first, and as of that date will be repealed

This bill would instead authorize the department to require the above rotation of third-party entities The bill would also delete these repeal provisions

Ch 1279 (SB 735) Marks State Coastal Conservancy urban waterfront restoration

(1) Existing law requires the State Coastal Conservancy to review proposals for state and federal funding of urban waterfront restoration projects

This bill would require the conservancy to administer the distribution of state funds, when appropriated to the conservancy, for the improvement of the infrastructure of fishing harbors on public trust lands.

(2) The bill would, if AB 1580 is enacted on or before January 1, 1990, reappropriate the unencumbered balance of specified appropriations contained in AB 1580, to the State Coastal Conservancy for the purpose of acquiring the Point Cabrillo Project If AB 1580 is not enacted by that date, this bill would appropriate $2 million from the Public Resources Account of the Cigarette and Tobacco Products Surtax Fund for that purpose.

The bill would also require the conservancy to allocate specified sums from existing resources, as specified, for the Otay River Valley Park Project and the San Francisco Bay Trail Project

Ch 1280 (SB 804) B Greene Unemployment compensation disability benefits

Existing law permits the Workers' Compensation Appeals Board to determine, and allow as liens against any sum to be paid as workers' compensation benefits, the amount of unemployment compensation disability benefits which have been paid under or pursuant to the Unemployment Insurance Code in those cases where, pending a determination of eligibility for workers' compensation benefits, there was uncertainty whether the benefits were payable under the Unemployment Insurance Code or under the workers' compensation law

Existing law also provides that in the case of agreements for the compromise and release of a disputed claim for workers' compensation, the applicant and the defendant may propose to the appeals board, as part of the compromise and release agreement, an amount out of the settlement to be paid to the Employment Development Department, as lien claimant, for the amount of unemployment compensation disability benefits which have been paid

This bill would provide that if the lien claimant objects to the amount proposed for the payment of its lien under a compromise and release settlement or stipulation, the appeals board shall determine the extent of the lien claimant's entitlement to reimbursement on its lien and make and file findings on all facts involved in the controversy over this issue in accordance with specified provisions It would also permit the appeals board to approve a compromise and release agreement or stipulation which proposes the disallowance of a lien, in whole or in part, only where certain conditions are met.

Existing law permits the employer or the injured employee to bring a claim or action against a 3rd party for all damages resulting from an injury to an employee which is covered by the workers' compensation law

This bill would provide that any judgment or settlement of an action against the 3rd party is, upon notice to the court, subject to the lien claims of the department for

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unemployment compensation benefits and unemployment compensation disability benefits, and shall be allowed by the court as necessary to avoid duplication of payment to the employee for lost earnings

Existing law provides that an individual is not eligible for unemployment compensation disability benefits for any day of unemployment and disability for which he or she has received, or is entitled to receive, temporary disability benefits under a workers' compensation law or an employer's liability law.

This bill would require the department, upon the filing of a claim for unemployment compensation disability benefits, to make an initial determination as to the claimant's entitlement to workers' compensation benefits, and to provide specified notices to the claimant and the employer. If the employer disputes liability for the payment of the workers' compensation benefits, the department's right to reimbursement for unemployment compensation disability benefits would be subject to the jurisdiction of the appeals board.

This bill would provide that an employer who assumes liability or is determined to be liable for reimbursement to the department for unemployment compensation disability benefits which the department has paid in lieu of workers' compensation benefits shall be assessed for this liability, specified interest on the amount, and shall also pay a penalty of 10% of the amount reimbursed to the department if the Workers' Compensation Appeals Board finds that specified conditions exist These amounts would be deposited in the Disability Fund, a continuously appropriated fund, thereby making an appropriation.

Existing law provides that an employee covered by an approved voluntary plan for unemployment compensation disability benefits shall not be entitled to benefits from the Disability Fund for a disability which commenced while he or she is covered by the voluntary plan

This bill would also provide that benefits payable to an employee covered by an approved benefit plan shall be the liability of the benefit plan under which the employee was covered at the commencement of the disability benefit period, as defined, regardless of any subsequent disabling condition which may occur during that disability benefit period

Ch. 1281 (SB 814) B. Greene. Wages bonds.

Under existing law, if a bonding company issuing a bond to secure the payment of wages for labor or the surety on a bond willfully fails to pay any verified claim made for wages found to be due, the claim continues as a penalty against the bonding company or surety, as specified. This provision is limited to payment bonds filed on specified public works

This bill would delete this limitation, thereby making the provision applicable to all employment payment bonds, except that this bill would not apply to contractor's bonds required by the Contractors' State License Law.

Ch. 1282 (SB 824) Bergeson School-Based Management and Advanced Career Opportunities Programs

Existing law requires the governing board of each school district to evaluate and assess certificated employee competency as it relates to pupil progress, instructional techniques, adherence to curricular objectives, and the establishment and maintenance of a suitable learning environment

This bill would declare the intent of the Legislature to encourage school districts to plan and implement alternative models of school-based management projects or advanced career opportunities for classroom teachers projects, or both, for one or more schools in the district. The bill would declare the intent of the Legislature that school district governing boards and administrators work with classroom teachers and teachers bargaining units to develop and strengthen procedures that increase the decisionmaking authority of teachers in responsibilities that affect their ability to teach, as specified. This bill would declare the intent of the Legislature that each school's school-based management proposal would be required to include specified information in that proposal.

This bill would authorize the funds appropriated by the Budget Act or through legisla-

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tion for these purposes to be carried over to the subsequent fiscal year for the same purposes.

Existing law establishes a program to allocate supplemental grants to fund designated program purposes for school districts that are receiving less than average funding from existing state programs.

This bill would authorize these supplemental grants to be expended for the purposes of funding the School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs, provided that the plan incorporates elements of the program

Ch 1283 (SB 928) Morgan Rail service· San Francisco Peninsula.

(1) Under existing law, for purposes of determining the eligibility of existing commuter rail services for state subsidies, the service is required to maintain a specified ratio of fare revenues to operating costs For purposes of those provisions, "fare revenues" means the total revenues collected from the operation of the particular service and includes, until June 30, 1990, a specified portion of local operating support for an existing commuter service

This bill would delete the June 30, 1990, termination date applicable to the specified portion of local operating support for an existing commuter service, thereby continuing this provision indefinitely

(2) Existing law authorizes the Department of Transportation to contract with the National Railroad Passenger Corporation to provide commuter and intercity passenger rail services, and to construct, acquire, or lease and improve and operate rail passenger terminals and related facilities which provide intermodal passenger services along specified corridors, including the San Francisco Peninsula commute corridor

This bill would authorize the department to contract, for a period not to extend beyond June 30, 1993, for passenger rail service between San Francisco, San Mateo County, and Santa Clara County The bill would require the department, if it enters into a contract, to assign the contract by July 1, 1992, to the Peninsula Corridor Study Joint Powers Board or to another local or regional agency designated by the board and authorized to operate or contract for the operation of rail passenger service, to assign its operating subsidies for the 1992–93 fiscal year for that service to the board or designated agency, and would authorize the board or designated agency to acquire from the department all property owned or leased by the department for that rail passenger service The bill would prohibit the California Transportation Commission from allocating state funds to purchase the San Francisco Peninsula commuter rail service right-of-way unless a local agency assumes operation and control of that service by June 30, 1993, and would prohibit the commission from allocating funds appropriated to the department for passenger rail service to subsidize the operation of that service for fiscal years after 1992–93 The bill would authorize 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

(3) The California Environmental Quality Act requires a state or local lead agency to prepare an environmental impact report on any project it proposes to carry out or approve which may have a significant effect on the environment unless the project has been exempted from the act

This bill would exempt, from the requirements of the act, a project by a public agency to lease or purchase the rail right-of-way used for the San Francisco Peninsula commute service between San Francisco and San Jose, together with specified branch and spur lines

(4) The bill would delete the condition for the provision declaring legislative intent to aid local governments with respect to passenger rail service between San Francisco and San Jose to become operative

Ch 1284 (SB 956) Davis Crimes· firearms

Existing law specifies sentence enhancements upon conviction for any person who is armed with a firearm in the commission or attempted commission of a felony

This bill would make technical, nonsubstantive changes to those provisions

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This bill would incorporate additional changes in Section 290 of the Penal Code, proposed by AB 357, to become operative only if AB 357 and this bill are enacted and this bill is enacted last.

In addition, the bill would declare that it is to take effect immediately as an urgency statute

Ch 1285 (SB 991) Watson AFDC payment

(1) Under existing law, if an applicant for public assistance is determined to be eligible for assistance, aid is required to be granted from the 1st day of the month following the date of application, or the 1st day of the month following the day on which the applicant becomes eligible

This bill would require assistance to be granted from the date of application if the applicant meets all eligibility conditions on that date, or from the date the conditions are met, whichever is later The bill would require that the beginning date of aid comply with federal requirements

(2) Under existing law, if a recipient of assistance is disqualified on the ground that he or she has left the state, and returns to the state within 60 days after leaving, he or she shall be considered to meet the residency requirement for assistance, and if otherwise eligible, shall receive assistance on the 1st day of the month following application

This bill would delete this provision

(3) Existing law specifies the conditions under which a county is required to provide immediate assistance to an applicant, and requires the county to verify the applicant's eligibility within 15 working days of application for assistance

This bill would delete those provisions, and require a county to determine whether immediate assistance, as defined, is needed, and whether an applicant is apparently eligible, as defined, for assistance, and would also require verification of eligibility within 15 working days. The bill would further specify under what conditions the county would be required to provide immediate assistance, and under what conditions immediate assistance may be denied or a referral to other programs made.

(4) Under existing law, a pregnant mother with no other children must receive assistance in the amount which would otherwise be paid to one person, from the date of verification of pregnancy, if the mother, and child, if born, would have qualified for assistance

This bill would, instead, provide that verification of pregnancy shall be required as a condition of eligibility for assistance

(5) This bill would additionally require the Director of Social Services to adopt regulations implementing the bill as emergency regulations, as specified.

(6) Various public assistance programs are supported in part by county funds By imposing new duties upon counties in the payment of assistance, 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 reimbusement be made for a specified reason

(7) This bill would become operative only after 30 days of court approval of a specified consent decree, but in no event earlier than July 1, 1990

Ch 1286 (SB 1247) Vuich Banks: investment limitations

Existing law regulates investments of banks

This bill would authorize banks to invest in shares of investment companies meeting prescribed criteria and would authorize the Superintendent of Banks to adopt further conditions respecting these investments

Ch 1287 (SB 1422) Mello Santa Clara County Open-Space Authority.

(1) Existing law does not establish an open-space authority in Santa Clara County

This bill would enact the Santa Clara County Open-Space Authority Act to create the Santa Clara County Open-Space Authority on February 1, 1990. The bill would authorize the authority to impose a special tax, not exceeding $80, on owners of developed parcels,

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as defined, within the authority's jurisdiction, and to issue bonds payable from the proceeds of that tax, if approved by a ⅔ vote of the electors, for the acquisition, preservation, and maintenance of open-space and greenbelt areas and for other duties of the authority in administering the act The bill would repeal the act and abolish the authority if the electors do not approve the special tax

The bill would impose a state-mandated local program by requiring the county and the City of San Jose to appoint members of the authority

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

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

Ch. 1288 (SB 1475) Rogers. Recyclers junk dealers information

(1) Existing law requires junk dealers, as defined, to obtain specified information which identifies the source of junk, as defined, which they acquire, and to maintain records of that information, as specified. Under existing law, it is a misdemeanor to fail to comply with those requirements

This bill would make certain legislative findings and declarations, and would require junk dealers to obtain specified additional information pursuant to those provisions, except as specified The bill would also require recyclers, as defined, to obtain and keep records of the same information that is required of junk dealers

(2) For purposes of the provisions described in paragraph (1) above, "junk" is defined to include, among other things, scrap iron

This bill would delete "scrap iron" from that definition and would, instead, include all ferrous and nonferrous "scrap metals and alloys," as defined, and would expressly exclude from that definition scrap iron, household generated waste, or any aluminum beverage containers as defined in the California Beverage Container Recycling and Litter Reduction Act. Thus, since the bill would make more items subject to those misdemeanor provisions described in paragraph (1), it would impose a state-mandated local program by expanding the scope of an existing crime.

(3) Existing law does not make it a crime for any person to provide false or fictitious information for records required by the provisions described in paragraph (1)

The bill would provide that any person who makes, or causes to be made, any false or fictitious statement regarding any information required by those provisions, is guilty of a misdemeanor Thus, the bill would impose a state-mandated local program by creating a new crime

The bill would also require junk dealers or recyclers to produce specified records for inspection by, among other persons, any officer holding a warrant authorizing him or her to search for personal property

(4) Under existing law, a violation of the recordkeeping requirement imposed upon junk dealers is punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $1,000, or by both the fine and imprisonment

This bill would instead provide that a knowing and willful violation of those provisions by a junk dealer or recycler, shall be punishable as follows. (1) for a 1st offense, by a fine of not less than $500, or by imprisonment in the county jail for not less than 30 days, or by both, (2) for a 2nd offense, by a fine of not less than $1,000, or by imprisonment in the county jail for not less than 30 days, or by both, and, in addition, the court may order the defendant to stop engaging in business as a junk dealer or recycler for a period not to exceed 30 days, or (3) for a 3rd or any subsequent offense, by a fine of not less than $2,000, or by imprisonment in the county jail for not less than 6 months, or by both, and, in addition, the court shall order the defendant to stop engaging in business as a junk dealer or recycler for a period of 30 days The bill would thus impose a state-mandated local program.

(5) Under existing law, any peace officer who has probable cause to believe that property in the possession of a pawnbroker or secondhand dealer is stolen property, is authorized to place a hold on the property for a period not to exceed 90 days

This bill would provide that any peace officer, as defined, in lieu of seizing the

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property, may, at his or her option, likewise place a hold on suspected stolen property in the possession of junk dealers or recyclers The bill would also provide that, upon conviction of any person for the theft of that property, the court shall order the defendant to pay the junk dealer or recycler reasonable costs for the storage of the property placed on hold.

(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 1289 (SB 1498) Leonard. Airports and navigation facilities acquisition

Under existing law, the Department of Transportation may acquire existing airports and air navigation facilities.

This bill would require the department to evaluate the present and future need for the airport whenever an airport owned or operated by the United States ceases to be so owned or operated and, if it determines that the airport is of present or future benefit to the state's public-use airport system, to make that recommendation to the Legislature, the California Transportation Commission, the California Commission on Aviation and Airports, affected local agencies, and the appropriate federal agency unless a political subdivision or subdivisions acting jointly notify the department of their intentions to prepare a reuse plan for the airport, and apply to the Federal Aviation Administration for a federal grant to develop an airport master plan for the airport The bill would require the department, prior to finalizing the evaluation, to submit a copy of its report to the California Transportation Commission.

If no political subdivision applies to acquire or operate the airport, or if a political subdivision or subdivisions acting jointly fail to carry through with their plan to convert the airport, the bill would authorize the department to assist in the formation of a public entity, as specified, to own and operate the airport If a political subdivision has previously applied to the appropriate federal agency to acquire and operate the airport, has completed all required environmental and fiscal evaluations, and withdrew its application prior to December 31, 1988, the bill would prohibit the department from filing any application to acquire or operate the airport or assist in the formation of a public entity for this purpose.

The bill would prohibit any person or public entity from submitting an application to a federal agency to purchase or operate an airport owned by the United States until the department has completed its evaluation and recommendation

Ch. 1290 (SB 1566) Keene. Forest practices· nonindustrial timber management plans

(1) Existing provisions of the Z'berg-Nejedly Forest Practice Act of 1973 prohibit any person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry

This bill would authorize a nonindustrial tree farmer to file a nonindustrial timber management plan, as defined, with the director, and would require the director to review the nonindustrial timber management plans to determine if they are in compliance with the act and rules and regulations of the board and to return plans that are not in compliance. The bill would require an amendment which is a substantial deviation from an approved plan to be approved by the director or the board The bill would require a nonindustrial tree farmer to file a nonindustrial timber harvest notice in any year when there are plans to harvest timber on timberland covered by a nonindustrial timber management plan The bill would require the board to adopt rules and regulations including specified matters to implement the bill by January 1, 1991, and would make related changes The bill would become operative on January 1, 1991, or upon the effective date of the rules and regulations adopted by the board, whichever occurs first The bill would require the department to report to the Governor and the Legislature

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by January 1, 1998, on whether specified objectives are being met. The bill would impose a state-mandated local program because violations of the bill would be a crime.

(2) Existing provisions of the act require the department to provide for an initial inspection of the area in which timber operations are to be conducted within 10 days from the date of filing of a timber harvest plan, or a longer period, as specified, except that the inspection is not required if the department makes a specified determination

This bill would delete that authorization to not provide for those inspections and would also require an initial inspection within 10 days of the date of filing of a nonindustrial timber management plan or that specified longer period.

(3) This bill would incorporate additional changes in Sections 4585, 4587, and 4604 of the Public Resources Code, proposed by SB 201, to be operative only if SB 201 and this bill are both chaptered and become effective on January 1, 1990, and this bill is chaptered last.

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

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

Ch. 1291 (SB 227) Garamendi Income taxes bank and corporation taxes credits· solar energy

The existing Personal Income Tax Law and the Bank and Corporation Tax Law authorized, until January 1, 1989, solar energy tax credits against the taxes imposed by those laws

This bill would make nonsubstantive clarifying changes to those solar energy tax credit provisions

This bill would also provide similar solar energy credits, under both laws, for taxable years beginning on or after January 1, 1990, and before January 1, 1994, with respect to solar devices for the individual function of the production of electricity with specified limitations regarding solar energy systems with a generating capacity in excess of 10 or 30 megawatts, respectively

This bill would require the State Energy Resources Conservation and Development Commission to report to the Legislature, as specified, with regard to the environmental and fiscal benefits and fiscal costs associated with this bill

This bill would incorporate additional changes to Sections 17039 and 23036 of the Revenue and Taxation Code proposed by AB 802 if both bills are chaptered and this bill is chaptered last

This bill would take effect immediately as a tax levy.

Ch 1292 (SB 350) Alquist Property taxation welfare exemption

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

This bill would provide that for purposes of the welfare exemption, charitable purposes include educational purposes, as defined This bill would also make technical, nonsubstantive changes in the welfare exemption provisions

This bill would also declare that the amendments made by the bill do not constitute a change in, but are declaratory of, existing law.

Ch 1293 (SB 364) Davis. Indoor air pollution· radon detection.

Existing law requires the State Department of Health Services to conduct and promote the coordination of research, investigations, experiments, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of indoor pollution

This bill would permit the department to incorporate specified federal standards into any radon assessment and mitigation plan which may be completed and become operative after January 1, 1990, unless the Department of Housing and Community Develop-

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ment adopts radon mitigation building standards, in which case the department would be required to adopt no standards other than the standards adopted by the Department of Housing and Community Development. The plan would be required to include measures which are designed to detect, avoid, or dissipate dangerous levels of radon gas at potential building sites or during construction of new residential buildings in areas affected by radon

The provisions enacted by this bill would only become operative if federal funds are available to the department for its purposes, as determined by the department

Ch 1294 (SB 370) Presley. Foster care

Under existing law, the State Department of Mental Health provides various mental health services.

This bill would require the State Department of Mental Health to develop an individualized mental health needs assessment protocol for court wards and dependents by July 1, 1990, establish and maintain a special system of payment for supplemental mental health services rendered to court wards and dependents by October 1, 1990, establish procedures for the reimbursement of mental health services, and require the annual county Short-Doyle Plan and the negotiated net amount contract to be structured in a manner which will facilitate future implementation of the goals of the Children's Mental Health Services Act by October 1, 1990.

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-FC program is administered and partially funded by counties, and is administered pursuant to regulations adopted by the State Department of Social Services Under the AFDC-FC program, foster care providers are reimbursed as determined in accordance with statutory calculations

This bill would impose a state-mandated local program by providing, instead, for the payment of foster care providers at a per child rate in return for the care and supervision of the AFDC-FC child placed with the provider, and by revising the method of calculating the reimbursement of foster care providers, commencing July 1, 1990.

The bill would also impose a state-mandated local program by requiring that for children placed in a licensed approved family home with a capacity of 6 or less, or in an approved home of a relative or nonrelated legal guardian, the per child rates shall be as specified, for the period July 1, 1989, to December 31, 1989

Existing law requires that group homes which received funds on behalf of children receiving AFDC-FC assistance shall be audited every 3 years.

This bill would repeal that requirement

Existing law requires the State Department of Social Services to make available to group home providers, in writing, its standards which are used to set reimbursement rates, determine which costs are allowable and reasonable, and audit expenditures, and prohibits the department from enforcing or applying its standards with regard to reasonableness of expenditures unless it has provided the group home provider with that information

This bill would repeal the above requirement, and instead, would require the department to perform, or have performed, group home program and fiscal audits, as needed.

The bill would require the State Department of Social Services to develop a standard format for group home program statements for ratesetting, community care licensing, and county placement purposes, and to develop a level of care assessment instrument by July 1, 1990

Existing law continuously appropriates funds to counties for the implementation of the AFDC-FC program, and would revise the method of calculating the appropriation on July 1, 1990

This bill would revise the operative effect of the revision of the method of calculating the AFDC-FC reimbursement appropriation

The bill would require the State Department of Social Services to implement a single statewide Child Welfare Services Case Management System, as specified, no later than July 1, 1993.

This bill would require the State Department of Social Services to evaluate the feasibil-

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ity of implementing a system of service outcome measures for foster care group homes and report to the Legislature by July 1, 1996

Under existing law, payments for 24-hour out-of-home care are required to be provided on behalf of any seriously emotionally disturbed child who has been placed out-of-home pursuant to an individualized program, based on AFDC-FC rates.

This bill would revise the rate establishment structure to conform to the changes made by this bill to the AFDC-FC rate changes.

The bill would require the State Department of Mental Health and the State Department of Social Services to adopt emergency regulations for the purposes of this bill.

The bill would appropriate $100,000 from the General Fund to the State Department of Mental Health, in augmentation of Item 4440-001-001 of the Budget Act of 1989, for the purposes of this bill

The bill would appropriate $16,046,200 from the General Fund and the Federal Trust Fund, to the State Department of Social Services, of which $100,000 would be allocated to the State Department of Mental Health, in augmentation of various provisions of the Budget Act of 1989.

The bill would declare that its various provisions are severable.

This bill would incorporate additional changes in Section 11450 of the Welfare and Institutions Code proposed by SB 991, to be operative only if SB 991 and this bill are both chaptered and become effective on January 1, 1990, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1295 (SB 555) Davis State government

Existing law provides for the Public Employment Relations Board consisting of 5 members appointed by the Governor with the advice and consent of the Senate

This bill would provide that the member of the board appointed by the Governor for the term beginning on January 1, 1991, shall not be subject to the advice and consent of the Senate.

Existing law authorizes the Director of General Services to appoint the Chief of the California State Police Division

This bill would instead require the Governor, upon the recommendation of the director, and with the advice and consent of the Senate, to appoint the chief of the division

Existing law provides that the members of the division include, among others, inspectors

This bill would delete inspectors as members of the division, and would include deputy chiefs, assistant chiefs, and commanders as members of the division.

Existing law generally provides that where the duties of any state agency for which an appropriation is available make necessary the use of moneys for purposes of a confidential nature, the state agency may draw from the appropriation an advance for those confidential purposes not to exceed $2,000 in any one fiscal year, without at the time furnishing vouchers and itemized statements. The state agency must subsequently account for the advance to the Controller with vouchers when the reason for the secrecy no longer exists or in any event within one year

This bill would authorize the Chief of the California State Police Division to obtain payment of claims for expenses not to exceed $15,000 in any fiscal year for special investigations of specified crimes, without furnishing vouchers, provided that the chief, with the approval of the Director of General Services, deems it advisable to keep the investigations confidential The chief would be required to file with the Controller vouchers in support of the claims upon completion of each confidential special investigation and in any event within one year.

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Ch 1296 (SB 646) Mello. Mental health: allocation of state hospital days.

Pursuant to existing law, counties may, with the approval of the State Department of Mental Health, at fiscal year's end retain unexpended funds allocated to them for local mental health programs. Excluded from the scope of this authority is the amount required to care for patients in the state hospitals.

Existing law requires that the department execute assessments against counties which are in excess of their annual state hospital day allocation for that year, by deducting the assessment from the following year's advance monthly payments

This bill would provide that counties having a state hospital day allocation lower than the statewide per capita average shall only be assessed an amount that, when combined with assessments for counties having a state hospital day allocation exceeding the statewide per capita average, equals but does not exceed the cost of overuse to state hospitals, in excess of the state hospital appropriation

This bill would delete the requirement that the assessment be deducted from the following year's advance monthly payments

This bill would require that, to the extent that funds are available, this assessment be waived for counties which have a population of less than 125,000 according to the most recent estimates available from the Department of Finance

This bill would require that, for counties with populations of less than 170,000, based upon the most recent estimates of the Department of Finance, to the extent that funds are available, up to 2 patients utilizing state hospital days for 2 years or more under conservatorship shall not be counted toward that county's allocation of state hospital days, however, no conservatee shall remain in the state hospital solely to qualify for the exception

This bill would provide that waiver of assessments shall not affect the allocation of bed days or access to the state hospitals for counties not within the scope of this provision

This bill would provide that it shall be operative only to the extent that funds are appropriated in the annual Budget Act

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

Ch 1297 (SB 731) Seymour Alcohol and drug abuse

(1) Existing law provides that the board of supervisors of each county may apply to the State Department of Alcohol and Drug Programs for funds for the purpose of alleviating problems in its county related to the inappropriate use of alcoholic beverages and requires the department to allocate state and federal funds to counties to implement approved county alcohol program plans. In the case of counties electing to apply for funds, existing law also requires the board of supervisors of a county to designate a health-related county agency or department to administer the county alcohol program and to appoint a county advisory board on alcohol problems. Existing law requires the county alcohol administrator to develop a county alcohol program plan.

This bill would add the requirement that the department notify each county regarding its final allocation of funds after the enactment of the Budget Act This bill also would make several substantive changes to existing law with respect to the duties of the county administrators, advisory boards, and board of supervisors, including the following changes (a) adding duties to the advisory boards' existing duties. (b) revising requirements regarding what the county alcohol program plan shall contain, (c) revising the time when the board of supervisors is required to adopt and submit an annual county alcohol plan if the county elects to apply for funds, (d) adding a requirement that final plan amendments to allow the county to redirect any funds allocated by the department be submitted to the department by a specified date, and (e) adding a requirement that annual cost reports reflecting the expenditure of funds be submitted to the department by a specified date

(2) Existing law requires county alcohol program plans to contain specified requirements including the express requirement of an agreement to permit and cooperate with specified state reviews and audits

This bill would delete that express requirement

Existing law also requires the counties to agree in the plans to any additional assurances which may become necessary as a result of changes in laws, regulations, or proce-

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This bill would delete procedures from that requirement

(3) Existing law provides that the board of supervisors of each county may apply to the State Department of Alcohol and Drug Programs for funds for the purpose of alleviating problems in its county related to drug abuse and requires the department to allocate state and federal funds to counties to implement approved county drug program plans In the case of counties electing to apply for funds, existing law also requires the board of supervisors of a county to develop a county drug program plan.

This bill also would add the requirement that the department notify each county regarding its final allocation of funds after the enactment of the Budget Act This bill also would make several substantive changes to existing law with respect to counties, including the following changes. (a) adding requirements to what the county drug program plan shall contain, (b) revising the time when the board of supervisors is required to adopt and submit an annual county drug plan if the county elects to apply for funds, (c) adding a requirement that final plan amendments to allow the county to redirect any funds allocated by the department be submitted to the department by a specified date, and (d) adding a requirement that annual cost reports containing information that the Director of Alcohol and Drug Programs requires be submitted to the department by a specified date

This bill also would delete provisions regarding the advance payments of funds to counties and nonprofit agencies and would instead provide for advances of funds to cities, counties, cities and counties, or other state agencies by the department and would limit the amount of monthly advancements to no more than $1/12$ of the amount allocated to the entity for the fiscal year.

Because this bill would add requirements applicable to existing local programs, it would impose a state-mandated local program

(4) Under existing law, if a person is convicted of driving a vehicle while under the influence of an alcoholic beverage, any drug, or a combination thereof, driving a vehicle with an excessive blood-alcohol concentration, or driving while addicted to any drug, and if the person is granted probation, the order granting probation is a conditional sentence, as defined, and any fine, restitution, or assessment imposed as a condition of probation is enforceable as a money judgment, as specified

This bill would delete the requirement for the order to be a conditional sentence and would make a fine, restitution, or assessment imposed as a condition of probation or conditional sentence for such a person enforceable as a money judgment, thereby imposing a state-mandated local program by changing the penalty of a crime The bill would make a willful failure to pay a fine, restitution, or assessment during the probation, a violation of the terms and conditions of probation If the order to pay a fine as a condition of probation is stayed, the bill would prohibit execution on the judgment, and would make a failure to pay not willful, until the stay is removed.

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000. This bill would provide that for certain costs no reimbursement is required by this act for a specified reason.

This bill also 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 $1,000,000, shall be made from the State Mandates Claims Fund

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

Ch 1298 (SB 849) L Greene Private postsecondary educational institutions.

Existing law governs the issuance of professional, technological, or education degrees by the private postsecondary educational institutions.

This bill would prohibit a nonaccredited institution from issuing, conferring, or awarding an academic or honorary degree pursuant to existing law if the institution allows

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more than 20% of the credit towards a degree to be life or work experience credit. A violation of this provision would constitute a crime and 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

Ch. 1299 (SB 857) Kopp. Livestock show and exposition appropriation

Under existing law, district agricultural associations are authorized to hold fairs, expositions, and exhibitions and to construct, maintain, and operate recreational and cultural facilities of general public interest

This bill would annually appropriate $175,000 from the Fair and Exposition Fund to the 1-A District Agricultural Association for conducting annually a junior livestock show and exposition

Ch 1300 (SB 869) C Green County retirement Los Angeles County

The existing County Employees Retirement Law of 1937 presently contains various alternative benefit provisions which may be selected by various counties.

This bill would authorize Los Angeles County to elect to be subject to an additional supplemental defined contribution plan, as specified, supported solely by redirected member contributions, for new hires, whose purpose is to provide, in conjunction with certain existing plans, approximately the same level of retirement benefits to new hires who will be subject to the limitations in Section 415 of the Internal Revenue Code as they would receive under the other benefit provisions in the absence of those federal limitations while not affecting the rate of either member or employer contributions This bill would also express its intent to make, with respect to all retirement plans within the Los Angeles County retirement system, a specified election authorized by federal tax law to exempt members who first become plan participants prior to January 1, 1990. 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 existing County Employees Retirement Law of 1937 provides that the annual expense of administration shall not exceed 18% of the total assets of the retirement system, except that in Los Angeles County, until January 1, 1990, the limit would be 18% provided, that the expense of the county in any intervening year which exceeds .15% shall be restricted to capital improvements and related necessary system modernization and improvement services and that, thereafter, the limit for Los Angeles County would be .15%.

This bill would, for Los Angeles County, extend the termination of that exception from January 1, 1990, to January 1, 1992, and would state that the extra money made available thereby is needed for compliance with Section 415 of the Internal Revenue Code

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state 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 1301 (SB 871) Vuich. Vehicles: methanol or ethanol fueled: antisiphoning device

(1) Existing law does not regulate the use of methanol or ethanol fueled vehicles

This bill would require that, except as specified, any 1993 and later model-year vehicle which is capable of operating on methanol or ethanol and is imported into the state, or sold, purchased, leased, rented, or acquired in the state, be equipped with an antisiphoning device, as defined The bill would authorize the State Air Resources Board to exempt categories of vehicles from this requirement Since a violation of these requirements

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would be an infraction under other 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

Ch. 1302 (SB 885) Hart Endangered Species Education Project of 1989

Existing law requires the Fish and Game Commission to establish and maintain a list of endangered bird, mammal, fish, amphibian, reptile, and plant species for purposes of import, export, and related prohibitions

This bill would establish the Endangered Species Act of 1989, consisting of a statewide competition in which each public elementary and junior high school in the state would be encouraged to adopt an endangered species from its locale, to design projects to educate the community about threats to the endangered species, and to develop a plan for local community action to preserve the species' habitat The Superintendent of Public Instruction would be required to administer the project, as specified The bill provides that operation of the act is subject to availability of local assistance funds appropriated in the annual budget acts for existing environmental education programs, and that the provisions of the act shall become inoperative on June 30, 1995, and be repealed as of January 1, 1996.

Ch 1303 (SB 997) Presley Child welfare services

Existing law provides for the establishment of various youth services programs

This bill would authorize participating counties to establish an interagency children's services coordination council, as specified, or to designate an existing interagency children's services coordinating body as the county's interagency children's services coordination council. The bill would authorize the local councils to implement various aspects of children's services and would require the councils to annually submit a program proposal for the development of a coordinated system of children's services to the county board of supervisors

This bill would authorize any county which wishes to participate in the program which adopts a 3-year program of coordinated children's services to request a waiver of existing state regulations pertaining to single state agency operations and auditing and accounting requirements which hinder coordination of children's services, and would authorize the Secretary of the Health and Welfare Agency, the Superintendent of Public Instruction, or the Attorney General to grant the waivers, subject to certain limitations, for programs under their jurisdiction, when existing regulations hinder coordination of children's services and waivers would facilitate implementation of the program

The bill would require the Legislative Analyst to review and report to the Legislature annually on the program established pursuant to this bill

Ch. 1304 (SB 1408) Hart Crimes sex offender testing

(1) Existing law requires with respect to any person who is required to register as a sex offender, that prior to discharge, parole, or release from specified correctional facilities, the person shall provide 2 specimens of blood and a saliva sample to the institution or to a designated county official

This bill would additionally provide that those requirements apply to offenders who have been convicted of murder, or assault or battery, under specified provisions of law

(2) Existing law provides that those blood specimens and saliva samples shall be forwarded to the Department of Justice criminalistics laboratory for analysis and categorizing into blood groupings, and that the analysis information shall be filed and maintained by the Sex Registration Unit of the department

This bill would, instead, provide that those specimens and samples shall be forwarded to the department's DNA laboratory for analysis of deoxyribonucleic acid (DNA) and other genetic typing, provide that the department shall perform DNA analysis and other genetic typing analysis only for law enforcement purposes, require the department to

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perform genetic typing only for those markers, as defined, having value for law enforcement purposes, rather than blood groupings, and that the analysis information shall be filed with the Sex Registration Unit of the department or in a computerized data bank, as specified

(3) Existing law limits the release of this information to law enforcement agencies and district attorneys' offices, as specified

This bill would provide limited exceptions to this release restriction, and it would make it a misdemeanor for any person to knowingly disclose DNA or other genetic typing information developed pursuant to these provisions to unauthorized individuals or agencies, thereby imposing a state-mandated local program by creating a new crime.

(4) The bill would also require the Department of Justice to make public the methodology and procedures to be used in its DNA program prior to the commencement of DNA testing in its laboratories, and to review and consider on an ongoing basis the findings and results of any peer review and validation studies submitted to the department by members of the relevant scientific community experienced in the use of DNA technology.

(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) 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 1989 by appropriating $1,100,000 in augmentation of an item thereof, as specified.

Ch. 1305 (SB 200) Russell Public retirement systems benefits limits.

Existing federal income tax laws provide special benefit limitations for public retirement plans. Public retirement plans risk loss of their federal tax-exempt status unless they elect to be bound by specified benefit payment limitations A public retirement plan may elect to exempt members who became plan participants prior to January 1, 1990, from these limitations if the plan also elects to be bound by these limitations for all members who join on or after that date

The existing Legislators' Retirement Law, Public Employees' Retirement Law, and Judges' Retirement Law, provide specified benefits upon retirement for their members

(1) This bill would make those elections for purposes of the Legislators' Retirement Law and the Judges' Retirement Law.

(2) This bill would require the Board of Administration of PERS, in cooperation with various public entities, to conduct a study of the impact of Section 415 of the Internal Revenue Code upon benefits, as specified, and to make related recommendations to the Legislature by March 1, 1990 This requirement would be repealed as of January 1, 1991

This bill would provide that retirement rights conferred by the Public Employees' Retirement Law upon any person who for the first time becomes a member on or after January 1, 1990, shall be subject to, that such a person shall not have any retirement right or benefit which exceeds, and that no retirement right or benefit shall accrue to or vest in such a person which exceeds the Internal Revenue Code limitations on public retirement systems. This bill would require the system to provide to each employer a related notice for distribution, prior to employment, to each person who may become a member and to each person who for the first time becomes a member on or after January 1, 1990

This bill would make related legislative findings and declarations

This bill would also appropriate $100,000 from the Public Employees' Retirement Fund to the Board of Administration for expenditure for these purposes.

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

Ch. 1306 (SB 142) Robbins. Schools. violence.

(1) Existing law provides that no pupil may be suspended from school or recommended for expulsion unless the superintendent or principal determines that the pupil has engaged in certain acts related to school activities or school attendance

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This bill would specify that the acts related to school activity or school attendance must occur within a school under the jurisdiction of the superintendent or principal or must have occurred within any other school district.

(2) Existing law does not require a school district to inform a teacher of certain students who have caused, or who have attempted to cause, physical injury to another person

This bill would provide that a school district shall inform the teacher of every student who has caused, or who has attempted to cause, serious bodily injury or injury, as defined, to another person, as specified, thereby imposing a state-mandated local program by imposing new duties on school districts This reporting requirement would commence in the 1990-91 school year for information from the previous school year. This bill would require the information provided in the 1991–92 school year be for the previous 2 school years and the information provided in the 1992–93 school year, and each school year thereafter, be for the previous 3 school years The bill would provide that no school district shall be liable for failure to comply with the notification if, in a particular case, it is demonstrated that the district made a good faith effort to comply with these requirements This bill would require that any information received by a teacher pursuant to this provision be received in confidence and not be further disseminated by the teacher.

(3) 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, and for an assault or battery committed on school grounds

This bill would provide for enhanced penalties where the assault or battery was committed against a school employee in retaliation for an act performed in the course of his or her duties, except as specified Because these penalties would result in longer jail terms, the bill would impose a state-mandated local program

(4) Existing law does not provide for the reporting of student expulsions or suspensions to the district superintendent of schools, to the State Department of Education, and to the Legislature

This bill would require each school, on forms currently prepared and supplied by the State Department of Education for purposes of reporting crimes committed on schoolgrounds, to forward a completed report of pupil suspensions and expulsions at the end of each reporting period to the district superintendent of schools. The bill would require the district superintendent of schools to compile the school data and submit the aggregated data to the State Department of Education The bill would require the State Department of Education to submit to the Legislature a summary of the statewide aggregated data not later than March 1 of each year for the previous school year. The bill would provide that the provisions described in this paragraph shall remain operative only until March 2, 1992, and as of that date are repealed To the extent that the provisions of this paragraph would impose new reporting duties on local school districts, it would constitute a state-mandated local program

(4.5) This bill would incorporate additional changes in Section 243 2 of the Penal Code, proposed by SB 541, to be operative only if SB 541 and this bill are both chaptered and become effective January 1, 1990, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be payable from the State Mandates Claims Fund

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Ch 1307 (SB 190) Morgan Private postsecondary and vocational education.

Existing law, known as the Private Postsecondary Education Act of 1977, establishes a procedure for private postsecondary or vocational educational institutions to secure authorization from the state to issue diplomas and degrees Under existing law, these provisions are scheduled to become inoperative on June 30, 1991, and as of January 1, 1992, are repealed.

Under existing law, the Superintendent of Public Instruction has been vested with the primary responsibility for the administration of these provisions and the adoption of policies, standards, and implementing administrative rules and regulations The duties and responsibilities of the superintendent include, among other things, the receipt and approval of applications, the issuance of agent's permits and approvals and authorizations to operate in the state, the receipt and investigation of complaints, and the implementation of procedures for the revocation of an institution's approval or authorization to operate or an agent's permit

This bill, with a specified exception, would repeal and recast these provisions on January 1, 1991, as specified, to provide for an alternative procedure under which private postsecondary or private vocational educational institutions would apply for and be eligible for approval to operate in the state This bill would establish the Council for Private Postsecondary and Vocational Education, comprised of 15 members appointed in a prescribed manner, 3 ex officio members, and, commencing January 1, 1991, would require the council to be responsible for the approval of private postsecondary and vocational educational institutions, as specified This bill would require that specified provisions of this bill relating to establishment and operations of the Council for Private Postsecondary and Vocational Education shall become operative July 1, 1990 The bill would prohibit institutions from issuing academic or honorary degrees or from offering courses of education leading to educational, professional, technological, or vocational objectives, unless they have demonstrated compliance with prescribed minimum standards and have been approved by the council The bill would provide the requirements and standards for the approval of postsecondary and vocational institutions incorporated in other states. The bill would prescribe a procedure under which specified institutions which are in operation in the state on December 31, 1990, would receive an approval status, subject to the requirement that they submit an application for reapproval, as prescribed

This bill would authorize the council to receive and investigate complaints alleging violations of these provisions and would authorize the council, at the conclusion of a hearing, to report that evidence to the Attorney General, or to commence an action to revoke an institution's approval to operate, as specified. The bill would require complaints relating to institutions accredited by the Western Association of Schools and Colleges to be forwarded to that association, together with the council's actions on the complaints

This bill would prescribe criminal penalties for persons, firms, associations, partnerships, or corporations that willfully violate these provisions, thereby imposing a state-mandated local program

This bill would require the California Postsecondary Education Commission to submit a report reviewing and evaluating the implementation of these provisions to the Legislature prior to September 1, 1995, as specified.

This bill would make these provisions inoperative on June 30, 1996, and would repeal them as of January 1, 1997

Existing law requires the Superintendent of Public Instruction to establish and maintain a Private Postsecondary Education Administration Fund for administration of the purposes of the Private Postsecondary Education Act of 1977 and is continuously appropriated to the State Department of Education

This bill would require the Council for Private Postsecondary and Vocational Education to maintain a fund by the same name for purposes of the administration of the provisions of the bill, as specified, and would continuously appropriate the funds to the council, without regard to fiscal years, thereby making an appropriation

Existing law requires the Student Aid Commission, within 5 days of the commence-

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ment of an action by the commission against a private postsecondary or vocational educational institution in connection with the California Student Loan Program or the California Loans to Assist Students Program, to give written notification of that action to the Private Postsecondary Education Division of the State Department of Education

This bill would repeal this provision on December 31, 1990, and instead, commencing January 1, 1991, would require that written notification for the California Loan Programs be provided to the Council for Private Postsecondary and Vocational Education. This bill also would require the commission to give the council written notification when evidence indicates that a private postsecondary educational or vocational educational institution is in violation of the standards adopted by its responsible accrediting agency or when it is in violation of the above-described provisions.

This bill would require the California Postsecondary Education Commission to convene an advisory committee comprised of the Superintendent of Public Instruction, the Department of Finance, and the Office of the Legislative Analyst to prepare a report to be submitted to the Legislature and to the Governor on or before October 1, 1990, regarding the budgetary requirements of the Council for Private Postsecondary and Vocational Education, including estimates of total revenues anticipated from fees charged to postsecondary or vocational educational institutions and federal funding sources and an estimate of the amount, if any, that will be required to be appropriated from the General Fund to support the operations of the council and the state approval process established by this bill if it is determined that the revenues are inadequate to support these functions

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

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

Ch. 1308 (AB 394) Felando Fishing sharks· swordfish

(1) Existing law prohibits until January 1, 1991, taking shark or swordfish with drift gill nets within 75 nautical miles of the mainland coastline from June 1 to August 14, inclusive, except under prescribed regulations and permit program

This bill would, instead, make that prohibition operative from May 1 to July 14, inclusive, and would extend the prohibition and the regulations and permit program to January 1, 1995.

The bill would also authorize the Director of Fish and Game, instead of the Fish and Game Commission to revoke the permits upon written findings, as specified

(2) Existing law authorizes the taking of shark and swordfish south of a line extending west from Point Arguello under a nontransferable drift gill net shark and swordfish permit issued annually by the Department of Fish and Game and revocable by the Fish and Game Commission when requested by the department Existing law also authorizes the taking of shark or swordfish under a limited entry experimental swordfish permit, and permits a person who held such a permit during the previous season, and whose application was denied, to appeal to the commission, which may authorize reissuance under conditions established by it

This bill would authorize the transfer of a drift gill net shark and swordfish permit to specified persons under specified conditions The transfer would become effective upon the submittal of specified notice and information to the department The bill would require the payment of a transfer fee of $1,000 to the department, thereby imposing a state tax for purposes of Article XIII A of the California Constitution

The bill would require revocation of the permit by the director, rather than permit revocation by the commission, for a willful violation of specified provisions

The bill would remove restrictions on specified transfers made before January 1, 1990

The bill would also change the minimum landing requirements for persons issued annual shark or swordfish drift gill net permits under either of the 2 permit programs, as specified

The bill would permit a person who held a limited entry experimental swordfish permit during the previous season, and whose application was denied, to appeal to the

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director, rather than the commission, and would require the director to authorize reissuance if it is found and determined that the nonuse of the permit was for reasons beyond the applicant's control. The bill would also require the director to establish other conditions for reissuance of a permit

The bill would declare legislative findings

(3) Violations of the Fish and Game Code are, generally, crimes.

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

(4) Existing provisions of the Fish and Game Code continuously appropriate the moneys in the Fish and Game Preservation Fund for the administration of laws relating to fish and game.

Because this bill would provide additional revenue to the fund in the extended periods, and impose additional duties on the department with regard to commercial fishing, the bill would make an appropriation

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

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

Ch 1309 (AB 418) La Follette Fair employment and housing

(1) Existing law permits the Fair Employment and Housing Commission to engage in affirmative actions with owners of housing in furtherance of the purposes expressed in the Fair Employment and Housing Act.

This bill would permit the Department of Fair Employment and Housing to engage in affirmative actions for these purposes.

(2) This bill would incorporate additional changes in Section 12940 of the Government Code, proposed by this bill and AB 65 or SB 1535, or both, to become operative only if AB 65 or SB 1535, or both, and this bill are chaptered and become effective on January 1, 1990, and this bill is chaptered last

(3) This bill would incorporate additional changes in Section 12942 of the Government Code, proposed by AB 127, to be operative only if AB 127 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(4) The bill would also make various technical, nonsubstantive, and clarifying changes to the act.

Ch 1310 (AB 656) Jones. Public assistance: employment and training programs

(1) 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 in conformance with regulations adopted by the State Department of Social Services pursuant to a plan which reflects the full employment goal of the plan, an assessment of the county's current and projected subsidized employment needs, and other factors.

This bill would permit a county plan, with the approval of the Director of Social Services, to also provide for concurrent enrollment of participants in any specified program components which have been requested by the participant at the orientation and appraisal interview. It would also require the department to compare and evaluate the effectiveness of concurrent and sequential enrollment in program components

(2) Under the GAIN program, an employer or service provider participating in the grant diversion, supported work, or transitional employment aspect of the program is required to obtain and maintain a surety bond in an amount determined by specified criteria

This bill would delete the requirement that the employer or service provider obtain or maintain a surety bond

(3) Under the GAIN program, any payment made by certain departments or agencies for specified job training and education services delivered by a county or an entity contracting with a county, is required to be made in accordance with a competitively selected fixed unit price performance-based contract, on a specified payment schedule,

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and based on the fulfillment of specified criteria.

This bill would delete the provision relating to the delivery of services by a county.

(4) This bill would make various technical changes.

Ch 1311 (AB 766) Frazee Community colleges

Existing law does not contain an appropriation to the Board of Governors of the California Community Colleges for allocation to "Recording for the Blind" in support of the program to loan taped educational books to blind, visually impaired, and learning disabled students in the California Community Colleges.

This bill would appropriate $150,000 to the Board of Governors of the California Community Colleges for allocation to "Recording for the Blind" in support of the program to loan taped educational books to blind, visually impaired, and learning disabled students in the California Community Colleges who meet specified requirements

The bill would require the Chancellor of the California Community Colleges to enter into a contract with Recording for the Blind to ensure appropriate accountability for the use of funds appropriated under the bill.

Ch 1312 (AB 782) N Waters. Crimes: criminal proceeding: limitations period.

Existing law establishes statutory limitation periods for commencing criminal actions, as specified Under those provisions, existing law generally requires the prosecution of a felony to be commenced within 3 years, except that if an offense is punishable by imprisonment for 8 years or more, prosecution is required to be commenced within 6 years Existing law also generally requires the prosecution of a misdemeanor to be commenced within one year, except where specified misdemeanor offenses relating to sexual crimes are committed with or upon a minor under 11 years of age, in which case prosecution is required to be commenced within 2 years

This bill would provide that with respect to specified felony and misdemeanor offenses relating to sexual crimes against persons under 17 years of age, the limitation does not run until one year from the date the child makes a report to a responsible adult or agency, as defined, that the child is a victim of any of those sex crimes, as specified

This bill would also provide that these provisions only apply if the specified limitation period has expired and the defendant has committed at least one violation of one of those sex crimes within its specified limitation period

Ch. 1313 (AB 904) Farr. Mental health

Existing law establishes programs for mental health services to mentally disordered persons and specifies the duties and responsibilities of the State Department of Mental Health.

This bill would make various findings and declarations regarding the inadequacies of the current mental health system and would require that a master plan for mental health be developed by the California Planning Council, and would authorize appointment of additional members, as specified To the extent that the master plan would impose new duties upon local agencies, this bill would impose a state-mandated local program

This bill would make this expanded role of the California Planning Council dependent upon the availability of federal funds appropriated for this purpose

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 1314 (AB 951) Woodruff Income taxation credits· child care assistance

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize a tax credit against the taxes imposed under those laws in an amount equal to 30% of

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the cost, not to exceed $30,000 per taxable or income year, 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 for contributions to California child care information and referral services, or both. Those laws also authorize a tax credit 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

This bill would provide under both laws that the costs which are eligible to be taken into account for startup expenses and information and referral services could not exceed $100,000 per taxable or income year It would provide that no more than $30,000 of net tax could be reduced in any one year and the amount of credit allowed in excess of that amount could be carried over, as provided, to subsequent years

This bill would also make technical changes to both laws.

This bill would incorporate additional changes to Sections 17052 18 and 23617.5 of the Revenue and Taxation Code proposed by AB 446 if both bills are chaptered and this bill is chaptered last

This bill would take effect immediately as a tax levy

Ch 1315 (AB 960) Margolin AIDS: homeless persons.

Existing law permits the State Department of Health Services to approve up to 20 pilot projects to provide housing and food to homeless persons with AIDS or AIDS-related conditions (ARC), and makes the provisions regarding the pilot projects inoperative on July 1, 1990, and repeals them as of January 1, 1991

This bill would increase the number of pilot projects that the department may approve to 35, would make the provisions regarding the pilot projects inoperative on July 1, 1991, and would repeal them as of January 1, 1992

This bill also would provide that the provisions relating to the above pilot projects and other related provisions shall not preempt the application of any local zoning requirements in effect on January 1, 1990, to a residential AIDS shelter pilot project for homeless persons with AIDS or ARC.

Ch 1316 (AB 1008) Condit. Crimes

(1) 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 make it either a misdemeanor or felony for every person who, with knowledge that a person is a minor, or who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes, sends, causes to be sent, exhibits, or offers to distribute or exhibit by any means, including, but not limited to, live or recorded telephone messages, any harmful matter, as defined, to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of the minor, with the intent, or for the purpose of seducing the minor This bill would provide that upon the second and each subsequent conviction, the person is guilty of a felony Thus, the bill would impose a state-mandated local program by creating a new crime The bill would furthermore provide that it shall be a defense to any prosecution under these provisions that a parent or guardian committed the act charged in aid of legitimate sex education or that the act charged was committed in aid of legitimate scientific or educational purposes The bill would specify that these provisions do not apply to a telephone corporation, as defined, which is carrying or transmitting messages or performing related activities in providing telephone services

(2) Existing law requires persons who have been convicted of the commission or attempted commission of certain listed sex offenses, within 14 days of coming into any county or city, or city and county, in which he or she temporarily resides or is domiciled for that length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area Failure to properly register is a misdemeanor

This bill would include within the listed offenses, the offense described under (1) relating to providing harmful matter, as defined, to minors with the intent of arousing,

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appealing to, or gratifying the lust or passions or sexual desires of that person or of the minor. Since a violation of those registration requirements would be a misdemeanor, the bill would impose a state-mandated local program by increasing the scope of an existing crime. Moreover, the bill would also impose a state-mandated local program by increasing the registration duties imposed upon local government agencies.

(3) Existing law provides that in a county of the 1st or 2nd class, as defined, the court shall utilize in the following order (a) the public defender, (b) in the event the public defender is unavailable, where the county has contracted with responsible attorneys to provide criminal defense, those attorneys; then (c) other assigned private counsel A court, however, may depart from the procedure requiring appointment of a public defender or a county-appointed attorney only after making a finding of good cause and stating the reasons on the record.

This bill would recast this provision to provide, that in the event a public defender is unavailable and the county and the courts have contracted with a panel of attorneys or with one or more responsible attorneys a court may depart from that portion of the procedure requiring appointment of a county-contracted attorney, instead of departing from the procedure requiring appointment of the public defender or a county-appointed attorney, after making a finding of good cause and stating the reasons on the record.

This bill would incorporate changes in Section 290 of the Penal Code, proposed by SB 203 and AB 2212, to be operative only if one or both of those bills are also enacted 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

Ch. 1317 (AB 1025) Pringle Courts destruction of records

(1) Existing law provides that the county clerk may destroy all papers and records of the superior court, in any action or proceeding in the superior court, if the action or proceeding in which the papers were filed is not pending or on appeal in any court and certain events have occurred, except as specified

This bill would provide that the clerk of the superior court may record, at any time, on electronic imaging equipment court papers and records, as specified, and thereafter destroy, in conformity with the above provisions, the originals of all papers and records copied and the reproduced copies shall be deemed to be the original records of the court

(2) Existing law provides that the judge or clerk of each justice court and the clerk of each municipal court, in lieu of maintaining the docket or register of actions, as specified, may photograph, microphotograph, or mechanically or electronically store the whole content of all papers and records, or any portion thereof as is necessary to the keeping of the docket or register of actions, as specified, and that upon making reproductions of these papers and records, the originals may be destroyed and the reproduction is deemed an original record

(3) Existing law also provides that all papers and records filed and kept in all proceedings in municipal and justice courts, may, upon the order of the presiding judge of that court, be destroyed after the expiration of minimum retention periods, as specified

This bill would in addition to the above provide that the clerk of the municipal or justice court may record, at any time, on electronic imaging equipment court papers and records, as specified, and thereafter destroy the originals of all papers and records copied in conformity with the above provisions and the reproduced copies shall be deemed to be the original records of the court

(4) This bill would also make additional changes that would become operative only if AB 796 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

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Ch 1318 (AB 1503) Quackenbush Aging. Multipurpose Senior Services Program

Under existing law, the 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, 1990, whichever comes first, and as of that date are repealed

This bill would delete the repeal date and instead provide that the provisions governing the program would remain in effect so long as a waiver has been granted by the federal Department of Health and Human Services to the State Department of Health Services pursuant to specified federal law, or until a new long-term care delivery system is established pursuant to the Torres-Felando Long-Term Care Reform Act.

Ch. 1319 (AB 1585) Hughes Probation rearrest

Existing law authorizes a probation officer or a peace officer, without a warrant or other process, to rearrest a person who has been released on probation under the care of a probation officer

This bill would extend this authorization to rearrest without a warrant or other process to include a person who has been released on conditional sentence or a person released on a summary probation not under the care of a probation officer The bill would also limit the rearrest of a probationer to cases where the probation officer has probable cause to believe that the probationer is violating any term or condition of his or her probation or conditional sentence.

Ch 1320 (AB 1587) Wright Workers' compensation rating organizations availability of experience rating information

Existing law provides for establishment and for licensure by the Insurance Commissioner of prescribed rating organizations for the purpose of rating workers' compensation insurance Existing law requires these rating organizations to make available specified policyholder information to the Department of Industrial Relations, other governmental agencies approved by the Insurance Commissioner, and employers

This bill would authorize these rating organizations to make defined experience rating information available to any insurer or insurance agent or broker authorized to transact workers' compensation insurance in this state, upon submitting a prescribed written request The bill would require the recipient of the information to keep it confidential and would prohibit sale thereof The bill would declare that it does not affect the receipt and provision of experience rating information by information services companies in business prior to September 15, 1989

The bill would provide that no licensed rating organization shall be liable for damages caused by the disclosure of this information or for the accuracy or completeness of the information disclosed.

Ch. 1321 (AB 1736) Friedman Vehicles chlorofluorocarbon emissions

Existing law does not regulate emissions of chlorofluorocarbons from motor vehicles.

This bill would require the State Air Resources Board to review and evaluate the adequacy of programs to reduce chlorofluorocarbon emissions from motor vehicle air-conditioning systems, and report its findings and recommendations to the Legislature by June 30, 1990.

Ch 1322 (AB 1785) Katz. Vehicles inspection facilities

Existing law provides for the operation of scale and vehicle inspection facilities by the Department of the California Highway Patrol

This bill would require the department, in cooperation with the Public Utilities Commission, the State Board of Equalization, the Department of Motor Vehicles, the Judicial Council, and other agencies, to develop an interagency agreement providing for the stationing of agency employees or interagency clerks at commercial vehicle inspection facilities to perform specified functions on behalf of those state agencies, and on behalf of the municipal court district in which the facility is located, with respect to the status of vehicles and drivers, including outstanding warrants At the direction of a peace officer, the employees or interagency clerks would be required to determine the status

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of any outstanding warrants and whether all fees have been paid with respect to a driver or vehicle present at the facility.

The bill would authorize the department to implement this program as a demonstration pilot program at one or more locations, and would require the department to submit a specified report on the program to the Legislature by February 1, 1992

Ch. 1323 (AB 1828) Hansen. Zoning. child care.

Under existing law, a city, county, or city and county, is required to grant a density bonus or equivalent incentives for developments which include specified percentages of low- or moderate-income housing units.

This bill would permit a city council, including a charter city council, city and county board of supervisors, or county board of supervisors, to establish a procedure by ordinance to grant a developer, as defined, or a consortium of developers, of a commercial or industrial project, containing at least 50,000 square feet of floor area, as defined, a density bonus, as defined, when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. It would require the project to meet other applicable building, health, safety, and zoning requirements.

The bill would permit the levying, by the city council, or board of supervisors, of an assessment, consistent with the market value of the space, based on the square footage of the project against the developer if the area set aside for the child care facility is not in use within 3 years of the date upon which the first temporary certificate of occupancy was granted or if the developer uses this space for any purpose other than for a child care facility Funds collected pursuant to this authority would be required to be deposited by the city council, or board of supervisors into a special account to be used for child care services or child care facilities

The bill would specify that once the child care facility has been established, prior to closure, change in use, or a reduction in the physical size of, the facility, the city council or board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established

The bill would exempt actions taken pursuant to this act from various specified accounting, refunding, and other requirements placed upon local agencies It would specify that its provisions do not apply to a voter-approved ordinance adopted by referendum or initiative.

Ch. 1324 (AB 1993) Farr Private postsecondary educational institutions.

Existing law provides for the establishment of the California Postsecondary Education Commission, comprised of representatives appointed in a prescribed manner, including, among others, the chair or the designee of the chair of the Council for Private Postsecondary Educational Institutions.

This bill would repeal and recast these provisions to require, commencing July 1, 1990, that the California Postsecondary Education Commission include the chair or the designee of the chair of the Council for Private Postsecondary and Vocational Education, instead of the chair of the Council for Private Postsecondary Educational Institutions

Existing law prescribes the duties and responsibilities of the commission relative to its capacity as the statewide postsecondary education planning and coordinating agency and adviser to the Legislature and the Governor

This bill would require the commission, with the assistance of the Superintendent of Public Instruction, to conduct an initial review of all national and regional accrediting agencies which accredit private postsecondary institutions doing business or seeking to do business in the state to report the results of that review to the Council for Private Postsecondary and Vocational Education and the Legislature by December 31, 1990. The bill would require the review to include (1) a determination of whether these accrediting agencies can demonstrate that their standards and procedures for the review of these institutions encompass prescribed state standards and consumer protection requirements and that they are rigorously enforced and (2) the effectiveness of the accrediting agency in responding to consumer complaints The bill would require the commission,

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following this initial review, to review these accrediting agencies every 5 years, or sooner upon the request of the council, as prescribed, and would require the commission to report the findings of these periodic reviews to the council and to the Legislature.

This bill would also require the commission, with the assistance of the Superintendent of Public Instruction, to work in cooperation with the Council for Private Postsecondary and Vocational Education to prepare a preliminary draft of proposed regulations to implement the standards, procedures, and criteria prescribed in specified provisions governing private postsecondary educational institutions

This bill would specify that these provisions shall become operative only if SB 190 of the 1989–90 Regular Session is chaptered and becomes effective on or before January 1, 1990.

Ch. 1325 (AB 2132) Floyd Acutely hazardous materials: risk management

Existing law requires every business, except as specified, which handles amounts of an acutely hazardous material equal to, or greater than, 500 pounds, 55 gallons, or 200 cubic feet for compressed gas, to file an acutely hazardous materials registration form with the administering agency If the administering agency determines that there is an acutely hazardous materials accident risk, the agency may require a business to submit a risk management and prevention program (RMPP) The RMPP is required to give consideration to the proximity of the facility to schools, general acute care hospitals, and long-term health facilities The administering agency is required to inspect every business subject to this requirement at least once every 3 years A knowing violation of these requirements, after reasonable notice, is a crime An administering agency is authorized to adopt a schedule of fees to be collected from businesses required to submit a business plan, pursuant to other provisions regulating hazardous materials

This bill would require the administering agency to direct the submission of an RMPP, in accordance with a specified timetable, if the administering agency makes a preliminary determination that there is a significant likelihood that the handler's use of an acutely hazardous material may pose an acutely hazardous materials accident risk, thereby imposing a state-mandated local program by imposing additional requirements on the administering agency The bill would also authorize the administering agency to direct the submission of an RMPP, as specified

The bill would also require the RMPP to give consideration to the facility's proximity to residential areas and child day care centers, as defined, thereby imposing a state-mandated local program by creating a new crime The bill would also change the amount of acutely hazardous material subject to the registration requirements to an amount equal to, or greater than, the threshold planning quantities specified in the federal regulations adopted pursuant to the Federal Emergency Planning and Community Right-to-Know Act of 1986, thereby imposing a state-mandated local program by creating a new crime

The bill would incorporate additional changes in Section 25534 of the Health and Safety Code, proposed by SB 1049, to be operative only if both bills are enacted and this bill is enacted last

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

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

Ch 1326 (AB 2448) Harris Controlled substances enhancements

Existing law sets forth sentence enhancements, as specified, for persons convicted of certain controlled substances offenses

This bill would apply sentence enhancements to persons convicted of a conspiracy to violate these offenses, as specified.

The bill would incorporate additional changes in Sections 11370 2 and 11370 4 of the Health and Safety Code proposed by AB 2185, to become operative only if this bill and AB 2185 are enacted and this bill is enacted last

In addition, the bill would provide that its provisions shall not become operative unless

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AB 2185 is also chaptered.

Ch 1327 (SB 236) Presley. Corrections

(1) Existing law, the Hospital Seismic Safety Act of 1983, requires the Office of Statewide Health Planning and Development to observe the construction of, or addition to, any hospital building or the reconstruction or alteration of any hospital building Under existing law, operative until January 1, 1993, that act applies to correctional treatment centers at facilities of the Department of Corrections, the Department of the Youth Authority, and cities and counties, constructed on or after March 7, 1973

This bill would find and declare the necessity that all city, county, and city and county correctional treatment centers be exempt from the requirements of the Hospital Seismic Safety Act of 1983.

This bill would delete the inclusion of correctional treatment centers at city, county, and city and county detention facilities within the application of that act, and would expressly specify that those correctional treatment centers are included within the facilities, the plans and specifications for the construction, reconstruction, remodeling, or repair, of which are required to be submitted to the Board of Corrections.

The bill would require the Office of Statewide Health Planning and Development to adopt specific space and architectural standards in cooperation with the Board of Corrections for city, county, and city and county correctional treatment centers This bill would exempt those correctional treatment centers that submit preliminary construction plans and final construction plans to the board on or before specified dates

(2) Existing law provides that the court may order a defendant sentenced to a county jail or other local detention facility who is eligible to be released on parole to pay all or a portion of the reasonable cost of providing parole supervision Under existing law, that provision will be repealed on January 1, 1990

This bill would eliminate the repeal of that provision

(3) The County Correctional Facilities Capital Expenditure and Youth Facility Bond Act of 1988 authorized the issuance pursuant to the State General Obligation Bond Law, of bonds in the amount of $500,000,000 Of that amount, up to $410,000,000 was authorized to be available for the construction, reconstruction, remodeling, and replacement of county correctional facilities, and up to $65,000,000 for county juvenile facilities

This bill would appropriate $64,025,000 of that amount to the Youth Authority for juvenile facilities, and would appropriate $410,000,000 of that amount to the Board of Corrections for county correctional facilities

The funds would be allocated for the allocations specified under previous bond acts, and additional amounts would be allocated in accordance with a schedule and supplementary provisions. The bill would provide for the reallocation of funds not used under this bill or under previous allocations

The bill would revise provisions of a previous act that allocated funds under previous bond acts by revising a reallocation provision, and by specifying that the board of supervisors shall determine the location of detention facilities

The bill would also provide that in order for a county or other entity to be eligible for funds under the County Correctional Facilities Capital Expenditure and Youth Facility Bond Act of 1988, products of the Prison Industry Authority or local jail industry programs shall be utilized, as specified, and that contracts for the purchase of those products may be entered into without the formality of complying with the Public Contract Code.

(4) Under existing law, the Board of Corrections is composed of 11 members, 3 of whom are ex officio members and 8 of whom are appointed by the Governor. The 8 appointed members are required to include specified persons, including an employee of a local detention facility whose primary responsibility is staff training, and one county sheriff

This bill would delete the requirement that one member be an employee of a local detention facility and one member be a county sheriff, and would instead require that one member be a county sheriff who is in charge of a local detention facility which has a Board of Corrections rating of 200 or less inmates, and that one member be a county sheriff who is in charge of a local detention facility which has a Board of Corrections rating of over 200 inmates

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The bill would also delete an obsolete provision.

(5) Existing law imposes certain requirements for entering into public contracts

This bill would provide that in a county that is under court order to relieve overcrowding in a county juvenile facility, or in which the chief probation officer certifies that the juvenile detention capacity of the county juvenile facilities is exceeded by more than 20%, the board of supervisors may contract for the construction or expansion of county juvenile facilities without the formality of obtaining bids, adopting plans and specifications, or complying with other requirements, as specified

(6) Existing law limits the circumstances under which a minor may be detained in a jail or other secure facility for the confinement of adults Existing law authorizes the Department of the Youth Authority to exempt a county or a specified facility from those provisions for a reasonable period of time, but not beyond July 1, 1989.

This bill would extend this exemption to December 31, 1990, and provide that any county that did not have a juvenile hall on January 1, 1987, may establish a special purpose juvenile hall for the detention of minors for a period not to exceed 96 hours, as specified, and would also authorize other counties to establish a special purpose juvenile hall. The bill would permit a county to seek exemption from a 6-hour limit on detention in law enforcement facilities in specified instances The bill would also make other technical, nonsubstantive changes.

(7) Existing law requires a judge of the juvenile court and the Department of the Youth Authority to inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for the confinement of minors for more than 24 hours.

This bill would make that provision applicable to facilities used for confinement pursuant to specified provisions.

(8) Existing law provides for mental health services for seriously emotionally disturbed minors However, it does not provide for secure facilities for seriously emotionally disturbed minors who are adjudged to be wards of the juvenile court based on criminal conduct and who meet the criteria for commitment to the Department of the Youth Authority.

This bill would authorize the establishment of regional facilities for the commitment and treatment of minors, who are adjudged to be wards of the juvenile court based on criminal conduct who meet specified criteria, and who have been referred for admission through a joint mental health and probation screening committee in the county which refers the minor

The bill would require each regional facility to be under the oversight and direction of a board of directors composed of the chief probation officer and local mental health directors of the participating counties, and to be under the administration of an onsite director responsible to the board The board would be required to develop written admission criteria, to contract with the county in which the facility is located for the provision of public education, and to present to the Director of the Youth Authority a report, as specified

The Director of the Youth Authority, in conjunction with the Director of Mental Health, would be required to adopt rules and regulations to establish, monitor, and enforce minimum standards for regional facilities

(9) This bill would reappropriate $250,000 from money appropriated from the 1986 Prison Construction Fund that is obligated for the N A Chaderjian site development project to the Department of the Youth Authority for expanded vocational, educational, and work experience program space

(10) The bill would incorporate additional amendments to Section 15026 of the Health and Safety Code proposed by AB 2347, contingent upon the prior enactment of that bill, and would incorporate additional amendments to Section 20134 of the Public Contract Code proposed by SB 745, contingent upon the prior enactment of that bill

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

Ch. 1328 (SB 960) Maddy. Health AB 75.

AB 75 of the 1989–90 Regular Session of the Legislature proposes to amend existing law to provide, among other things, for the creation of the Tobacco Education Oversight Committee, and provides for the appointment of the membership of that committee,

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including one member representing a voluntary health organization dedicated to the reduction of tobacco use, appointed by the Senate Rules Committee

This bill would delete that member, and instead, would provide for the appointment, by the Senate Rules Committee, of a member that represents health care employees

AB 75 proposes to require the State Department of Health Services to perform various duties relating the prevention of tobacco use, including, contracting for the production and implementation of information campaign, using a variety of media approaches

This bill would specify that no media campaign funded for the above purpose shall feature the image or voice of any elected public official or candidate for public office, or directly representing the views of any selected public official or candidate for public office

The bill would also specify the allocation of funds appropriated for purposes of the tobacco use prevention campaign proposed to be established pursuant to AB 75

AB 75 proposes to appropriate funds from the General Fund to the State Department of Health Services for allocation to each county receiving funds for the provision of health care services to certain indigent persons

This bill would authorize eligible counties to apply for, and would authorize the Department of Finance to approve, a state General Fund loan in the 1989–90 fiscal year to meet anticipated shortfalls in their Medically Indigent Services Program, and would require a county to demonstrate it made reasonable efforts to document and claim federal State Legalization Impact Assistance Grant funds

AB 75 proposes to establish a method of allocating funds appropriated for the purpose of allocating funds to counties providing health care services to medically indigent persons, and proposes to specify that the funding allocations shall be used for capital circumstance, to use a portion of the funds to restore county special fund balances to their July 1, 1988, levels

This bill would delete the above limitation and, instead, would specify that the funding be for capital expenditure and capital acquisition purposes associated with the direct delivery of patient care, and would authorize each county to utilize a certain portion of its allocation to restore county special fund balances to their July 1, 1988, levels, and would require that the funds utilized to restore county special fund balances shall be appropriated for capital expenditures and equipment acquisition associated with the direct delivery of patient care in the 1990–91 fiscal year

The above provisions would become operative only if AB 75 is enacted prior to this bill.

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

Ch 1329 (SB 995) Torres. Housing emergency shelter homeless services

Existing law creates the Emergency Housing and Assistance Fund, from which the Department of Housing and Community Development is authorized to award grants to purchase, lease, renovate, repair, or equip buildings and sites for use as emergency shelters, to operate those shelters, and to administer emergency shelter programs (to a maximum of 5% of each grant) Existing law also prohibits more than 50% of the moneys in the fund from being expended during any fiscal year for grants to cover operating expenses

This bill would authorize the use of these grants exclusively for operating expenses for shelter and service programs for homeless people, under specified conditions, except with respect to bond moneys allocated pursuant to Proposition 84, as adopted at the November 7, 1988, statewide general election. This bill would also delete that limitation imposed on expenditures during any fiscal year for grants covering operating expenses

Ch 1330 (SB 1613) Garamendi Health Cigarette and Tobacco Surtax Fund tobacco-related diseases

The Tobacco Tax and Health Protection Act of 1988 (Proposition 99) was passed by the voters at the general election held on November 8, 1988 The act creates the Cigarette and Tobacco Surtax Fund, which is comprised of 6 accounts, including the Research Account, available for appropriation for tobacco-related research The fund is supported through the imposition of specified taxes upon the distribution of cigarettes

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and tobacco products.

This bill would request the University of California to establish the Cigarette and Tobacco Products Surtax Medical Research Program, which would be a comprehensive grant program to support research efforts, including specified research projects by prescribed grantees, related to the prevention, causes, and treatment of tobacco-related diseases, as defined. The program would be repealed on December 31, 1993 The bill would request the university to submit to the Legislature, on or before December 31, 1990, and annually thereafter, a report relating to research grants under the program, including specified information on the use of animals in research and on other aspects of the projects and research.

The bill would repeal its provisions concerning reports by the university on December 31, 1993.

The bill would declare the intent of the Legislature that the university establish a scientific advisory committee, as prescribed, to advise the president of the university as to the direction, scope, and progress of the program.

The bill would declare the intent of the Legislature that the university utilize peer review panels modeled upon the National Institutes of Health peer review process to review all research grants and do prescribed things as the lead agency

The bill would also declare the intent of the Legislature that projects which are funded be reimbursed for actual costs, including direct costs and indirect costs incurred by a research institution consistent with federal guidelines and that no more than 5% of the Research Account be used for purposes of administration of the bill

Ch. 1331 (AB 75) Isenberg Health care

Under existing law, each hospital is required to report summary financial and utilization data, quarterly, to the Office of Statewide Health Planning and Development The reports are required by existing law to contain specified information

This bill would, until July 1, 1991, require the Office of Statewide Health Planning and Development to adopt guidelines for the identification, assessment, and reporting of charity care services.

This bill would also, commencing January 1, 1991, revise the information which must be included in the reports submitted to the Office of Statewide Health Planning and Development by hospitals

Under existing law, the State Department of Health Services is responsible for the administration and oversight of various health care programs

The bill would until July 1, 1991, create the Tobacco Education Oversight Commmittee, to advise the State Department of Health Services and the State Department of Education on tobacco education programs funded pursuant to this bill, to facilitate programs directed at reducing and eliminating tobacco use, make recommendations to those departments regarding the most appropriate criteria for the selection of, and standards of the operation of, and the types of programs to be funded under this bill, and to develop a master plan, to be submitted to the Legislature, for implementing tobacco education programs throughout the state Members of the committee would be appointed by the Speaker of the Assembly, the Senate Rules Committee, the Superintendent of Public Instruction, and the Governor, as specified

The bill would, until July 1, 1991, require the committee to report to the Legislature on or before January 1 of each year on the number and amount of tobacco education programs funded by the Health Education Account in the Cigarette and Tobacco Products Surtax Fund.

The bill would, until July 1, 1991, require the State Department of Health Services to contract for an initial baseline survey and followup surveys of attitudes and behavior regarding tobacco use and a description of information received by the public regarding smoking and tobacco use.

The bill would, until July 1, 1991, require the State Department of Health Services to produce or contract for a description of programs recognized as effective in reducing smoking and tobacco use

The bill would, until July 1, 1991, require the State Department of Health Services to establish, within the department, a program on tobacco use and health to promote the

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study of effective tobacco use interventions and behavior programs, and to evaluate and report to the Legislature on January 1 of each year, commencing January 1, 1992, on tobacco education programs

The bill would, until July 1, 1991, require the State Department of Health Services to assist the State Department of Education on various aspects of tobacco education programs.

The bill would, until July 1, 1991, require the State Department of Health Services to contract for the implementation of public awareness of tobacco-related diseases using a variety of media approaches.

The bill would, until July 1, 1991, require the State Department of Health Services to issue guidelines for local plans for education against tobacco use and to provide local agencies with assistance, as specified, regarding local health education programs.

The bill would, until July 1, 1991, require the State Department of Health Services to award and administer grants for projects directed at the prevention of tobacco-related diseases.

The bill would, until July 1, 1991, require the State Department of Health Services to expand the Child Health Disability Prevention Program, as specified.

The bill would, until July 1, 1991, require the State Department of Education to award and administer grants for projects directed at the prevention of tobacco use among school-age children

The bill would, until July 1, 1991, require county offices of education to provide technical assistance and training to school districts and consortia of school districts regarding planning and preparation of antitobacco campaigns, receive and approve plans submitted by school districts, provide technical assistance and guidance as necessary to ensure the compliance of school districts with this bill, certify to the State Department of Education that a school district has met certain conditions for the release of funds for antitobacco programs, and provide for coordination between school districts and local antitobacco use programs funded by the local antitobacco program lead agency pursuant to this bill.

The bill would, until July 1, 1991, create the Tobacco Education Fund

Under existing law, the State Department of Health Services administers a variety of programs related to the provision of health care Under existing law, counties are responsible for the provision of assistance, including health care services, for the indigent

This bill would, until July 1, 1991, create a program under which the State Department of Health Services would reimburse the costs incurred by selected clinics in providing medical services and preventative health care, as specified, to persons who meet specified income eligibility standards. This bill would specify an application process for the receipt of funds under the program

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons. The Medi-Cal program is funded by federal and state funds, and administered by the State Department of Health Services Federal financial participation, through the federal medicaid program, is contingent upon approval of the state plan for the provision of health services through the Medi-Cal program.

Existing law provides for purposes of the Medi-Cal program a schedule of benefits for those persons meeting certain eligibility requirements.

This bill would specify, until July 1, 1991, that perinatal services shall be provided under the Medi-Cal program to pregnant women and infants, as defined, in families with incomes above 185% of, but not more than 200% of, the federal poverty level.

Existing law requires the county in which a person resides to determine a person's eligibility for Medi-Cal benefits and continued eligibility

To the extent this bill would increase the counties' responsibilities for eligibility determination, it would impose a state-mandated local program.

Under existing law, the state reimburses counties and certain other local agencies for the cost of providing health services to indigents, and allocates those reimbursements through the County Health Services Fund Existing law authorizes counties with a population of not more than 300,000 to contract with the State Department of Health

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Services for the provision of indigent health care, and provides for the reimbursement of those state-administered county health services through reimbursements through the County Medical Services Program Account in the County Health Services Fund. Moneys in that account are required to be used by the department for health services for eligible county residents and to defray the department's administrative costs incurred in implementing that program

This bill would, until July 1, 1991, delete authorization of the use of the funds for costs incurred by the department in the implementation of the local health care program, and instead, require the funds be used for the local health care program and to pay for services for persons requiring emergency treatment, regardless of their county of residence

The bill would, until July 1, 1991, establish the California Health Care for the Indigent Program (CHIP), through which the State Department of Health Services would be authorized to allocate appropriated funds to local agencies for the provision of health care to certain indigent persons Eligible counties would be required to establish a local emergency medical services fund, with a physician services account, for the allocation of funds received by the county, pursuant to the CHIP program, to emergency physicians for the provision of emergency services, as defined, and would establish procedures for the reimbursement of those emergency physicians.

The bill would, until July 1, 1991, establish a procedure for the allocation of funds to each county receiving funds from the Medically Indigent Services Account in the County Health Services Fund for the provision of services to persons meeting certain Medi-Cal eligibility requirements, based on the percentage of newly legalized individuals under the federal Immigration Reform and Control Act (IRCA).

The bill would, until July 1, 1991, establish procedures for the allocation of fund amounts to qualified counties which provide for the provision of health care services to the indigent, to fund capital expenditures and equipment needs of local health facilities providing services to the uninsured and those who cannot afford their health care services.

Existing provisions, added pursuant to a ballot proposition approved by the voters in November of 1988, provide for taxes upon the distribution of cigarettes and tobacco products, at a specified rate and at a rate determined pursuant to specified criteria by the Board of Equalization Those provisions require that revenues collected pursuant to those taxes only be available for appropriation for certain purposes, including the provision of health care for specified needy persons.

Existing law requires that moneys collected from these taxes be placed into 6 different accounts in the Cigarette and Tobacco Products Surtax Fund, including the Hospital Services Account and the Unallocated Account.

The bill would appropriate $1,212,690,000 from the various accounts in the Cigarette and Tobacco Products Surtax Fund to the State Department of Health Services, the State Department of Mental Health, and the State Department of Education, for the purposes of this bill

The bill would authorize the State Department of Health Services to adopt emergency regulations for the purposes of this bill.

The bill would exempt contracts entered into for the purposes of the bill from specified requirements of the Public Contract Code.

The bill would require the State Department of Health Services to report to the Legislature, on or before, April 15, 1990, on the advisability of combining into a single program, funding for various programs for the indigent.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. 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.

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Ch. 1332 (AB 499) Jones. Juvenile correctional facilities. subventions.

Under existing law, the Department of the Youth Authority provides grants of state funds to counties which operate specified juvenile correctional facilities Existing law also provides that a county's entitlement shall be reduced if there is a reduction in the capacity at the county's juvenile correctional facilities, except as specified

This bill would authorize the Director of the Youth Authority to exempt Riverside or Tulare County, or both, from these sanctions for a period of 3 years in response to a request for exemption submitted by the county which (1) identifies the facility which is being closed, (2) outlines the county's plan to replace the facility in question or to establish programs to limit commitments to state-operated facilities, including, but not limited to, a measure providing for the construction of a new facility which requires voter approval and outlines the county's plan to fund the operation of the new facility, and (3) demonstrates facts showing that the fiscal status of the county does not provide sufficient local general purpose revenue to continue present operations under those sanctions or that health and safety constraints require closure of an existing facility The bill would also make technical, nonsubstantive changes The bill would apply to all counties on and after June 1, 1990

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

Ch 1333 (AB 1121) Johnston Unemployment insurance

Existing law prescribes 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 will become inoperative on September 30, 1989.

This bill would instead provide that these provisions would become inoperative on September 30, 1990.

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

Ch. 1334 (AB 1470) Farr Farr-Morgan-Quackenbush Educational Technology Act of 1989

Existing law establishes an educational technology local assistance program, which creates the Educational Technology Committee and authorizes the awarding of various types of grants to local educational agencies to enhance the use of educational technology in instruction in the public schools Existing law specifies that the program ceased to be operative on June 30, 1989, except pursuant to specified conditions.

This bill would repeal existing law and establish in its place the Farr-Morgan-Quackenbush Educational Technology Act of 1989, which would be intended to accomplish, among other things, the identification of educational problems, as specified, the development of an intersegmental approach to statewide planning for technology, the provision of an environment where instructional technology uses can be conceived, developed, implemented, and evaluated at the school level The Farr-Morgan-Quackenbush Educational Technology Act of 1989 would provide local assistance grants to local educational agencies that serve kindergarten and grades 1 to 12, inclusive, for educational technology applications through school-based adoption grants, adaptation grants, innovative research and development grants, and grants supporting educational technology research and demonstration schools The various grant programs would include a local match requirement and would require an annual evaluation be submitted to the State Board of Education, as specified This bill would require the State Board of Education, with the advice of the Superintendent of Public Instruction and the Educational Technology Committee to determine the grant criteria This bill would specify that the State Board of Education is to have final authority in the award of grant funds

The Farr-Morgan-Quackenbush Educational Technology Act of 1989 would also support the regional assistance programs of instructional television agencies and the California Technology Project

This bill would establish the 19-member California Planning Commission for Educational Technology for the purposes of developing prior to January 1, 1992, a state master plan for educational technology including specified priorities, recommendations, and

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assessments

This bill would establish a 17-member Educational Technology Committee for the purposes of recommending priorities for public school educational technology funding, providing specified advice to the State Board of Education and the Superintendent of Public Instruction, submitting an annual budget request, and making specified recommendations to the State Board of Education and the Superintendent of Public Instruction This bill would also authorize the Educational Technology Committee to make recommendations to the Superintendent of Public Instruction regarding the need of the superintendent to contract for additional staff services, under specified conditions

This bill would set forth the duties of the Superintendent of Public Instruction with respect to the Farr-Morgan-Quackenbush Educational Technology Act of 1989

This bill would authorize in the State Treasury a Special Deposit Fund Account to consist of moneys collected from the sale of educational computer software to local educational agencies, and these moneys would be continuously appropriated, for the support of the State Department of Education with respect to the purchase and reproduction of new educational technology materials

This bill would declare the intent of the Legislature that the Farr-Morgan-Quackenbush Educational Technology Act of 1989 be funded through the annual Budget Act

This bill would remain in effect until December 31, 1992, unless the Legislature takes specified action

This bill would reappropriate $15,000 from a specified item of the 1989 Budget Act to the California Postsecondary Education Commission for deposit in the California Planning Commission for Educational Technology Account for the support of the commission, as specified.

Ch. 1335 (AB 1067) Hauser County justice facility financing

(1) Existing law establishes the San Joaquin County Regional Justice Facility Financing Agency, as specified, which has various specified powers with respect to justice facility financing for adult detention facilities, sheriff facilities, and functionally related court 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 ¼%, 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 may 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 Joaquin 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 Joaquin County, as specified

This bill would enact similar provisions that would allow Humboldt, Los Angeles, Riverside, San Bernardino, and Ventura Counties to establish a justice facility financing agency

(2) This bill would also create the Orange County Regional Justice Facility Commission and enact similar provisions for justice facility construction financing with respect to Orange County.

The bill would impose a state-mandated local program by requiring Orange County to conduct elections on tax or bond measures submitted by the commission

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

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

Ch 1336 (AB 1146) N Waters Carriers: charter-party carriers of passengers

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

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jurisdiction and control of the Public Utilities Commission and is required to be furnished pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would create an additional class of certificate for persons who provide charter-party carrier services incidental to commercial river rafting or skiing, and would authorize the commission to set the filing fee for that certificate. The bill would also require the holders of that class of certificate to procure and continue in effect adequate liability protection, as specified. These provisions would remain in effect until January 1, 1994, and on that date would be repealed, unless a later enacted statute deletes or extends that date

The bill would also require the commission to report to the Legislature and the Governor, by September 30, 1996, on the use of the additional class of certificate

Ch. 1337 (SB 286) Campbell Vehicles weight: exceptions· emergency vehicles

(1) Existing law establishes registration fees for commercial vehicles based upon unladen weight.

This bill would, so long as any increase in weight fees enacted by AB 471 is in effect, prohibit local agencies from restricting the hours of operation on any street or highway otherwise open to truck use, which is under a congestion management plan, unless the restriction is consistent with the plan and coordinated, as specified. The bill would except from this prohibition the County of Los Angeles if the City of Los Angeles establishes restrictions on the hours of operation of any truck route The bill would provide for related matters and declare the necessity for a special act for Los Angeles County.

The bill also would provide that if SCA 1 is approved by the voters, no local agency may impose a tax, permit fee, or other charge for the privilege of using its streets or highways, other than a permit fee for extra legal loads, after December 31, 1990, unless the local agency had imposed the fee prior to June 1, 1989.

(2) Under existing law, authorized emergency vehicles owned or operated by a governmental entity are exempt from Vehicle Code restrictions relating to size, weight, and load when being used in responding to, returning from, or being moved in anticipation of, emergency fire calls. Existing law also exempts governmental fire service vehicles from front axle weight limits

Under existing law, damage to highways and highway structures caused by the operation of oversize or overweight authorized emergency vehicles is the responsibility of the governmental agency operating the vehicle.

This bill would expand the existing exemption from size, weight, and load requirements for vehicles being used for emergency fire calls, to include vehicles operated for additional specified purposes relating to fire service The bill would also limit the exemption to vehicles purchased before January 1, 1991 By imposing liability on governmental agencies for damage caused to highways and highway structures by operation of overweight vehicles in additional cases, the bill would impose a state-mandated local program

The bill would require fire service vehicles, as specified, which are purchased on or after January 1, 1991, to meet applicable permit requirements adopted by the Department of Transportation pursuant to existing provisions of law, and would require the manufacturer to meet specified equipment rating requirements, thereby imposing a state-mandated local program, since a violation of those requirements would be a crime.

(3) The bill would provide that nothing in the act shall be construed to allow local governments to impose fees not otherwise authorized by statute.

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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

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Moreover, for other costs, the 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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch 1338 (SB 1093) Presley. Corrections

(1) Existing law contains a variety of programs to assist in the construction or purchase of housing.

This bill would make findings and declarations concerning the need for housing for prison employees in communities where prisons have been built.

The bill would require the Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS) to join with the Department of Housing and Community Development, the Office of the State Treasurer, the Department of Corrections, and the California Housing Finance Agency to determine what can be done to help produce affordable housing in communities with prisons

The bill would require the state agencies referred to in the bill to jointly submit a report, by January 15, 1990, to the Governor, the Senate Committee on Rules, the Speaker of the Assembly, and the Joint Legislative Committee on Prison Construction and Operations, on implementation of the bill

(2) The bill would make legislative findings and declarations that the decision to postpone the opening of the Pelican Bay State Prison imposed a significant cost burden, as specified, on the County of Del Norte, while creating savings for the state.

The bill would appropriate $1,190,000 to the Controller for allocation as a loan to the County of Del Norte for the purpose of mitigating the impact of the late opening of Pelican Bay State Prison The loan would be repaid as specified.

(3) The bill would declare that its provisions would take effect immediately as an urgency statute.

Ch 1339 (SB 1221) Hart Beverage containers

(1) The California Beverage Container Recycling and Litter Reduction Act requires every beverage container sold or offered for sale in this state to have a minimum redemption value of at least 1¢, and provides, under specified circumstances, for an increase in the redemption value to 2¢ after December 31, 1989, and 3¢ after December 31, 1992. A distributor of beverage containers is required to pay to the Department of Conservation the redemption value for each beverage container sold or transferred and the department is required to deposit these amounts in the California Beverage Container Recycling Fund in the State Treasury. The money in the fund is continuously appropriated to the department for the payment of redemption values and for deposit in the Redemption Bonus Account.

The funds in the Redemption Bonus Account are 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 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. Existing law requires that ¾ of this amount be expended in the form of grants to certified recycling centers and that the funds for litter activities be expended by contract with local conservation organizations Existing law specifies a procedure for determining the redemption bonus amount by requiring the department to divide the balance in the Redemption Bonus Account by the number of containers redeemed, as specified

Existing law requires recycling centers to pay redemption bonuses to consumers, except that the department may allow a recycling center to retain the redemption bonus under specified conditions. The department is required to pay a processor 2½% of the redemption value for administrative costs for every beverage container received by the processor and a processor is required to pay a recycling center, dropoff or collection

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program, curbside program, or nonprofit dropoff program 1% of the redemption value for administrative costs for every beverage container received by the processor. A distributor is authorized to retain 1% of the redemption value paid to the department for administrative costs The department is authorized to examine the records of any container manufacturer who supplies beverage containers to a beverage manufacturer for which the department makes a specified determination.

This bill would repeal those provisions of the act concerning redemption values and redemption bonuses, would instead require a distributor to pay a redemption payment to the department, for deposit in the fund, and would require recycling centers to pay consumers a refund value for each beverage container redeemed The bill would provide that the refund value of 1¢, plus any applicable redemption bonus, is effective until December 31, 1989

The bill would require the redemption payment to be increased to 2¢, on and after November 1, 1989, and would increase the refund value, on and after January 1, 1990, to 5¢ for every 2 containers redeemed or 2¢ for each single container redeemed.

The bill would authorize the redemption payment to be increased to 2½¢ on and after October 1, 1992, if the department makes a specified determination

The bill would provide for increases in the redemption payment to 3¢ and in the refund value to 5¢, on and after January 1, 1993, if the redemption rate for the container is less than 65%. as specified, thereby making an appropriation and thereby imposing a tax for purposes of Article XIII A of the California Constitution

The bill would also specify that on and after November 1, 1989, a beverage container with a capacity of 24 fluid ounces is 2 beverage containers for the purposes of redemption payments and refund values.

The bill would require the department, from the effective date of the bill until January 1, 1993, to determine whether there are inadequate funds in the California Beverage Container Recycling Fund and the Redemption Surplus Account to pay the refund values and disbursements required by the act, and, if it makes that determination, to notify the Chairs of the Natural Resources Committee of the Senate, the Natural Resources Committee of the Assembly, the Ways and Means Committee of the Assembly, and the Budget and Fiscal Review Committee of the Senate The bill would authorize the department to eliminate expenditures from the account on or before 180 days after providing this notice and would authorize the department to increase the redemption payment paid by distributors an additional ½¢ and to reduce the refund value if the Legislature fails to act within 180 days after receiving this notice

The bill would require the department to impose a civil penalty of up to $10,000, upon, or, revoke the certification of any certified processor or recycling center which submits a claim for a refund value established or revised by the bill on a beverage container purchased or received prior to the effective date of the bill and would require every certified process and recycling center to submit an affidavit to the department within 15 days of the effective date of the bill containing specified information

The bill would create, within the department, a recycling financial analysis and policy development unit to develop, analyze, consolidate, and evaluate economic and policy proposals to carry out the act.

The bill would authorize the department to examine only the records of a container manufacturer concerning beverage container sales.

The bill would repeal those provisions authorizing retention of the redemption bonus by recycling centers and would require the department to terminate these authorizations. The bill would decrease the amount the department is required to pay a processor to 1¾% of the refund value for administrative costs, would decrease the amount a processor is required to pay to ½ of 1% of the refund value and would decrease the amount a distributor may retain to ½ of 1% of the redemption payment.

The bill would repeal the provisions concerning the Redemption Bonus Account and would instead establish the Redemption Account as a subaccount in the fund The bill would continuously appropriate the money in the account to the department, would require the department to annually expend from the account $8,000,000 for urban, rural, and recreational litter abatement and recycling activities and for grants with statewide

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private nonprofit entities, adjusted annually after January 1, 1991, to reflect changes in the cost of living, and would authorize the department to expend up to $13,000,000 annually, until January 1, 1993, for making convenience incentive payments and up to $2,000,000 for advertising and promotion contracts with recycling centers, thereby making an appropriation The bill would subject to specified contract review provisions contracts for advertising and promotion with recycling centers

The bill would incorporate amendments to Sections 14538, 14541, 14571, 14571.7, 14575, 14581, and 14585 of the Public Resources Code, which would become operative only if AB 1001 is enacted and this bill is enacted last

The bill would make conforming changes

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

The bill would impose a state-mandated local program by creating a new crime, since the failure to pay redemption payments would be a crime pursuant to other provisions of law.

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

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

Ch 1340 (SB 1590) Petris. Community colleges

(1) Existing law, for the purposes of complying with competitive bidding requirements applicable to certain contracts executed by a community college district, requires the publication of notice calling for bids, as specified.

Existing law authorizes the governing board of a school district to purchase certain instructional materials without taking estimates or advertising for competitive bidding

This bill would include instructional computer software packages among the instructional materials that may be purchased by a community college district without competitive bidding.

(2) Existing law authorizes the governing board of any community college district to establish a bookstore on district property for the purpose of offering for sale textbooks, supplementary textbooks, school supplies, stationery supplies, confectionery items, and related auxiliary school supplies and services.

This bill would repeal that provision. The bill would authorize until the occurrence of specified events, the governing board of any community college district to establish a bookstore on district property and to contract for the operation of a bookstore or bookstores by competitive bid, with preference being given to student organizations, in the event that the governing board determines not to operate its own bookstore or bookstores, as specified

(3) Existing law authorizes the governing board of a community district that provides classes for inmates of any city, county, or city and county jail, road camp, or farm for adults to include the units of average daily attendance generated in those classes in the computation for the district's state apportionments, as specified

This bill would authorize community college districts to receive state apportionments for classes provided to inmates in federal correctional facilities.

(4) Under existing law, the Board of Governors of the California Community Colleges is required to adopt regulations to establish prescribed minimum qualifications for the hiring of community college faculty members, as specified. Existing law provides 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 during that period the person is not required to meet the minimum qualifications until June 30, 1990

This bill would repeal the latter provision This bill, notwithstanding specified provisions of existing law, would require that these persons retain the right to serve under the terms of their credential and would specify that they shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. The bill would require the Board of Governors of the California Community Colleges to adopt regulations as necessary to implement this requirement.

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This bill would require the board of governors to require that fees be levied for the issuance and renewal of teaching credentials, and the fingerprint investigation check conducted by the Department of Justice, pending the adoption of regulations by the board of governors establishing the minimum qualifications for the hiring of community college faculty members This bill would require these fees to be set in a manner so that revenues produced are sufficient to meet the requirements of both agencies for these activities, but would prohibit the fee levied from exceeding $40 This bill would repeal this requirement on July 1, 1990, unless a later enacted statute chaptered prior to that date deletes or extends the date

This bill would authorize the governing board of a community college district to issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in child development programs whose permit applications are being processed. This provision would remain in effect until July 1, 1991, or until the Chancellor's office of the California Community Colleges has concluded the processing of credentials

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

Ch 1341 (AB 504) Areias 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.

This bill would provide that, on and after January 1, 1990, the state shall reimburse specified counties for the salary and per diem for any substitute judge assigned to replace a disqualified judge, as specified, beginning with the salary and per diem for the 7th month following the suspension.

This bill would also appropriate $90,000 to the Controller for disbursement to San Benito County for reimbursement of the cost of substitute judges who presided over justice 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 1342 (AB 1001) Sher Beverage containers

(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 existing law 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 The department is required to certify recycling centers and processors, pursuant to a specified procedure A distributor of beverage containers is required to pay to the Department of Conservation the redemption value for each beverage container sold or transferred and the department is required to deposit these amounts in the California Beverage Container Recycling Fund in the State Treasury. The money in the fund is continuously appropriated to the department for the payment of redemption values and for other specified purposes. 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 authorized to expend up to 25% of the amount deposited in the account during the previous 3 months to make convenience incentive payments to recycling locations until June 30, 1990, and up to 20% to make these payments until January 1, 1993.

The bill would revise the definition of the term supermarket to require the department to use annual updates of a specified guidebook in determining which dealers are supermarkets.

The bill would prohibit certified recycling centers and processors from paying refund values to noncertified recycling centers or from paying refund values for, or making claims for, beverage containers which came from out of the state The bill would revise the provisions concerning violations of the act by certificate holders and would allow the

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department to issue a probationary certificate

The bill would require all reports, claims, and information submitted to the department to be signed by specified persons The bill would authorize the department to inspect the operations, processes, and records of any entity required to submit a report to the department.

The bill would require the department to annually expend from the Redemption Account $8,000,000 for urban, rural, and recreational litter abatement and recycling activities and grants with statewide private nonprofit entities, would provide for an annual adjustment of this amount, and would authorize the department to expend up to $2,000,000 for advertising and promotion contracts with recycling centers, thereby making an appropriation

The bill would authorize the department to annually expend up to $13,000,000 of the amount deposited in the Redemption Account for convenience incentive payments and to make these payments until January 1, 1993 The bill would require these payments to be made in a specified order of priority on and after October 1, 1990, and would require the department to review these payments annually or more frequently, and to reduce or increase the payments if the department makes a specified determination, thereby making an appropriation by changing the conditions under which continuously appropriated funds may be expended The bill would prohibit the department from making convenience incentive payments which exceed 7¢ for each container redeemed as an average monthly amount on and after October 1, 1990, or more than $1,145 to a recycling location per month, or on and after July 1, 1990, to locations where all empty beverage container types are not redeemed.

(2) Existing law requires that there be at least one certified recycling center or location in a convenience zone, as defined, for the redemption of the beverage containers, and specifies the criteria for when a recycling center is open for business A recycling center consisting of reverse vending machines or other automated equipment which is open for business is required to have the equipment properly functioning and accepting all types of empty beverage containers The department is required to update convenience zone designations, as necessary, and a dealer located in a convenience zone in which a recycling location has not been established or has ceased operating is required to offer to redeem all types of beverage containers or pay a specified amount until a recycling location is established The department is authorized to exempt up to 10% of the convenience zones from the recycling location requirements of the act

The department is required to calculate a processing fee for each beverage container with a specified scrap value, which the department is required to calculate by October 1, 1990, and whenever the scrap value changes by more than 15%, or more frequently, if necessary

The bill would revise the information required to be posted by a dealer

This bill would require a recycling center to be open for business during the required hours of operation and would require a recycling center, after April 1, 1990, which consists of reverse vending machines, to be open for business by having properly functioning equipment and accepting all types of empty beverage containers at one physical recycling location, as defined, within the recycling location

The bill would require the department to designate all convenience zones by February 1, 1990, and by January 1, annually thereafter. The bill would require dealers located in a convenience zone in which there is no recycling location or a recycling center has not been established 90 days after the department makes a specified notification, to submit an affidavit form to the department stating that specified standards concerning the redemption of beverage containers in the store of the dealer are met by each dealer or to pay the department the specified sum until a recycling location is established or these standards are met.

The bill would revise the amounts which the department is required to pay a processor, and a processor is required to pay a recycling center, for each beverage container received, and would specify procedures for these payments

The bill would require the department to develop a public hearing process for granting an exemption for a convenience zone from the requirements of the act and would

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increase the amount of convenience zones which the department may exempt to 15%, and after January 1, 1991, 20%.

The department would be required to calculate the scrap value and processing fee on or before October 1, annually, commencing October 1, 1991, or whenever the scrap valve changes by more than 15%.

(3) Existing law authorizes the Department of Conservation to assess a civil penalty of up to $100 per day for each violation of the act and provides for a criminal penalty of $100 per day for a violation of the act. Existing law authorizes a criminal penalty to be imposed upon persons submitting false claims or reports, or who redeem containers which have been redeemed, in amounts of not more than $1,000, if punished by imprisonment in the county jail, or up to $10,000, if punished by imprisonment in state prison. These penalties are deposited into the California Beverage Container Recycling Fund, which is continuously appropriated to the department for expenditure to carry out the act

This bill would increase the civil penalty for violation of the act to up to $200 for a 1st violation, $500 for a 2nd violation, and $1,000 for the 3rd and any subsequent violation and would specify that the penalty may be imposed for each separate violation per day.

The department would also be authorized to assess an amount equal to the department's administrative costs in assessing and collecting the penalty.

The bill would increase the criminal penalty for violation of the act to $1,000 per day and would increase the penalties for false claims or reports, or the redemption of beverage containers, to $10,000 and $25,000, respectively.

The bill would make an appropriation by increasing the amount of money deposited in the California Beverage Container Recycling Fund

The bill would require the department to review specific regulations, procedures, and reports made under the act

(4) The bill would incorporate changes to Section 14541 of the Public Resources Code proposed by SB 933, which would become operative only if both bills are enacted and this bill is enacted 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.

The bill would impose a state-mandated local program by creating a new crime, since the violation of the requirements imposed upon recycling centers, processors, distributors, and manufacturers by the bill 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. 1343 (AB 1373) Hauser. Vehicles: driver's licenses.

Existing law imposes a new licensing system requiring tests to be given applicants for commercial driver's licenses during an implementation period beginning January 1, 1989.

This bill would require the Department of Motor Vehicles, for one year, to issue 6-month temporary driver's licenses to applicants for driver's licenses in class A or class B who fail the examination on the first attempt and meet specified requirements.

The bill would, until July 1, 1990, exempt volunteer firefighters operating a vehicle of a fire department in response to an emergency call from the licensing provisions applicable to commercial vehicle drivers

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

Ch. 1344 (AB 1584) Hughes. Crime prevention: gang members.

(1) Under existing law, the Office of Criminal Justice Planning administers the Gang Violence Suppression Program, a program which provides financial and technical assistance for district attorneys' offices, local law enforcement agencies, county probation departments, school districts, county offices of education, and community-based organizations which are primarily engaged in the suppression of gang violence, as specified. Existing law also provides for the creation of a Gang Violence Suppression Advisory Committee with specified members appointed by the executive director of the office,

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unless otherwise designated.

This bill would add the following persons to the membership of the Gang Violence Suppression Advisory Committee: (a) one member from the Employment Development Department, and (b) one member from the State Department of Social Services. In addition, the bill would require the Gang Violence Suppression Advisory Committee to assist in the coordination and review of specified programs on a state level and would require the executive director to annually prepare a report, as specified, to the Legislature regarding these programs

This change made by the bill would be operative until January 1, 1994, on which date a provision identical to existing law would become operative

(2) Under existing law, which will be repealed January 1, 1991, the office is required to provide special training for prosecutors in the areas of gang violence, vertical prosecution, gang identification, and witness intimidation

This bill would extend these provisions until July 1, 1993.

Ch 1345 (SB 156) L. Greene Teacher assistants licensure [19]

Existing law authorizes the use of instructional aides and teacher aides, as specified, to assist in classroom instruction in the public schools

This bill would authorize the Chancellor of the California Community Colleges to allocate planning grants of not less than $25,000 each, for the 1990–91 school year, to 2 selected community college districts to plan the establishment of a teacher assistant program The program would include a 2-year course of study and an Associate of Arts, Teacher Assistant degree in specific academic subjects taught in elementary school This bill would appropriate $50,000 to the chancellor for this purpose

This bill would direct the Commission on Teacher Credentialing to adopt policies, procedures, and regulations for the administration of an examination for teacher assistant applicants This bill would appropriate $70,000 to the commission for that purpose.

The bill would direct the Department of Finance and the Legislative Analyst to jointly determine the amount of the examination fee that would be sufficient to generate the revenues necessary to maintain and administer that examination, and report to the Legislature the amount so determined

This bill would require the Commission on Teacher Credentialing to levy a fee for the issuance or renewal of teacher assistant licenses, as specified.

This bill would require the superintendent by June 30, 1994, to complete an evaluation, as specified, of the use of teacher assistants in elementary schools and to report the results of that evaluation, together with recommendations for program improvements, if any, to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Commission on Teacher Credentialing

This bill would direct the California Postsecondary Education Commission, no later than June 30, 1994, to complete an evaluation of the teacher assistant program operated by the 2 selected community college districts, containing specified data collected by those districts, and to report accordingly to the Governor, the Legislature, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the Superintendent of Public Instruction

Ch 1346 (SB 480) L Greene Emergency housing [20]

(1) Existing law authorizes the Department of Housing and Community Development to make grants from the continuously appropriated Emergency Housing and Assistance Fund to local governments and nonprofit organizations to provide emergency or temporary housing for the homeless, as specified Existing law requires the department to ensure that no more than 50% of the moneys in the fund are expended during any fiscal year for grants to cover operating expenses.

This bill would specify that the term "emergency shelter" for purposes of the program includes shelters that provide temporary housing for up to 180 days to homeless families or individuals who are concurrently participating in a program to obtain permanent shelter and income, including those family members or individuals who are employed. The bill also would require the department to ensure that no less than 20% of the money

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in the Emergency Housing and Assistance Fund be allocated to nonurban counties, as defined

(2) Existing law establishes the Rental Housing Construction Program, funded through the Rental Housing Construction Fund, and pursuant to Proposition 84 as approved by the voters on November 8, 1988, $300,000,000 is transferred to that fund, subject to certain special requirements

This bill would revise those requirements to do the following:

(a) Revise the priorities under the program to give priority to projects that maximize program benefits to eligible households, rather than serve the greater number of those households, to give priority to projects that maximize program benefits to eligible households needing assisted units with 3 or more bedrooms, rather than those that provide the greater number of units with 3 or more bedrooms, and to give priority to projects that maximize the number of units which can be assisted, relative to market conditions for the development of rental housing

(b) Specify an interest rate for loans.

(c) Revise the definitions of development costs and rental housing development, and delete the definition of "maintain affordable rents."

(d) Require the department to specify minimum equity requirements and specific minimum development criteria, as specified, and authorize the department to specify per-unit loan limits and circumstances, and exceptions to, or variances from, those limits and circumstances

(e) Prescribe limits, as specified, for initial rents in sponsored projects

(f) Revise existing provisions concerning regulatory or development agreements for projects under the program

(g) Set forth options available to for-profit sponsors with respect to distribution of earnings

(h) Authorize the department to utilize specified funds for the purpose of curing or avoiding a sponsor's default

(i) Authorize a sponsor, with the approval of the department, to set tenant income limits for sponsored projects

(3) This bill would amend Item 2240-001-001 of Section 2.00 of the Budget Act of 1989, Chapter 93 of the Statutes of 1989, to delete provision 2 concerning positions established for implementing the Earthquake Safety and Housing Rehabilitation Bond Act. This bill would increase the amount appropriated in that item for adminstrative costs of the Department of Housing and Community Development form $7,973,000 to $7,974,000, and would add a provision regarding the availability of specified funds for the Public Affairs Officer position within the department

(4) Under existing law, the Department of Housing and Community Development, through its Office of Migrant Services, is required to assist in the development of at least 100 family units in migrant farm labor centers. The department is required to use any excess funds appropriated for the purposes of the office by any budget act, to maximize the utility of any other local, federal, state, or private funds or other assistance made available for these purposes.

This bill would instead require the department to use any excess funds appropriated for the purposes of the office by any act, to maximize the utility of any other local, federal, state, or private funds or other assistance made available for these purposes. This bill would authorize the use of money already appropriated for other purposes for new purposes and would therefor constitute an appropriation

(5) This bill would incorporate additional changes in Section 50805 of the Health and Safety Code, proposed by SB 995 to be operative only if SB 995 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(6) This bill would declare that its provisions are to take effect immediately as an urgency statute.

Ch. 1347 (SB 726) L. Greene Taxation low-income housing credit [21]

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 credit conforms largely to the low-income housing credit provided under the Internal Revenue

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Code of 1986, as amended, including the amendments contained in the Technical Corrections and Miscellaneous Revenue Act of 1988. Existing law provides that the aggregate amount of tax credits which can be granted under both laws shall not exceed $35,000,000 per year in the 1987 and 1988 calendar years, but the aggregate amount of credits granted in 1989 may exceed $35,000,000 by an amount equal to the unallocated credit from 1987 and 1988, and the credit period, as specified, for amounts attributable to unallocated credit from 1987 or 1988 shall not begin until after December 31, 1989 Existing law provides a credit with respect to the increase in qualified basis, if any, for a 4-year period beginning with the taxable year in which the increase occurs. Existing law also provides that the credits are repealed as of December 1, 1990.

This bill would provide that the aggregate amount of tax credits granted under both laws shall not exceed $35,000,000 in any year, rather than only in the 1987 and 1988 calendar years This bill would provide under the Personal Income Tax Law that the credits shall remain in effect on or after December 1, 1990, for as long as similar provisions under the federal income tax laws are in effect It would require the Legislative Analyst to make a report regarding the effectiveness of the credits It would also make technical, clarifying, and supplemental changes to the credit provisions under the Personal Income Tax Law

This bill would appropriate $25,000 from the General Fund to the Joint Legislative Budget Committee for purposes of conducting the evaluation and report required by the bill

This bill would become operative only if SB 1290 of the 1989–90 Regular Session is chaptered

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

Ch 1348 (AB 48) Hughes Education mathematics, engineering, and science achievement program

Existing law provides for the establishment of the Mathematics, Engineering, and Science Achievement (MESA) program, a program designed to increase the number of students graduating from colleges and universities with the skills necessary to obtain employment in engineering, mathematics, and science-related professions.

Existing law specifies the MESA program goals, including, among others, that of increasing the number of low-income and ethnic minority secondary school students who are adequately prepared in mathematics and science to pursue a mathematics-based course of study in college

This bill would also make this program goal applicable to low-income and ethnic minority students in community colleges This bill would specify that an additional MESA program goal shall be to increase the number of college and university graduates from ethnic minority backgrounds who complete doctoral degree programs in engineering, computer science, and other mathematics-based fields, and enter the college and university teaching profession

This bill would state the legislative intent that funding for the MESA program, including any expansion of the program to include a community college component, shall be funded through the Budget Act process

Existing law provides that the current statutes relating to the MESA program shall become inoperative on June 30, 1990, and that they shall be repealed as of January 1, 1991

This bill would extend these dates by providing that these provisions shall become inoperative on June 30, 1995, and shall be repealed as of January 1, 1996

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

Ch. 1349 (AB 53) Tanner Hazardous and radioactive waste· fees, taxes, and surcharges.

(1) Existing law establishes provisions for the implementation of Article XIII B of the California Constitution with respect to expenditure limitations by state and local jurisdictions For purposes of these provisions, the term "proceeds of taxes" is defined as excluding proceeds to a local jurisdiction or the state from regulatory licenses, user

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charges, or user fees, except to the extent that those proceeds exceed the costs reasonably borne by that entity in providing the regulation, product, or service.

Existing law authorizes a general law city or county to impose a license tax, for revenue purposes, on the operation of a class I offsite hazardous waste disposal facility which has been in operation since May 1, 1981. A city or county is also authorized to impose a tax, for general revenue purposes, or a user fee, on the operation of an offsite, multiuser hazardous waste facility which is not subject to the license tax Under existing law, the Southwestern Low-Level Radioactive Waste Disposal Compact authorizes the imposition of a surcharge, to be collected by the regional low-level radioactive waste disposal facility, which is required to be set to cover specified costs, including reimbursing the local government entity hosting the regional disposal facility for specified costs or increased burdens

This bill would specify that for purposes of these provisions the term "proceeds of taxes" also does not include the proceeds received by a local jurisdiction from the license tax, tax, or fee imposed on the operation of a hazardous waste facility or the proceeds received by a local jurisdiction from the surcharge collected by the regional disposal facility, to the extent that the proceeds of the license tax, tax, fee, or surcharge are expended for the costs or increased burdens on local jurisdictions which are associated with the hazardous waste facility or regional low-level radioactive waste disposal facility, as specified.

(2) This bill would incorporate additional changes to Section 7901 of the Government Code proposed by SB 88, to be operative only if SB 88 and this bill are both chaptered and this bill is chaptered last

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

Ch. 1350 (AB 588) Filante Northern California Youth Center visitor center

Chapter 1269 of the Statutes of 1987, which was repealed by its terms on January 1, 1989, provided for the operation of an onsite visitor center and related facilities and services at the Northern California Youth Center.

This bill would reenact, in substantial part, the provisions pertaining to the onsite visitor center The bill would also provide that the establishment of the onsite visitor center is subject to the availability of funds provided to the Department of the Youth Authority for purposes of the act through the annual Budget Act. The act would be operative until January 1, 1992

Ch 1351 (AB 617) Frazee Farmworker housing in San Diego County.

Under existing law, the Department of Housing and Community Development is authorized to enter into contracts with public and nonprofit agencies for procurement or construction of housing and specified services for farmworkers Existing law also authorizes the department, through its Office of Migrant Services, to conduct a special program to assist the development of family housing units for farmworkers in Imperial, San Diego, Riverside, and Madera Counties.

This bill would establish the San Diego Farmworker Housing Account, under which the department, through its Office of Migrant Services, would assist in the development and operation of up to 500 family housing units, as specified, for year-round use by farm labor employees and their families in San Diego County. The bill would also establish the Director's San Diego County Farmworker Housing Discretionary Account to make loans or grants for innovative farmworker housing projects for migrant farmworkers in San Diego County

The bill would require a prescribed contribution from the project sponsor, unless the sponsor demonstrates to the department an inability to make the contribution, with respect to migrant farm labor centers assisted under the bill. The bill would require the department to accept proposals from project sponsors commencing November 15, 1989, and to award grants under specified conditions to those sponsors, commencing January 1, 1990

The bill would reappropriate $500,000 from Item 2240-101-001 of the Budget Act of 1989 to the department, to carry out its purposes

The bill would declare that its provisions are to take effect immediately as an urgency

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statute

Ch 1352 (AB 802) Klehs. Income taxes. bank and corporation taxes.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code as enacted as of a specified date are referenced in various sections of the Revenue and Taxation Code. Existing law provides that for taxable years beginning on or after January 1, 1987, the specified date of those referenced Internal Revenue Code sections is January 1, 1987

Existing law provides that for any introduced bill which proposes changes in any of those dates, the Franchise Tax Board shall prepare a complete analysis of the bill which describes all changes to state law which will automatically occur by reference to federal law as of the changed date. It further requires the Franchise Tax Board to immediately update and supplement that analysis upon any amendment to the bill, and requires that analysis to be made available to the public and to be submitted to the Legislature for publication in the daily journal of each house of the Legislature. It also requires the Franchise Tax Board to submit a report to the Legislature before January 10th of each year on all changes to the Internal Revenue Code enacted into law in the prior year

This bill would change the specified date of those referenced Internal Revenue Code sections to January 1, 1989, for taxable years beginning on or after January 1, 1989, and thereby would make numerous substantive changes to both the Personal Income Tax Law and Bank and Corporation Tax Law with respect to those areas of preexisting conformity which are subject to changes under federal laws enacted after January 1, 1987, and which have not been, or are not being excepted or modified, such as, among other things, various limitations on deductions It would provide that in the event that changes to the Internal Revenue Code are enacted after September 15 of any year the Franchise Tax Board shall submit its report within 120 days after signature by the President.

This bill would make certain new changes in federal income tax laws applicable, with specified exceptions and modifications, for purposes of the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, including, among other things, substantive, clarifying, supplemental, or nonsubstantive technical changes relating to partnerships, insurance contracts, income included on parents' return, payments for services during labor disputes, alternative minimum tax, treatment of certain foreign currency transactions, effective date for treatment of certain instruments under foreign currency rules, employee benefit plans, annuities and certain proceeds of life insurance contracts, illegal federal irrigation subsidies, certain fringe benefits, air cargo, sale of residence, qualified scholarships, cafeteria plans, amounts awarded to Christa McAuliffe Fellows, certain creditor rights permitted, personal interest expense, qualified mortgage interest, charitable contributions, depreciation, treatment of single purpose agricultural or horticultural structures, treatment of property used in farming business, treatment of certain trees, capitalization and inclusion in inventory costs of certain expenses, treatment of animals produced in farming businesses, targeted jobs credit, entertainment expenses, treatment of federal judges, jury duty pay remitted to employer, change in method of accounting, business use automobiles by rural mail carriers, retirement plans, accounting periods, basis rules and treatment of distributions, taxable year of inclusion, maximum rate used in calculating the deferred tax liability, certain repledges permitted, deferred compensation plans of state and local governments and tax-exempt organizations, common trust funds, treatment of loans with below market interest rates, withholding tax on amounts paid by partnerships to foreign partners, political activities of exempt organizations, unrelated business taxable income, treatment of exempt organization's income from a publicly traded partnership, treatment of certain partnership allocations, reporting by exempt organizations, loans to acquire employer securities, amount of bond premium, amortization of cost of acquiring a lease, distributions by cooperative housing corporations, credit for increasing research activities, corporate distributions, regulated investment companies, real estate investment trusts, redemption through the use of related corporations, distributions of property in liquidation, distributions of a controlled corporation, reorganizations, and limitations on net operating loss carryforwards and built-in losses.

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This bill would amend the Personal Income Tax Law and the Bank and Corporation Tax Law to provide that tax credits relating to research and clinical testing expenses shall be allowed to reduce the taxes imposed under both laws below the tentative minimum tax.

This bill would provide under the Personal Income Tax Law or the Bank and Corporation Tax Law, or both, a deduction relating to seismic rehabilitation improvements. It would amend provisions in either or both laws relating to job tax credits and child care credits It would provide changes under the Bank and Corporation Tax Law relating to original issue discount, special rules for nuclear decommissioning costs, and estimated taxes.

This bill would also make various technical and clarifying supplemental changes to the Personal Income Tax Law and the Bank and Corporation Tax Law.

This bill would incorporate additional changes to Sections 17039 and 23036 of the Revenue and Taxation Code proposed by SB 227 if both bills are chaptered and this bill is chaptered last

This bill would incorporate additional changes to Sections 17052 18 and 23617 5 of the Revenue and Taxation Code proposed by AB 446 if both bills are chaptered and this bill is chaptered last

This bill would incorporate additional changes to Sections 17053.7 and 23621 of the Revenue and Taxation Code proposed by SB 71 if both bills are chaptered and this bill is chaptered last

This bill would incorporate additional changes to Section 17072 of the Revenue and Taxation Code proposed by SB 1285 if both bills are chaptered and this bill is chaptered last

This bill would incorporate additional changes to Section 23612 of the Revenue and Taxation Code proposed by AB 867 if both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy

Ch 1353 (AB 935) Hansen Veterans' Home of California: designation

Under existing law, the Veterans' Home of California is situated at Yountville in Napa County Existing law also authorizes the construction of a second veterans' home, to be situated in one of specified counties in southern California.

This bill would designate the existing home the Veterans' Home of California, Yountville

The bill would amend and supplement the Budget Act of 1989 by appropriating $185,000, as scheduled, for construction management at the 1st home, as specified

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

Ch 1354 (AB 1201) Tanner Hazardous waste facility siting.

(1) Existing law establishes procedures for the approval and review of applications for a land use decision by a local agency concerning the siting and construction of a new hazardous waste facility or for significantly expanding or modifying an existing hazardous waste facility A project proponent is required to file a notice of intent with a local agency prior to filing an application for a land use decision with a local agency and a local agency is required to appoint an assessment committee within 90 days after receiving notice of the filing of an application for a land use decision The project proponent is required to pay a fee for the cost of independent consultants to review the project.

The Governor or the Governor's designee is empowered to authorize an appeal of a local agency land use decision pursuant to a specified procedure, and, if the appeal is authorized, the Governor or the Governor's designee is required to convene an appeal board to hear the appeal

This bill would limit the time when a notice of intent is in effect to one year from the date it is filed or until it is withdrawn, whichever is earlier and would require the notice of intent to specify the location to which the notice of intent applies

The bill would revise the duties of the assessment committee The bill would change the time when a local agency is required to appoint an assessment committee to any time after a notice of intent is filed, but not later than 30 days after an application for a land

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use decision is accepted as complete, thereby imposing a state-mandated local program, and would require a local agency to charge the project proponent a fee to cover the costs of establishing and convening this committee.

The bill would authorize the assessment committee to request the local agency to provide a local assistance grant to the committee to enable the committee to hire a consultant with specified duties and would require the local agency to require the project proponent to pay a fee equal to the cost of the grant. The bill would repeal a requirement that the proponent pay ½ of the costs of mediation and that the remaining costs be paid from the General Fund

The bill would delete the provisions concerning the authorization of an appeal and would instead require the Governor or the Governor's designee to convene an appeal board to hear an appeal if specified conditions have been met concerning the obtaining of permits or the filing of an appeal before an environmental impact report has been certified. The bill would also make related changes.

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

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

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

Ch 1355 (AB 1374) Hauser Rail transportation. continuation· funding

(1) Under the Mills-Alquist-Deddeh Act, funds in the Transportation Planning and Development Account in the State Transportation Fund are required to be appropriated to the Department of Transportation for allocation, as directed by the California Transportation Commission, to the department and to other public entities for transit capital improvement projects, as specified

This bill would include short-line railroad rehabilitation projects, as defined, among the projects to be so funded. The bill would impose specified conditions for funding those projects. The bill would permit the department and other public entities to submit applications to the department, pursuant to criteria and procedures established by the commission, for allocations for transit capital improvements for short-line railroads, and would require the department to evaluate the applications in accordance with those criteria and procedures and submit the applications and its recommendations to the commission by February 1 of each year

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

Ch. 1356 (AB 1464) La Follette Juveniles youthful offenders.

Existing law establishes within the Office of Criminal Justice Planning a program of financial assistance for law enforcement, district attorneys, probation departments, juvenile courts, and schools, designated the Serious Habitual Offender Program Accordingly, the Executive Director of the Office of Criminal Justice Planning may allocate and award funds to counties in which programs are established in substantial compliance with policies and criteria set forth

This bill, instead, would provide that the allocation and award of funds be made to agencies, as specified.

Existing law provides that within one month of implementation of the program, all participating agencies in a county shall execute a written interagency agreement outlining their role in the program, as specified

This bill would extend that period to 3 months.

Ch. 1357 (AB 1859) Farr. Crime computer crime

Under existing law, it is a crime to, without permission, alter, damage, destroy, or use any data, computer, computer system, or computer network, or to disrupt services, or to perform related acts.

This bill would provide that it is a crime to introduce a computer contaminant into any computer, computer system, or computer network, thereby imposing a state-mandated local program

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This bill would provide that in determining the terms and conditions applicable to a person convicted of a violation of any of the above mentioned provisions, the court shall consider prohibitions on access to and use of computers, and shall consider alternate sentencing, including community service, if the defendant shows remorse and recognition of the wrongdoing, and an inclination not to repeat the offense.

This bill would provide for the forfeiture of the defendant's interest in computers involved in certain of the above offenses or involved in certain telephone related offenses Since the bill would impose new duties upon law enforcement agencies in connection with property subject to forfeiture, it would impose a state-mandated local program.

The bill would provide for felony violations of the above provisions, and for certain telephone-related offenses, that probation may be granted, but the term shall not be less than 3 years, and certain computer-related employment restrictions would apply. However, probation would be prohibited if property taken or destroyed had a value of $100,000 or more.

The bill would prohibit a prisoner convicted of those crimes from using computers of the Department of Corrections.

Under existing law, if a person takes, damages, or destroys any property in the commission or attempted commission of a felony, with the intent to cause that taking, damage or destruction, and the loss exceeds specified amounts, additional terms are required to be imposed.

This bill would specify that the provision applies to taking or damaging property in connection with computer-related crimes

This bill would make additional amendments to Section 502 of the Penal Code, contingent upon the prior enactment of SB 304 or SB 1012 or both.

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

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

Moreover, 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1358 (AB 1870) Leslie Youth and adult offender education

Existing law authorizes the court in a criminal proceeding to impose various conditions upon the granting of probation to a defendant

This bill would authorize the superior court and municipal court in Sacramento County to each require that up to 200 criminal defendants between the ages of 18 and 25 years, inclusive, in each of the 1990, 1991, and 1992 calendar years, as specified, be required, as a condition of probation, to enroll in, and to maintain reasonable progress in, public or private literacy or other educational programs designated in the court, as specified This authority would remain in effect only until January 1, 1994. This bill would impose a state-mandated local program by requiring the chief probation officer of Sacramento County, in collaboration with designated educational representatives, to identify and propose appropriate programs for this purpose, to develop screening methods and procedures to assist in the selection by the courts of appropriate defendants for the project, to make specified findings regarding the project, and by requiring the county office of education to contract for an evaluation of the project, as performed pursuant to designated criteria and standards of success.

This bill would impose an additional state-mandated local program by requiring that any youth or adult offender in custody in Sacramento County be permitted, notwithstanding any other provision of law, to enroll in any appropriate educational program in that county in accordance with the objectives, standards, and conditions applicable under the program described above The bill would reappropriate $118,500 from certain local assistance funding appropriated to the State Department of Education under the Budget Act of 1989, to the Sacramento County Office of Education to fund the first year

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of the pilot project, as specified. The bill would authorize funds not expended during the 1st year of the pilot project to be carried over into the following year to continue funding the project

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

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

Ch 1359 (AB 1904) Assembly Committee on Judiciary Family law. support.

(1) Existing law provides for the assignment of an obligor's wages for the payment of court ordered child or spousal support.

This bill would recast these provisions, operative July 1, 1990, to combine the provisions relating to child, spousal support, and family support These combined provisions would include the following (1) providing that, on or after July 1, 1990, whenever the court orders either party to pay any amount of support or orders a modification of the amount of support to be paid, the court also shall order the obligor to assign to an obligee that portion of his or her earnings due or to be due in the future as will be sufficient to pay the amount ordered by the court and that the court shall include a wage assignment order in any order or judgment establishing or modifying support; (2) providing that service of the wage assignment may be stayed only if the court makes a finding of good cause as specified, (3) providing specified procedures for obtaining a wage assignment when the court in ordering support or modification of support did not also issue a wage assignment for support orders first issued or modified before July 1, 1990, (4) requiring that orders for wage assignments include a requirement that the obligor notify the obligee of any change of employment and of the new name and address of his or her employer within 10 days of obtaining new employment, (5) requiring the employer to notify the obligee, as specified, after the obligor has left employment with the employer; (6) revising the grounds upon which a motion to quash an assignment may be brought; (7) providing that an employer shall continue to withhold and forward support as ordered by the court until served with notice terminating the wage assignment order rather than until served with notice that the motion to quash has been granted, (8) changing the contempt provisions when an employer willfully fails to comply with an order, as specified, (9) providing that service of a wage assignment creates a lien on the earnings of the employee and the property of the employer, as specified, (10) specifying that when an assignment includes both current support and payments toward liquidations of arrearages, priority shall first be given to the current child support obligation, then to current spousal support, and then to the liquidation of arrearages, (11) providing that when payments are ordered to be made to a county officer designated by the court, the obligee, as specified, shall notify the designated county officer of any address change within a reasonable period of time; (12) revising the conditions for terminating an order of assignment if past due support has been paid in full, (13) specifying that an employer who provides employment and income information to the district attorney for establishing, modifying, or enforcing support obligations shall incur no liability for providing the information, (14) providing that in any case where support is ordered to be paid through a county officer designated by the court on behalf of a minor child or other party not receiving public assistance, the designated county officer shall forward the support to the designated payee within the time standards prescribed by federal law and the State Department of Social Services, and (15) requiring the clerk of the court, who has received employee contributions from a public entity, to return the moneys under specified circumstances to the public entity unless the public entity informs the court, in writing, that the moneys shall be released to the defaulting employee or his or her heirs This bill would also make related changes This bill would make existing specified

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provisions relating to wage assignments inoperative on July 1, 1990, and would repeal them as of January 1, 1991

(2) Existing law provides procedures in an action for modification of an order for child, family, or spousal support to permit either the party ordered to pay support or the party to whom support was ordered to be paid, to serve a request for the production of a completed current income and expense declaration.

This bill would provide that a copy of the prior year's federal and state personal income tax returns shall be attached to the income and expense declaration of each party the contents of which shall not be disclosed except to specified persons. The bill would also revise the sanction provisions pertaining to these income and expense declarations

(3) Under existing law, a court must require health insurance coverage for supported children to be maintained by either or both parents if it is available at no cost or at nominal cost to the parent or parents Additionally, upon the 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

This bill would extend these provisions to vision care and dental care insurance

(4) 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, until January 1, 1994, procedures whereby 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. Existing law also provides a procedure for enforcement where the district attorney is enforcing the support obligation and money is owed as a refund under the Personal Income Tax Law or the Bank and Corporation Tax Law, or as lottery winnings

This bill would change the name of the above-described notice to Notice of Support Arrearage, and would expand the enforcement provisions to include not only an obligation owing on behalf of a child, but also an obligation owing on behalf of a spouse or family. Because the bill would expand the duties of local agencies, including the clerk of the court, who is required to issue the notice, it would impose a state-mandated local program

(5) Existing law provides a married person a privilege not to testify against his or her spouse in any proceeding and a privilege not to disclose a confidential communication while the person and his or her spouse were married, with certain exceptions

This bill would add to the list of exceptions a proceeding brought against the spouse by a former spouse so long as the property and debts of the marriage have not been adjudicated, or in order to establish, modify, or enforce a child, family, or spousal support obligation, a proceeding brought against a spouse by the other parent in order to establish, modify, or enforce a child support obligation for a child of a nonmarital relationship of the spouse, or a proceeding brought against a spouse by the guardian of a child of that spouse in order to establish, modify, or enforce a child support obligation of the spouse

(6) Existing law, operative July 1, 1989, permits a state employee to authorize deductions from his or her salary or wages for payment for the support, maintenance, or care of his or her child, children, or family for whom he or she has a duty of support, and requires an assessment of service charges for the deduction These provisions will remain in effect only until January 1, 1994

This bill would provide that the employee may also authorize deductions for payment for the support, maintenance, or care of a former spouse and, in addition, would specify that the service charge may be assessed for the deductions, rather than requiring an assessment

(7) Under existing law, operative July 1, 1989, 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

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This bill would delete the December 31, 1990, date from these provisions The bill would also revise the priorities by incorporating the nonpayment of family support accounts with child support accounts and by including the nonpayment of spousal support accounts enforced by the district attorney and the nonpayment of spousal support accounts enforced by someone other than the district attorney before the benefit overpayment accounts administered by the Employment Development Department.

(8) 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.

This bill would require each county to maintain this single organization unit not only to enforce child support but also to establish and modify child support obligations and to enforce spousal support orders and would also specify that "enforcing obligations" includes the initiation by the district attorney of a motion or order to show cause to increase an existing child support order, the response to a motion or order to show cause brought by an obligor parent to decrease an existing child support order, and the response to a notice of motion or order to show cause brought by an obligor parent to decrease an existing spousal support order under specified circumstances. The bill would also authorize a district attorney to intervene in actions under the Family Law Act, the Uniform Parentage Act, and other proceedings where child support is an issue or reduction in spousal support is sought To the extent that the bill would impose increased duties on district attorneys, it would constitute a state-mandated local program.

(9) Existing law provides that if aid has been applied for or granted to a child whose parents are divorced or legally separated, or who are engaged in specified actions, the district attorney is authorized to apply to the superior court in those actions for a determination of specified issues

This bill would delete these provisions.

(10) This bill would incorporate additional changes in Section 4701 of the Civil Code, proposed by SB 1121, to be operative only if SB 1121 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(11) This bill would also incorporate additional changes in Section 4726 of the Civil Code and Section 11475 of the Welfare and Institutions Code, proposed by SB 1380, to be operative only if SB 1380 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

This bill would provide that for certain costs no reimbursement is required by this act for a specified purpose

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1360 (AB 1910) Assembly Committee on Judiciary (as presented by Assembly Member Isenberg on behalf of the committee). Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify those statutes which are enacted from time to time subsequent to the enactment of the codes

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1989 and would not make any substantive change in the law

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Ch 1361 (AB 2041) Costa Cotton module movers.

Existing law authorizes specified cotton module movers of unlimited axle weight to use county highways in specified counties, which do not prohibit the use of their highways by those movers, and to cross state highways without a special permit from October 1 to January 31, annually

This bill would extend that period from September 15 to March 15, annually, that the movers may use these county highways and cross state highways

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

Ch 1362 (AB 2159) Bronzan Emergency medical personnel

(1) Under the Emergency Medical Services and the Prehospital Emergency Medical Care Services Personnel Act, each county may designate an emergency medical services (EMS) agency, for the establishment and administration of an EMS program in the county.

Existing law also establishes the Emergency Medical Services Authority, which, among other things, adopts regulations governing these emergency medical services provisions.

Existing law specifies certain training requirements of EMT-I's, EMT-II's, and EMT-P's, requires the Emergency Medical Services Authority to establish minimum standards and promulgate regulations for the training and scope of practice for EMT-I's, and requires the authority to develop, after approval of the commission, minimum standards for the training and scope of practice for EMT-II's and EMT-P's Existing law also provides that a local EMS agency may require additional training standards for EMT-II's and EMT-P's and additional training or qualifications for practice within the EMS area in an advanced life support or limited advanced life support prehospital care system

This bill would require that the adoption of the above additional standards, training, or qualifications by a local agency be consistent with specified standards

(2) Existing law requires the authority to establish the standards for continuing education and competency examination for certification and recertification of all prehospital personnel

This bill would, instead, require the authority to establish the standards for continuing education and to designate the examinations for certification and recertification of prehospital personnel

(3) Existing law requires the authority to establish criteria for the statewide recognition of the certification or authorization of prehospital emergency medical care personnel in the basic scope of practice of those personnel, as specified Existing law also requires the authority to develop and adopt, as specified, minimum standards for the training and scope of practice for EMT-P.

This bill would limit the above requirement to criteria for the statewide recognition of EMT-P's, as specified, and would make other changes related to the above The bill also would contain a statement of legislative intent regarding the above The bill also would require the authority, on or before January 1, 1991, to adopt standards for a statewide scope of practice, which would be required to be utilized for the training and certification testing of EMT-P personnel for certification as EMT-P's The bill furthermore would require the director of the authority to approve any addition to a local optional scope of practice for EMT-P's proposed by the medical director of a local EMS agency prior to its implementation, as specified

(4) Existing law requires every local EMS agency to have a full- or part-time licensed physician and surgeon as medical director

This bill would require the medical director to have substantial experience in the practice of emergency medicine except that the authority director may waive this requirement if it places an undue hardship on the county or counties.

(5) Existing law requires the medical director to issue a certificate to an individual upon proof of satisfactory completion of an approved training program and passage of the examination for competence

Existing law further requires the medical director to recertify EMT-I's, EMT-II's, and EMT-P's, through passage of an examination for competency at an interval specified by the authority

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This bill would, instead, require the medical director to issue a certificate to an individual upon proof of satisfactory completion of an approved training program, passage of the certifying examination designated by the authority, completion of any other requirements for certification established by the authority, and a determination that the individual is not precluded from certification for grounds specified under existing law for suspension or revocation of a certificate or placing the certificate holder on probation

The bill would require recertification upon proof of the individual's satisfactory passage of the examination for recertification designated by the authority, completion of any continuing education or other requirements for recertification established by the authority, and a determination that the individual is not precluded from recertification because of grounds specified under existing law for suspension or revocation of a certificate or placing the certificate holder on probation

(6) Existing law permits the authority to adopt provisions for collection of fees by the appropriate agency for testing, certification, or authorization and accreditation in the appropriate scope of practice.

This bill would, instead, permit the authority to adopt provisions for the establishment and collection of fees by the appropriate agency, which would be the authority, or an entity designated by the authority to collect fees for the authority, for testing, certification, accreditation, and registration, in the appropriate scope of practice

The bill would create the Emergency Medical Services Personnel Fund, to be comprised of fees collected pursuant to the above-described provisions. Entities collecting these fees would be required to transmit amounts collected to the authority for deposit in the Emergency Medical Services Personnel Fund. This fund would be continuously appropriated to the authority to maintain the authority's testing and personnel registry program, and to make reimbursement to entities for the performance of functions for which these fees are collected

(7) Since a violation of the provisions of the Emergency Medical Services and the Prehospital Emergency Medical Care Personnel Act is a misdemeanor, the bill would create new crimes, thereby creating additional duties for local law enforcement agencies, and thus constituting a state-mandated local program

In addition, since implementation of examination and other requirements would impose additional costs upon local EMS agencies, the bill would constitute a state-mandated local program

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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

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

Ch 1363 (AB 2279) Eastin Contractors.

Existing law provides for the licensing and regulation of persons engaged in the business of contracting and those provisions are administered and enforced by the Contractors' State Licensing Board

This bill would create in that board, a separate enforcement unit as a demonstration project only in southern California, to enforce provisions prohibiting all forms of unlicensed activity, would provide that persons employed as deputy registrars in the unit are not peace officers and have no power of arrest, but may issue notices to appear in court, as specified.

Ch 1364 (SB 27) Campbell Fire protection FIRESCOPE Program

Existing law requires the State Fire Marshal to foster, promote, and develop ways and means of protecting life and property against fire and panic Under existing law, the Department of Forestry and Fire Protection provides fire protection on lands within state responsibility areas, unless a county has elected to assume responsibility for preven-

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tion and suppression of all fires on all land in the county, as specified.

This bill would require the Office of Emergency Services, in cooperation with the Department of Forestry and Fire Protection and the State Fire Marshal, to establish and administer the FIRESCOPE Program for improving firefighting resources, as specified.

Ch 1365 (SB 37) Doolittle Blood transfusions options

(1) Under existing law, it is a misdemeanor to use in any transfusion of blood, as defined, any blood which was obtained from a paid donor, as defined, except in certain instances. Existing law exempts from its sanctions blood platelets secured from donors through the hemapheresis process after March 15, 1987, and on or before December 31, 1989, if certain requirements are satisfied.

This bill would extend that exemption to December 31, 1992

(2) Existing law provides for the licensing and discipline of physicians and surgeons. Certain acts are designated as unprofessional conduct, for which specified sanctions may be imposed

This bill would require physicians and surgeons to inform surgery patients, by means of a standardized written summary, as described, prepared by the State Department of Health Services, whenever there is a possibility of a blood transfusion during their surgery, of the positive and negative aspects of receiving autologous and directed and nondirected homologous blood from volunteers. The bill also would require the physician and surgeon to note on the patient's medical record that the standardized written summary was given to the patient.

The bill furthermore, if there is no life-threatening emergency and there are no medical contraindications, would require the physician and surgeon to allow adequate time prior to surgery for predonation to occur The bill would provide, however, that if a patient waives allowing adequate time prior to surgery for predonation to occur, a physician and surgeon shall not incur any liability for his or her failure to allow adequate time prior to surgery for predonation to occur.

The bill would require the State Department of Health Services to develop and annually review, and if necessary revise, a standardized written summary which explains specified information regarding autologous blood and directed and nondirected homologous blood from volunteers, as specified The bill also would require the Board of Medical Quality Assurance to publish the standardized written summary and distribute copies thereof, upon request, to physicians and surgeons for a fee not to exceed specified costs The bill furthermore would require physicians and surgeons to purchase the summary from the board for distribution to their patients, and authorize clinics, health facilities, and blood collection centers to purchase the summary if they desire

Ch 1366 (SB 42) Craven State government facilities

Existing law provides for the construction of a legislative building in the area bounded by 15th, L, 17th, and N Streets in the City of Sacramento, for the use of, and under the jurisdiction of, the Legislature

This bill would repeal these provisions, and would instead provide for the acquisition of the property and the buildings on the property bounded by 10th, 11th, N, and O Streets in the City of Sacramento and the establishment of legislative office facilities at this site

This bill would provide for the financing of the legislative office facilities project by bonds or lease financing, would provide that the project would be subject to the State Contract Act and the California Environmental Quality Act, would provide that the project would not be subject to any other state or local government requirement, limitation, or control, and would provide for the allocation of the space in the legislative office facilities by the Senate Committee on Rules and the Assembly Committee on Rules

This bill would require the Legislature to conduct a project feasibility study which includes a thorough review of the current and long-term requirements of the Legislature for office facilities and a determination of the most economical and cost-effective method of funding the acquisition of those office facilities, and would prohibit the expenditure of funds for the destruction, removal, remodeling, or rehabilitation of the

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existing buildings on the project property prior to the completion of the feasibility study, and the approval of the funding source and the project scope and cost by a subseqently enacted resolution of both houses of the Legislature.

Existing law provides for a Department of Commerce within the Business, Transportation and Housing Agency

This bill would require the department to maintain regional offices in the San Francisco Bay area, Los Angeles County, and the greater San Diego area

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

Ch 1367 (SB 107) Presley Youth wards biomedical research

Existing law prohibits the conduct of any biomedical research on any prisoner in this state

This bill would allow, until January 1, 1995, research involving the administration of vitamins, minerals, and amino acids to wards, defined to include persons committed to the Department of the Youth Authority, who are 18 years of age or older, and analysis of their hair and blood, if the Department of the Youth Authority approves the research after making a specified determination, the research subjects have given informed consent, the substances administered are limited to those which are approved by the federal Food and Drug Administration and which do not require a physician's prescription, and the substances are administered only within 3 times the Recommended Dietary Allowance, as specified, under the supervision of a physician The bill would require that protocols for the research conducted pursuant to the above provisions be subject to review and approval by a research oversight committee, as created by the bill It would prohibit the Department of the Youth Authority from conducting any investigation of a new drug, as defined, without approval from the federal Food and Drug Administration. The bill would provide that its provisions would be repealed as of January 1, 1995.

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

Ch. 1368 (SB 160) Watson Public social services

Existing law provides for the Greater Avenues for Independence program, under which a variety of employment programs and services are offered by county welfare departments to recipients under the Aid to Families with Dependent Children program pursuant to a county plan.

This bill would permit a county welfare department as a part of the county plan to include a training component in which participants under the Greater Avenues for Independence program receive training in business development and self-employment.

The bill would set forth various requirements which must be met for purposes of this business development and self-employment training component

Training agencies, as defined, would be utilized to provide training under the component

The bill would require the department, in consultation with county welfare departments, to explore the feasibility of excluding certain income and business resources of a business developed pursuant to this bill from income and available resources in determining eligibility for AFDC benefits and for AFDC grant determinations

Ch. 1369 (SB 198) B Greene Occupational safety and health.

Existing law requires every employer to furnish employment and a place of employment which are safe and healthful for the employees therein, to furnish and use safety devices and safeguards, to adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render the employment and place of employment safe and healthful, and to do every other thing reasonably necessary to protect the life, safety, and health of employees

This bill would require every employer to establish, implement, and maintain an effective written injury prevention program including specified elements, and to provide specified training of employees in general safe and healthy work practices

Existing law requires the Occupational Safety and Health Standards Board to adopt occupational safety and health standards and orders

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This bill would require the standards board to adopt a standard setting forth the employer's duties with regard to the injury prevention program, including, among other things, requiring an employer and employee occupational health and safety committee with specified duties for specified size and types of employers.

Existing law permits the Director of Industrial Relations to revoke a certificate of consent to self-insure under the workers' compensation law at any time for good cause after a hearing.

This bill would also specify that the director may hold a hearing to determine whether good cause exists to revoke an employer's certificate of consent to self-insure if the employer is cited for a willful, or repeat serious violation of the standard relating to the injury prevention program and the citation has become final.

Existing law prohibits an employer from discharging or discriminating against an employee for making complaints, instituting proceedings, or testifying with regard to employee safety or health

This bill would also prohibit an employer from discharging or discriminating against an employee for participating in an occupational health and safety committee.

Existing law permits the Division of Occupational Safety and Health to investigate any place of employment whenever the division learns or has reason to believe that the place of employment is not safe or is injurious to the welfare of any employee

This bill would require the director to establish a list of the 100 highest hazard industries in California, and would require the division to establish and maintain regional plans, as specified, for allocating the division's resources for enforcement activities

This bill would require that every inspection conducted by the division include an evaluation of the employer's injury prevention program using specified criteria, and to include an evaluation of other specified conditions.

Existing law requires that a copy of each citation issued and each special order or action order be prominently posted at or near each place a violation referred to in the citation or order occurred.

This bill would also provide that when the division verifies abatement of a serious violation or an order at the time of inspection or upon reinspection, the employer shall post a notice prepared by the division so indicating for 3 working days

Existing law requires the director to promulgate regulations covering the assessment of civil penalties which give due consideration to the appropriateness of the penalty with respect to specified factors

This bill would provide that notwithstanding this provision, if serious injury, illness, exposure, or death is caused by any serious, willful, or repeated violation, or by any failure to correct a serious violation within the time permitted for correction, the penalty shall not be reduced for any reason other than the size of the business of the employer being charged

Existing law provides that if, after inspection or investigation of a place of employment, the Division of Occupational Safety and Health issues a citation for a serious violation, the division shall conduct a reinspection at the end of the period fixed for abatement of the violation or within a reasonable time thereafter, unless the violation is abated at the time of inspection or investigation.

This bill would, instead, require the division to conduct a reinspection within 45 days in the case of certain serious violations, or a reasonable time in other specified cases, if at the time of inspection the order is not complied with or the violation is not abated in all inspections or investigations involving a serious violation of a standard relating to an injury prevention program, a special order or order to take special action, serious violations of those orders, serious violations characterized as repeat or willful or with abatement periods of less than 6 days, and in at least 20% of the inspections or investigations involving a serious violation not otherwise scheduled for reinspection.

This bill would also require the employer, whenever a serious violation is not abated at the time of inspection, to submit a signed statement that he or she has complied with the abatement terms. The bill would provide that if the statement is not received within 10 working days after the end of the period fixed for abatement, the division shall revoke any adjustments to the civil penalty based on abatement of the violation, and would

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require the division to conduct a reinspection of a serious violation within 45 days whenever it still has no evidence of abatement

Existing law requires the division, upon request, to provide a full range of occupational safety and health consulting services to any employer or employee group

This bill would require these consulting services to include providing assistance in the development of injury prevention programs for employees and employers, with the highest priority to be given to development of programs for businesses with fewer than 250 employees in industries identified in the regional plans.

This bill would impose a state-mandated local program by creating new crimes for violations of specified provisions of the bill.

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

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

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

Ch. 1370 (SB 309) Seymour Drug and alcohol abuse.

Under existing law, the board of supervisors of each county is required to designate a health-related county agency or department to administer the county's alcohol program The program must be administered by a full-time administrator who reports to the head of the health-related agency or department, except that the requirement that the administrator be employed on a full-time basis does not apply to a county whose population does not exceed 200,000, as well as, until January 1, 1990, any county whose population exceeds that amount at the option of the county and if approved by the State Department of Alcohol and Drug Programs on the basis of certain determinations.

This bill would extend until January 1, 1993, the provision permitting a county whose population exceeds 200,000 persons, if approved by the State Department of Alcohol and Drug Programs, to employ an alcohol program administrator on less than a full-time basis.

Existing law sets forth a 5-year master plan to eliminate drug and alcohol abuse in California, which includes a list of long-range goals.

This bill would add that the Commission on Peace Officer Standards and Training have drug and alcohol enforcement as a priority when determining training subjects. This bill also would make technical corrections to, and revisions of, the master plan including revisions regarding county drug and alcohol abuse master plans.

The bill would make findings and declarations regarding the problem of drug abuse in this state, as well as the assistance available pursuant to the federal Anti-drug Abuse Act of 1988, and specifically for areas designated as "high intensity drug trafficking areas."

The bill would declare that the Legislature urges the President of the United States to designate Los Angeles County and the southwest border areas of California as "high intensity drug trafficking areas "

The bill would declare that its provisions would take effect immediately as an urgency statute.

Ch 1371 (SB 343) Lockyer Unemployment compensation disability insurance· contributions and benefits

(1) Existing law provides that worker contributions to the Disability Fund for purposes of funding unemployment compensation disability benefits shall be made generally at the rate of 1% of wages, and provides for annual adjustment of this percentage in accordance with a specified formula

This bill would change the limit on the amount of wages paid by an employer to which the rate is applicable.

(2) Existing law provides a schedule of the weekly benefit amounts payable for unemployment compensation disability benefits based on the amount of wages paid in the highest quarter

This bill would revise the method of computing these benefits for certain wage catego-

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ries, as specified, which would result in an increase in benefits for certain recipients

(3) Under existing law, the maximum amount of unemployment disability benefits payable to an individual during any one disability benefit period shall be 52 times his or her weekly benefit amount, but in no case more than the total wages paid to the individual during his or her disability base period, for periods of disability commencing prior to January 1, 1990. For periods of disability commencing on or after January 1, 1990, the maximum amount of benefits payable to an individual during any one disability benefit period shall be 39 times his or her weekly benefit amount, but in no case more than 75% of the total wages paid to the individual during his or her disability base period.

This bill would delete the provision providing the maximum amount of benefits for periods of disability commencing on or after January 1, 1990, and would continue the operation of the provision currently providing the maximum amount of benefits by deleting the limitation that it only applies to periods of disability commencing prior to January 1, 1990. The deletion of this limitation would increase benefit amounts to affected recipients commencing January 1, 1990.

(4) This bill would result in an increase in the amounts payable from the Unemployment Compensation Disability Fund, a continuously appropriated fund, and, thus, would constitute an appropriation.

(5) The provisions of the bill specified in (1) and (2) above would take effect only if a bill of the 1989–90 Regular Session, which increases the maximum weekly benefit amount for workers' compensation temporary disability indemnity, is chaptered and takes effect on or before January 1, 1990

Ch 1372 (SB 481) Mello Residential care for the elderly

Existing law requires the State Department of Social Services to license residential care facilities for the elderly, which provide residential services, which are generally nonmedical in scope

Existing law requires the State Department of Health Services to license skilled nursing facilities, which are one of the categories of long-term health care facilities licensed by that department

This bill would require the State Department of Social Services to establish 6 model projects for persons with dementia, including, but not limited to, Alzheimer's disease Three of these facilities would be those which use secured perimeters, and the other 3 would be facilities which use door alarms or wrist bands to provide a functionally secured environment Projects would operate commencing during the 1990 calendar year and ending on January 1, 1994.

The bill would require the State Department of Social Services to develop criteria for participation in this pilot program, including, but not limited to, specified requirements which must be met, and activities which must be performed, by all facilities in developing and implementing model project programs.

The bill would permit a model project to operate with a secured or locked perimeter, as defined, if specified conditions are met

The bill would require the State Department of Social Services to report its findings and recommendations to the Legislature by January 1, 1993.

The bill would provide that its provisions would remain in effect only until January 1, 1994, and as of that date would be repealed, unless a later enacted statute chaptered prior to January 1, 1994, deletes or extends that date

The bill would appropriate $62,500 per year for 3 years commencing with the 1990 calendar year to the State Department of Social Services for the purposes of the bill.

Since a violation of provisions relating to residential care facilities for the elderly is a misdemeanor, the bill would create new crimes, thereby imposing additional duties upon local law enforcement agencies, and 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.

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Ch 1373 (SB 485) Boatwright. Health facility construction loan insurance.

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.

This bill would include within the definition of health facility, for purposes of determining program eligibility, facilities for the treatment of chemical dependency, including a community care facility, licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2, a clinic as defined pursuant to Chapter 1 (commencing with Section 1200) of Division 2, an alcoholism recovery facility, defined pursuant to Section 11834.11, and a structure located adjacent or attached to another type of health facility and which is used for storage of materials used in the treatment of chemical dependency.

Since the Health Facility Construction Loan Insurance Fund is appropriated without regard to fiscal years, and since the bill would permit additional entities to become eligible for this program, the bill would constitute an appropriation.

This bill would incorporate additional changes to Section 436.2 of the Health and Safety Code proposed by AB 1836, to be operative only if AB 1836 and this bill are chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch. 1374 (SB 556) Davis Crime victim assistance: maximum reimbursement rates

Existing law authorizes the State Board of Control to provide assistance to victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. Assistance may include a direct cash payment to a provider of psychological or psychiatric treatment or mental health counseling services, or to the victim for medical or medical-related expenses directly resulting from the injury.

This bill would provide that when a public agency refers a crime victim to a private nonprofit agency for treatment, the private nonprofit agency shall be reimbursed for those services at the level of the normal and customary fee charged by the agency to clients with adequate means of payment for its services, but not to exceed the maximum reimbursement rates set by the board The bill would also authorize the board to establish maximum rates and service limitations for reimbursement of medical and medical-related expenses incurred by a crime victim for which restitution is requested pursuant to this provision. It would further authorize the board to review all claims for mental health services to ensure their medical necessity, and in cases of continuing treatment which are projected to exceed $5,000, would authorize the board to require additional documentation, information, or medical review to determine the need to continue treatment in excess of that amount

This bill would incorporate additional changes to Section 13965 of the Government Code proposed by AB 245 and SB 395, contingent upon prior enactment of one or both of those bills

Ch. 1375 (SB 595) Presley. Mental health. minors.

Existing law provides for the establishment of the Patients' Rights Office and for the training of county patients' rights advocates, to advocate for the rights of mentally disordered patients.

Existing case law specifies that certain minors admitted to state hospitals upon the consent of their parents have certain due process rights, including, but not limited to, a right to an administrative hearing to challenge the propriety of their treatment.

This bill would require that any health facility, as specified, licensed to provide inpatient psychiatric treatment, excluding state hospitals and county hospitals, establish admission procedures for minors 14 years of age and over, and under 18 years of age, who have not been legally emancipated, who are not detained on a 72-hour hold, who are not voluntarily committed, as specified, who have not been declared a dependent or ward of the court, and whose only admitting diagnosis or condition is a mental disorder, or whose diagnosis is a substance abuse disorder and a mental disorder.

This bill would require that pursuant to these admission procedures, upon admission, the facility shall inform the minor of the availability of an independent clinical review of the appropriateness of his or her admission to the facility, give a full explanation of

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the treatment philosophy, and provide the minor with a booklet promulgated by the State Department of Mental Health regarding the rights of minors in mental health facilities

This bill would require that if within 10 days of admission the minor requests a review of the appropriateness of his or her admission, the patients' rights advocate shall be notified as soon as practical, but no later than one working day, that the role of the patients' rights advocate shall be to provide information and assistance, as specified, and that the preliminary review shall take place in the facility within 5 days of the request. By imposing these duties and responsibilities upon the local patients' rights advocate, this bill would impose a state-mandated local program

This bill would require that the preliminary review be conducted by an independent clinical reviewer, to be selected, as specified, who would be a licensed psychiatrist with experience and training in treating psychiatric adolescent patients, and would require that the reviewer be neutral, as specified.

This bill would require that the county mental health director review the list of clinical reviewers established by the facility on an annual basis, as specified, and would thereby impose a state-mandated local program

This bill would specify that the standard of review shall be whether the minor continues to have a mental disorder, whether further inpatient treatment is reasonably likely to be beneficial to the minor's mental disorder, or whether placement in the facility represents the least restrictive, most appropriate available setting within the constraints of reasonably available services, facilities, resources, and financial support, in which to treat the minor.

This bill would provide that at any time the minor may rescind his or her request for a review of the admission

This bill would provide that if the reviewer finds that all admission criteria have been met, he or she shall render a binding decision authorizing treatment, and that if the review determines that further inpatient treatment in the facility is not reasonably likely to be beneficial to the minor's mental disorder, or does not represent the least restrictive setting in which to treat the minor, the minor shall be released from the facility on the same day of the determination to a custodial parent or guardian, and would provide immunity from liability for release of the minor to certain individuals

This bill would provide that no party shall have legal representation in the review process, and that if any party does not comprehend the language being used, the psychiatrist conducting the review shall have the responsibility to retain an interpreter

This bill would declare the intent of the Legislature regarding the contents of the review procedure, that this bill shall apply only to minors in private facilities where costs of treatment are paid or reimbursed by a private insurer, certified medical plan, or private health services plan, and that this bill shall not preclude the exercise of other rights which may be available to minors including, but not limited to, habeas corpus.

This bill would require that for contracts entered into after January 1, 1990, private insurance, certified medical plans, or health service plans shall be liable for costs associated with this review process, would require the costs of review for Medi-Cal eligible patients to be paid by the county, would require that health facilities report annually to the State Department of Mental Health, as specified, would require that the State Department of Mental Health develop nonmandatory guidelines, and report annually to the Legislature by January 1, and would require that the State Department of Health Services monitor compliance with these requirements, as specified By requiring that the county pay the costs of review, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund.

Ch. 1376 (SB 625) Royce. Special needs children adoptions: nonrecurring expenses reimbursement.

Under the existing Adoption Assistance Program, the state reimburses parents adopting special needs children, as defined, in an amount of aid based on the child's needs and the circumstances of the adopting family, not to exceed the amount that would have been paid for foster care of the child if the placement or adoption had not taken place. The county responsible for providing foster care for a child is required to provide financial aid to the adoptive family.

The bill would impose a state-mandated local program by providing that the county responsible for providing adoption assistance program payments shall directly provide reimbursement to eligible individuals who have adopted a special needs child for reasonable nonrecurring expenses, as defined by the department, incurred as a result of the adoption. Until January 1, 1992, the amount of payment would be limited to $400 for each special needs placement, as determined through agreement between the adopting parents and the adoption agencies. The bill would require the state to provide payment to the county for the reimbursement.

Existing law requires the State Department of Social Services and all adoption agencies to disseminate information to prospective adoptive families as to the availability of adoptable special needs children and the existence of aid to adoptive families for special needs children.

Existing law also requires the department or the licensed adoption agency, whichever is appropriate, at the time of application for adoption of a "special needs" child, as defined, to provide all prospective adopting parents with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments.

This bill would require the department or the licensed adoption agency to provide the prospective adoptive parents with information, in writing, on the availability of reimbursement for the nonrecurring special needs for the adoption of the special needs child

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1377 (SB 745) Stirling. Court facilities.

(1) Existing law provides that, notwithstanding any other provision of law, a majority of the judges of the San Mateo County Superior Court may, upon a finding that no suitable additional facilities exist in the county seat or where municipal courts hold sessions, order sessions of the court to be held prior to January 1, 1990, at Crestmoor High School in San Bruno, California

This bill would delete the above date thereby extending indefinitely the authorization for the court to order sessions at Crestmoor High School

(2) Under existing law, in cases of great emergency, including, but not limited to, certain states of emergency, when repair or replacements are necessary to permit the continued conduct of county operations or services, or to avoid danger to life or property, the board of supervisors, by majority consent, may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets, or working details or giving notice for bids to let a contract

This bill would allow the board of supervisors in counties of the 3rd class in which there are no available courtrooms to accommodate all authorized judicial positions, or in which

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the board of supervisors certifies that there is a significant need to expeditiously construct new court and court support facilities, to contract for the construction or expansion of these facilities without the formality of obtaining bids, adopting plans and specifications, or complying with other requirements, as specified This provision would remain in effect only until December 31, 1994.

(3) This bill would incorporate additional changes in Section 20134 of the Public Contract Code, proposed by SB 236, to be operative only if SB 236 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

Ch 1378 (SB 794) Deddeh. Crimes: witnesses and victims

(1) Existing law authorizes a court having jurisdiction over a criminal matter, upon a good cause belief that intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur, to order that a particular law enforcement agency within the jurisdiction of the court provide protection for a victim, or a witness, or both.

This bill, in addition, would provide that the court may also order protection for immediate family members, as defined, of a victim or a witness who reside in the same household as the victim or witness or within reasonable proximity of the victim's or witness's household, as determined by the court. Because this bill could result in increased costs to local law enforcement agencies, the bill would impose a state-mandated local program

(2) Existing law makes it a crime for a person convicted of specified offenses to willfully and maliciously communicate to a victim or witness of the crime for which the person was convicted a credible threat to use force or violence on that victim or witness or that victim's or witness's immediate family

This bill, in addition, would provide that any person who is convicted of committing the latter crime, who subsequently is convicted of making a credible threat, as defined, which constitutes a threat against the life of, or a threat to cause great bodily injury to, a specified person, shall be sentenced to consecutive terms of imprisonment, as specified

(3) Under existing law, if consecutive terms are imposed for 2 or more felonies, the aggregate term of imprisonment is composed of a principal term, consisting of the greatest term of imprisonment for any of the felonies, plus a subordinate term for each consecutive felony, which is generally ⅓ of the prescribed middle term of imprisonment for the additional felony or felonies

This bill would provide that where a consecutive term of imprisonment is imposed for 2 or more convictions of willfully and maliciously communicating to a victim or witness of a crime for which a person was convicted a credible threat to use force or violence, as specified, each subordinate term shall be 100% of the prescribed middle term of imprisonment It would also make inapplicable a 5-year maximum sentence restriction, as specified, for subordinate terms, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1379 (SB 837) Robbins. Judges' Retirement System: survivor benefits for spouses: family law.

(1) The existing Judges' Retirement Law provides various benefits for members and their beneficiaries and survivors and authorizes members to elect specified optional settlements

This bill would require a court, in a legal separation or marriage dissolution proceeding in which the court orders a specified division of accumulated community property contributions and service credit, to order that the accumulated community property

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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. These provisions would be deemed to be retroactive to June 1, 1988

This bill would also appropriate $25,000 from the General Fund to implement these provisions. The system would be authorized, if the implementation costs exceed the amount of the appropriation, to establish and levy a specified fee on the member, the nonmember, or both

(2) The existing Judges' Retirement Law authorizes a judge to elect within 6 months of becoming a judge, to become subject to provisions providing survivor benefits to surviving spouses

This bill would also authorize a judge who was married before January 1, 1990, to exercise the election before April 1, 1990, and would require a judge so electing to pay all of the contributions he or she would have made for these benefits had he or she been covered as soon as originally eligible therefor

This bill would also make technical nonsubstantive changes in those provisions.

Ch 1380 (SB 930) Seymour Franchises· nonprofit organizations

Under existing law, a franchise for purposes of the California Franchise Relations Act, does not include, among other things, lease departments, licenses, or concessions at or with a general merchandise retail establishment where the lease department, licensee, or concessionaire is incidental and ancillary to the general commercial operation of the retail establishment, as specified Existing law also provides under the Franchise Investment Law, that a franchise means a contract or agreement, either expressed or implied, whether oral or written, between 2 or more persons by which, among other things, a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor.

This bill would additionally provide with respect to both bodies of law that a franchise does not include a nonprofit organization operated on a cooperative basis by and for independent retailers which wholesales goods and services primarily to its member retailers and, in which, among other things, control and ownership of each member is substantially equal and the services of the organization are furnished primarily for the use of the members

Under existing law, the willful deceit of another with the intent to induce them to alter their position to their injury or risk is liable for any damages suffered

This bill would specify that a nonprofit organization, as specified, is subject to an action for rescission or damages if the organization fraudulently induces another to join the organization The bill would define a fraudulent inducement to mean the misrepresentation of a material fact or the omission of a material fact, as specified

Ch. 1381 (SB 959) Robbins Insurance.

Existing law requires the Insurance Commissioner to report to the Legislature and the Governor, on or before May 1 of 1988 and 1989, on the complaints received under the provisions that regulate insurance rates, and on the status and disposition of the complaints.

This bill would require those reports on or before May 1 of each year

Ch 1382 (SB 1001) McCorquodale Wildlife management areas. in-lieu property taxes.

(1) Under existing law, when income is derived directly from wildlife management areas, as specified, or for wildlife management areas acquired after October 1, 1949, the Department of Fish and Game is required to pay the county where the property is located an amount equal to the county taxes levied at the time title to the property was transferred to the state. Payments for newly acquired property are required to be made within one year of acquisition or within 90 days of designation as a wildlife management area, whichever occurs first, and prorated, as specified. The department is also required

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to pay specified benefit assessments on the property.

This bill would remove the application of the payment requirement to only newly acquired property.

(2) Until January 1, 1990, existing law requires a striped bass stamp to be affixed to a sportfishing license to authorize the licensee to take striped bass, the revenues from which are required to be expended for the preservation and enhancement of the striped bass fishery in this state.

This bill would extend that law until January 1, 1991, thereby imposing a state-mandated local program by creating a crime in that extended period.

The bill would also repeal an obsolete provision of law relating to striped bass fishing. Because existing law continuously appropriates the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code, the bill would make an appropriation since other money in the fund would be expended during the extended period that the department is required to issue the striped bass stamps. However, the bill would make the revenue from those stamps available for the specified purposes only upon appropriation by 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

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

Ch 1383 (SB 1050) Torres Aboveground crude oil storage tanks

(1) Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation. Existing law also imposes various design, installation, monitoring, and release reporting requirements with regard to underground storage tanks

This bill would make a statement of legislative intent, enact the Aboveground Petroleum Storage Act, define various terms, and require the California regional water quality control boards to inspect aboveground crude oil storage tanks located at tank facilities used for the storage of crude oil and its fractions in accordance with a schedule adopted by the State Water Resources Control Board. The bill would require each owner or operator of a storage tank at a tank facility to prepare a spill prevention control and countermeasure plan, except as specified, in accordance with specified federal regulations, to establish a monitoring program, if the tank facility meets specified characteristics, except as specified, to immediately warn local agencies of a release of one barrel or more of crude oil, and to submit a storage statement on or before July 1, 1990, and on or before every July 1 of every 2 years thereafter, to the state board. The bill would require the statement to be accompanied by a fee set in a specified amount, and would require the board to deposit these fees in the Environmental Protection Trust Fund, which this bill would create in the State Treasury, until a specified amount is deposited in the fund.

The bill would authorize the state board to expend the money in the fund, upon appropriation by the Legislature, for specified purposes, related to spills or releases occurring on or after January 1, 1990, except as specified, including the administration of the act, training of storage tank inspectors, oversight of, or causing, the cleanup and abatement of a release from a storage tank, including transfer to the regional board and the Department of Fish and Game for this purpose, and the awarding of research grants. The bill would specify that the reasonable expenses of the state board, the regional board, or the department, incurred in overseeing or contracting for cleanup or abatement efforts which result from a leak or spill at a tank facility, are a collectible charge against the owner or operator of that facility for deposit in the fund.

The bill would impose a civil penalty upon owners or operators who violate the act in an amount of not more than $5,000 for each day on which the violation continues, or, in the case of a second or subsequent offense, not more than $10,000 for each day The bill would authorize the state board, the regional board, or the Attorney General to bring a civil action in a court of competent jurisdiction, as specified. The bill would also transfer to the fund an amount equal to ⅓ of the amount of the penalty collected and

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due to the state from a specified spill of crude oil, as specified.

The bill would require the state board to submit a study by January 1, 1992, to the Legislature and the Governor concerning improving oversight of aboveground storage facilities and would appropriate $100,000 from the fund to the state board for this purpose, which appropriation would be operative on July 31, 1990 The bill would provide that these provisions of law do not preempt local storage tank ordinances, as specified

(2) Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance and abandonment of oil and gas wells.

This bill would additionally require the supervisor to supervise oil production tanks and facilities and would authorize the supervisor to require an operator to implement a monitoring program for aboveground oil production tanks and facilities.

Ch. 1384 (SB 1057) Davis. Local agencies: local agency formation commissions.

Existing law sets forth the powers and duties of a local agency formation commission, including, among others, the adoption of procedures for the evaluation of proposals regarding any change of organization or reorganization of local government

This bill would require the adoption of written procedures for the evaluation of proposals and would require any standards adopted for this purpose to be in writing The bill would require the determination of the number of voters in the proposed city or district to be determined as of the last report of voter registration by the county clerk to the Secretary of State prior to the date the first signature was affixed to the petition

This bill would prohibit the commission from approving or conditionally approving any proposal which includes an incorporation unless the commission makes specified findings based on the entire record

The bill would permit the commission to waive a provision requiring the executive officer of the commission to notify the district clerk of a landscape and lighting assessment district or other designated persons whenever the commission approves the inclusion of any territory of such a district within a city if the commission finds that the territory would be deprived of a service needed to ensure the health, safety, or welfare of the residents and that the waiver would not affect the ability of the city to provide any service, as specified

This bill would impose a state-mandated local program upon counties by permitting the commission to appoint legal counsel to advise it The bill would also require the county counsel or the district attorney to act as legal counsel if none is appointed. The bill would require the commission to appoint legal counsel if the county counsel is subject to a conflict of interest

Existing law requires the officers and employees of a city, county, or special district or other governmental entities to furnish the executive officer of the commission with any records or information in their possession which may be necessary to assist the commission

This bill would expressly include within those governmental entities, local agencies and any other public agencies, and would specify that the records or information are those items necessary to assist the commission and the executive officer in their duties, including, but not limited to, the preparation of certain reports.

Existing law requires the commission to develop, determine, and adopt a sphere of influence for each local governmental agency which provides facilities or services related to development within its jurisdiction.

This bill would permit the commission, whenever it approves an application for incorporation, to determine the proposed city's sphere of influence and would require the commission to determine the sphere of influence within one year of the incorporation of a new city.

Existing law permits the commission to determine the priority for conducting any further proceedings for 2 or more conflicting proposals pending before the commission.

This bill would require the commission, notwithstanding that provision, when considering a proposal for incorporation to hold a public hearing on any proposal filed within 30 days of any other proposal in which the proposals contain any portion of the affected territory, and would prohibit approval until a public hearing has been held on each

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proposal.

This bill would require the executive officer, for any proposal which includes an incorporation, to prepare, or cause to be prepared, a comprehensive fiscal analysis concerning costs, revenues, effects, taxes, data, and other information relating to the proposed city The bill would require the executive officer, at the request of an interested party, to request the Controller to review the comprehensive fiscal analysis.

Existing law requires, when a proposal includes the incorporation of a city or the formation of a district, that the commission determine the amount of appropriations subject to limitation for the city or district.

This bill would instead, in the case of incorporation of a city, require the commission to set the provisional appropriations limit. The bill would require the permanent appropriations limit to be set at the first municipal election held at least one year after incorporation and would provide that the permanent appropriations limit set shall not be considered to be a change in the appropriations limit for purposes of Article XIII B of the California Constitution.

This bill would require, when the commission approves a proposal which includes the incorporation of a city, the resolution making determinations to accept or reject each of the findings and recommendations in the executive officer's report and the fiscal analysis. If a finding or recommendation is rejected, the resolution would be required to include findings of the commission as the basis for the rejection

Existing law governing the formation of fire protection districts requires an election in order to form a new fire protection district

This bill would permit the Milford area in the County of Lassen to form a new fire protection district without an election if a petition for the formation of the proposed district has been signed by a specified number of registered voters in the district.

This bill, by imposing various requirements on local agency formation commissions and their executive officers, 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. 1385 (SB 1173) Royce Children's services.

Existing law provides various programs for children.

This bill would require the State Department of Social Services to develop and implement a 3-year demonstration project in 4 participating counties, to provide certain services to children who are alcohol- or drug-exposed, as defined, or who are human immunodeficiency virus (HIV) positive, as defined, including selecting specialized foster family homes for eligible children and monitoring the foster family homes.

The bill would require each participating county to submit progress reports to the State Department of Social Services, and would require the department, in conjunction with the participating counties, to report to the Legislature on the effectiveness of the demonstration project by January 1, 1993.

The bill would also require that, to the extent funds are available, the demonstration project shall be conducted in additional counties.

The authority for the demonstration project would be repealed on January 1, 1993.

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

Ch. 1386 (SB 1204) Vuich. Real estate brokers: disclosures.

(1) Existing law exempts specified persons with respect to the collection of payments for lenders or on notes of owners in connection with specified loans from the definition of the term "real estate broker" for purposes of the Real Estate Law.

This bill would additionally exempt these persons with respect to the performance of services for lenders or on notes of owners in connection with specified loans, as specified The bill would also add to this exemption those persons who are an employee of a real estate broker who is acting as the agent of specified persons with respect to the collection of payments or performance of services for lenders or on notes of owners, as specified.

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(2) Existing law requires a real estate broker when making a solicitation to a particular person and in negotiating with that person to make a loan secured by real property or to purchase a real property sales contract or a note secured by a deed of trust to deliver to the person solicited the applicable completed statement, as specified. Under existing law, this requirement does not apply with respect to a prospective lender or purchaser if the prospective lender or purchaser is one of several specified persons including, among others, the Federal National Mortgage Association, a bank, or savings and loan association.

This bill would further provide that this disclosure requirement does not apply if the person solicited is one of specified governmental entities or instrumentalities, specified financial and related institutions, trustees of pension, profit-sharing or welfare funds with net assets of $15,000,000 or more, any corporation with outstanding securities registered under the Securities Exchange Act of 1934 or a subsidiary thereof, or another licensed real estate broker, as specified.

(3) This bill would incorporate additional changes in Section 10133.1 of the Business and Professions Code proposed by SB 1209, to be operative only if SB 1209 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 1387 (SB 1226) Campbell Sales and Use Tax use tax exemption: automobiles: museums.

Existing law provides for general exemptions to the sales and use taxes, including exemptions from the use tax for the storage, use, or other consumption in the state of property donated by a retailer to a nonprofit organization under federal law.

This bill would make this exemption applicable to property donated by a seller, and would provide that a museum shall not be a qualifying donee organization unless it is a nonprofit museum under state law and uses the donated property exclusively for display purposes within the museum

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 go into immediate effect as a tax levy

Ch. 1388 (SB 1264) C Green Public employees' health benefits: states' employer contributions.

The existing Public Employees' Medical and Hospital Care Act (the act) requires that the act be administered by the Board of Administration of PERS for the benefit of public employees and annuitants. The act determines the amount of the state's employer contributions for health benefits coverage of state employees and annuitants, on the basis of a specified weighted average of premiums, at 100% for the employee or annuitant alone and 90% for family members.

This bill would provide, for each state employee or annuitant living where there is no available, competitive health maintenance organization and a fee-for-service health plan is the only option, state employer contributions, on the basis of the respective PERS Care premiums, at 90% of the PERS Care premium for the employee or annuitant alone and 90% for family members for the 1989–90 fiscal year

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

Ch 1389 (SB 1350) Lockyer. Criminal justice. courts. adult detention facilities.

(1) Existing law provides that a judge of a full-time justice court in an option county shall receive the same salary as a judge of a municipal court, and a part-time justice court judge in an option county shall receive proportional compensation, as specified, to be provided for in the Budget Act.

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This bill would provide, instead that all justice court judges shall receive the same salary as a judge of the municipal court and all part-time judges shall receive proportional compensation, except as specified It would also provide that the salaries of justice court judges shall be paid by the counties and would provide for reimbursement to counties which are not trial court funding option counties, as specified.

(2) Existing law provides that the regular compensation of a municipal or justice court judge sitting in a superior court in another county on assignment, and of a justice court judge sitting in a justice or municipal court in another county on assignment, shall be reimbursed by the county to which the judge is assigned.

This bill would provide instead that the county shall pay 50% of the judge's full salary and the state shall reimburse the lending county 50% of the salary The bill would also add provisions for payment where the county is an option county, as defined.

(3) Under the Constitution, laws that set the salaries of elected state officers are appropriations

This bill would make an appropriation by providing for state payment of salaries of judges on assignment

(4) Existing law provides for the payment of the expenses of a superior, municipal, or justice court judge sitting on assignment in another county and the expenses of a retired judge sitting on assignment in a trial court, by the county to which the judge is assigned

This bill would provide instead for those expenses to be paid by the state, as specified, and to be reimbursed to the state by the county to which the judge is assigned, as specified The bill would add provisions for the payment of these expenses where the county is an option county

(5) Existing law requires that the compensation to be paid to a retired judge who is assigned to sit in a court is chargeable the same as is the compensation of a judge of the court to which the assignment is made, as specified. Existing law also provides that a retired judge of a justice court who is assigned to sit in a court shall be compensated at the full compensation of a judge of the court to which he or she is assigned or compensation, as specified in certain provisions, whichever is greater.

This bill would provide instead that the compensation of a retired judge is payable out of any appropriation for extra compensation of assigned judges without regard to whether it is chargeable to the state With respect to a retired judge of a justice court, this bill would provide the compensation specified above if the judge is not retired under the Judges' Retirement Law

(6) Existing law requires that if the compensation of a retired judge sitting in a court is greater than his or her retirement allowance, that judge's retirement allowance is suspended as long as he or she receives the compensation If the compensation is less than the retirement allowance, the retirement allowance is continued only in the amount of the difference while the judge sits on assignment

This bill would provide, instead, that if the compensation is greater than the retirement allowance, the retirement allowance shall continue to be paid and the state shall pay the judge the difference between his or her compensation and the retirement allowance, would require the state to reimburse the Judges' Retirement Fund, as specified except under certain circumstances; would require the county to pay the state, as specified, and would provide for payment where the county is an option county, as defined If the compensation is less than the retirement allowance, the bill would provide that the retirement allowance shall continue to be paid; would require the state to reimburse the Judges' Retirement Fund for the full amount of the retirement allowance; would require the county to pay the state, as specified; and would provide for payment where the county is an option county, as defined

This bill would also make technical, nonsubstantive changes

(7) The bill would impose a state-mandated local program by requiring new duties of the counties with regard to the compensation of assigned judges.

(8) Existing law provides for trial court funding on a county option basis

This bill would revise the calculation of trial court funding block grants with respect to part-time justice courts, and revise the provisions for payment of block grants with

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respect to certain amounts due the state or the county, as specified

(9) Existing law provides that the board of supervisors may establish in each county a county advisory committee on adult detention composed of 6 members, 2 of whom shall be appointed by the board of supervisors, 2 of whom shall be appointed by the sheriff, and 2 of whom shall be appointed by the presiding or senior judge of the superior court

This bill would provide, instead, that the board of supervisors may establish in each county a county advisory committee on adult detention composed of 6, 9, or 12 members, ⅓ of whom shall be appointed by the board of supervisors, ⅓ of whom shall be appointed by the sheriff, and ⅓ of whom shall be appointed by the presiding or senior judge of the superior court. The bill would also make a conforming change

(10) This bill would provide that specified provisions shall become operative on July 1, 1990.

(11) This bill would incorporate substantially all of the changes in Section 68202 5 of the Government Code, proposed by SB 710, to be operative only if SB 710 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,-000, shall be made from the State Mandates Claims Fund

Ch 1390 (SB 1492) L Greene California State Police Commission on the Staffing Level of the California State Police

Existing law provides the California State Police Division within the Department of General Services with the responsibility of protecting and providing police services for the state buildings and grounds and occupants thereof, among other things

This bill would express specified findings and declarations of the Legislature with respect to state buildings and grounds.

This bill would require all state agencies, with specified exceptions, to report immediately all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties to the State Police, and would require the State Police to report to the Legislature on or before July 1 of each year on the status of criminal activity on state-owned and leased property

Ch. 1391 (SB 1506) Boatwright State building construction· Franchise Tax Board central office project

Existing provisions of the State Building Construction Act of 1955 authorize the State Public Works Board to acquire or construct public buildings and to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes to finance that construction. That act also permits the leasing of these public buildings by the board to the Department of General Services or any other state agency approved by the department

This bill would authorize the Director of General Services to construct, at a specified site, the second phase of the Franchise Tax Board's central office project and related facilities.

This bill would authorize the State Public Works Board to issue revenue bonds, negotiable notes, and negotiable bond anticipation notes pursuant to the State Building Construction Act of 1955 to finance the above construction This bill would specify the amount of authorized construction costs for the project

This bill would subject any augmentation of the approved project construction costs to those provisions of law requiring the approval of the Director of Finance and the board of preliminary plans for the project prior to the appropriation of any funds for the project.

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This bill would also authorize the board to borrow funds for project costs from the Pooled Money Investment Account in accordance with specified provisions of law governing loans from that account

This bill would preclude the State Public Works Board from issuing revenue bonds, negotiable notes, or negotiable bond anticipation notes or borrowing funds from the Pooled Money Investment Account for the cost of working drawings of the 2nd phase of the Franchise Tax Board's central office project and related facilities until 30 days after the Director of General Services submits in writing to the Chairperson of the Joint Legislative Budget Committee, or whatever lesser time after submission the chairperson or his or her designee may determine, the preliminary plans and associated cost estimates of the proposed project and related facilities

This bill would require the Director of General Services, at least 20 days prior to the award of the principal bid for construction of the Franchise Tax Board central office project to notify the chairpersons of the fiscal committees of each house of the Legislature of the amount of the bid.

This bill would require the Director of General Services to notify the Chairperson of the Joint Legislative Budget Committee of the director's intention to execute any lease agreement with the State Public Works Board for the Franchise Tax Board central office project at least 20 days prior to its execution

Ch 1392 (SB 1721) Doolittle Honey Lake Valley Groundwater Basin

(1) Under existing law, there are no special provisions for groundwater management within the Honey Lake Valley Groundwater Basin

This bill would enact the Honey Lake Valley Groundwater Basin Act which would create the Honey Lake Valley Groundwater Management District to provide for groundwater management within the Honey Lake Valley Groundwater Management Basin, as prescribed The bill would specify the powers and duties of the district and provide for the management and financing of the district The bill would impose a state-mandated local program by imposing various duties upon the Board of Supervisors of Lassen County and other county officers

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory 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 68) Polanco Congregate living facilities

Existing law provides for 2 types of congregate living health facilities, congregate living health facility-A and congregate living health facility-B

A congregate living health facility-A is defined as a residential facility with a capacity of not more than 6 beds, which provides inpatient care to mentally alert, physically disabled residents, and which provides specified basic services to persons who would otherwise require long-term institutional care without this licensure classification, but do not require care in an acute care facility

A congregate living health facility-B is defined as a facility, with a capacity of 1 to 15 beds, which provides 24-hour inpatient care to persons whose primary need is for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis, except that the capacity for this type of a facility may be 25 beds in a county which has a population of 500,000 or more persons.

This bill would, instead, define a congregate health facility as a residential home with a capacity of no more than 6 beds, which provides inpatient care, including specified basic services and services to mentally alert, physically disabled persons who may be ventilator dependent, terminally ill persons, or catastrophically and severely disabled persons

The bill would require that the primary need of congregate living health facility residents be for availability of skilled nursing care on a recurring, intermittent, extended, or continuous basis, as specified

The bill would provide for various exceptions to the 6-bed limitation.

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Existing law requires the State Department of Health Services to adopt regulations regarding congregate living facilities no later than January 1, 1990.

This bill would, instead, require these regulations no later than January 1, 1991.

Existing law sets license fees for congregate living health facilities serving terminally ill persons

This bill would apply these fees to all congregate living health facilities

This bill would make a technical correction in the fee schedule for congregate living health facilities

Existing law requires congregate living health facilities to obtain and maintain a valid fire clearance from the State Fire Marshal.

This bill, would instead, require this fire clearance to be obtained and maintained from the authority having jurisdiction over the facility, based on compliance with state regulations concerning fire and life safety, as adopted by the State Fire Marshal

This bill would also require the State Fire Marshal, with the advice of the State Board of Fire Services, to adopt regulations on or before January 1, 1991, following a public hearing, establishing minimum requirements for the protection of life and property for congregate living health facilities serving terminally ill persons

Existing law requires facilities serving terminally ill persons to comply with specific state laws and regulations

This bill would make technical corrections to references to these regulations and would make other technical nonsubstantive changes It would also require compliance with these laws and regulations by congregate living health facilities serving catastrophically and severely disabled persons

Existing law specifies that various licensing requirements do not forbid any local entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a congregate living health facility.

This bill would state that a congregate living health facility which serves 6 or fewer persons shall be considered a residential use of property for purposes of any zoning ordinance or law relating to the residential use of property

Existing law also specifies that these licensing requirements do not abrogate any existing zoning prohibitions against local health facilities in purely residential zones

This bill would repeal this provision, and would instead provide that these licensing requirements do not forbid any local entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of a congregate living health facility, as long as these restrictions are identical to those applied to single-family residences.

This bill would incorporate additional changes in Section 1266 of the Health and Safety Code proposed by AB 365, to be operative only if AB 365 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last. These changes would become operative on the operative date of AB 365.

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

Ch 1394 (AB 370) Hannigan. Educational programs

The California Constitution, as amended by Proposition 98 on November 8, 1988, among other things, establishes a constitutionally guaranteed minimum level of state funding for school districts, as defined, and community college districts commencing with the 1988–89 fiscal year, pursuant to a specified calculation of the "money to be applied by the state for the support" of those entities

Existing law defines terms and phrases for purposes of those constitutional provisions, including defining "money to be applied by the state for the support of school districts and community college districts" to include funds appropriated for the Child Care and Development Services Act.

Pursuant to certain findings of the Legislature, this bill would require the Superintendent of Public Instruction to ensure that each contract entered into under the Child Care and Development Services Act to provide child care and development services, as specified, provides support to the public school system of this state through the delivery of appropriate educational services to the children served by the program The bill would also require the superintendent to ensure that all contracts for child care and development programs include a requirement that each public or private provider

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maintain a developmental profile of each child, as specified. The bill would specify for these purposes that "moneys to be applied by the state," as used in Proposition 98, includes funds appropriated for the Child Care and Development Services Act, whether or not these funds are allocated to school districts.

The bill would also specify that the annual average daily attendance for children receiving preschool services shall be calculated on the basis that one unit of average daily attendance equals that product of 175 and the minimum number of hours of preschool services required per day under the contract.

Existing law requires the State Department of Education to conduct a study, as prescribed, on the impact on the quality of programs for adult-to-child ratios of 1:8, 1:9, and 1:10 in child development classrooms for children 3 to 5 years of age.

This bill would make certain revisions regarding the source of funding for that study.

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

Ch. 1395 (AB 751) Hughes. School finance.

(1) Existing law requires the Superintendent of Public Instruction to make prescribed computations to determine the revenue limits for juvenile court school programs operated by county superintendents of schools pursuant to specified provisions of existing law.

This bill would revise those computations.

(2) Existing law appropriates $23,000,000 for allocation to school districts for deferred maintenance as provided for in specified sections of the Education Code.

This bill would require that those funds be allocated pursuant to those sections of the Education Code as amended by a specified chapter of the Statutes of 1989

(3) The California Constitution, as amended by Proposition 98 on November 8, 1988, establishes a constitutionally guaranteed minimum level of state funding for school districts and community college districts

This bill would require that, for purposes of that constitutional provision, appropriations for deficiencies be deemed to be appropriations in the fiscal year in which the deficiencies occurred.

(4) Existing law sets forth a method under which the Superintendent of Public Instruction makes apportionment adjustments from Section A of the State School Fund to compensate for any excess or deficiency received by a school district from that source, not later than the first succeeding fiscal year from the fiscal year in which the computational error was made

This bill, notwithstanding those provisions, would authorize excesses to be withheld or deficiencies to be added to apportionments on account of audit exceptions in any fiscal year in which they are certified by the Superintendent of Public Instruction.

(5) Existing law requires the county superintendent to compute an equalization adjustment for each elementary school district having an average daily attendance of more than 100, as prescribed.

This bill would revise the computation of that equalization adjustment.

(6) Existing law requires the Superintendent of Public Instruction to determine an adult block entitlement for school districts that maintain education programs for adults. Existing law provides for a cost-of-living adjustment for each district's adult revenue limit per unit of average daily attendance for the 1984–85 fiscal year to the 1987–88 fiscal year, inclusive.

This bill, in addition, would provide that cost-of-living adjustment for the 1988–89 and 1989–90 fiscal years.

Existing law provides for a cost-of-living adjustment for each district's adult revenue limit per unit of average daily attendance for the 1990–91 fiscal year and each fiscal year thereafter.

This bill would revise the computation of that cost-of-living adjustment.

(7) Existing law establishes provisions for the implementation of Article XIII B of the California Constitution with respect to expenditure limitations by state and local jurisdictions. Formulas are established to determine the appropriations limit by the state and existing local jurisdictions for the fiscal years and for new cities incorporated after the enactment of Article XIII B For school districts, amounts paid for court or federal

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mandates are required to be excluded from the computation of appropriations limits and foundation program levels.

This bill would include amounts paid for any nonreimbursed court or federal mandates imposed on or after November 6, 1979, within the computation of appropriations limits and foundation program levels for the 1988–89 fiscal year and each fiscal year thereafter.

This bill would also revise the methodology of determining the appropriations limit for county superintendents of schools.

(8) Existing law, contained in the Budget Act of 1989, governs the allocation of funds for independent study.

This bill would limit the application of those provisions to the average daily attendance of pupils 19 years of age or older who are enrolled in independent study programs.

(9) Existing law, contained in the Budget Act of 1989, requires that each 60-minute hour of teaching time devoted to each indentured apprentice enrolled in and attending classes of related and supplemental instruction as provided under specified provisions of existing law be reimbursed at the rate of $3 76 per hour.

This bill would change the rate of reimbursement to $3.93 per hour.

(10) Existing law, contained in the Budget Act of 1989, requires the Controller, for any apprentice program offered pursuant to specified provisions of existing law that is transferred from a school district maintaining kindergarten and grades 1 to 12, inclusive, or a county office of education to a community college district in 1989–90, to transfer from one item of the Budget Act of 1989 to another item an amount equal to the number of hours for which the apprentice program received funding in 1988–89 times $3 76.

This bill would change the multiplier to $3.93

(11) Existing law, contained in the Budget Act of 1989, appropriates $600,049,000 for the purposes of a prescribed inflation adjustment to school district revenue limits.

This bill, instead, would appropriate $481,000 for that purpose. The bill also would authorize that item of the Budget Act of 1989 to be used for continuation high school programs.

(12) This bill would appropriate $253,000 in augmentation of a specified item of the Budget Act of 1989 for the purpose of specified apprentice programs

(13) Existing law, contained in the Budget Act of 1989, appropriates $3,429,000 for instruction materials management and distribution for kindergarten through grade 8.

This bill, instead, would appropriate $452,000 for that purpose

(14) Existing law, contained in the Budget Act of 1989, appropriates $2,269,000 for child nutrition and $14,000 for pregnant and lactating minors, respectively

This bill, instead, would appropriate $1,968,000 and $12,000 for those purposes, respectively.

(15) Existing law, contained in the Budget Act of 1989, appropriates $119,573,000 for certain costs incurred by county offices of education

This bill would require that, of that amount, up to $4,200,000 be available for equalization of juvenile court school revenue limits, as specified.

(16) Existing law apportions funds to the Superintendent of Public Instruction for allocation to school districts and county offices of education, which funds are required to be included as part of the apportionments that a school district or county office of education is allowed under provisions of law governing disbursements by the superintendent.

This bill would require, for the 1988–89 fiscal year, that accruals to funds maintained by the county or district superintendent of schools resulting from the funds allocated pursuant to those provisions be excluded from fund balances for purposes of calculating excess reserves.

(17) Existing law appropriates $20,000,000 to the Superintendent of Public Instruction for purposes of an enactment of existing law that provides, among other things, for the establishment of school development plans, resource consortia, and teacher training subject matter projects

This bill would specify that those funds are to be allocated for purposes of the staff development programs established under that enactment.

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(18) Existing law appropriates $861,000 to the State Department of Education for the 1989–90 fiscal year to establish 10 new California Indian education centers in designated counties of this state

This bill would specify that the California Indian Education Center to be established and funded under that authority for Imperial County shall also serve San Bernardino, Riverside, and San Diego Counties, and that the center established and funded for Los Angeles County shall also serve Ventura and Santa Barbara Counties.

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

Ch. 1396 (AB 877) Bentley Developmental services· rates.

Existing law requires that the State Department of Developmental Services develop regulations establishing service standards and a mechanism for setting equitable rates for all day programs, which include adult day programs, adult developmental centers, activity centers, infant day programs, sensory-motor programs, and independent living programs.

This bill would authorize the director to adopt regulations requiring regional centers to purchase services from providers that have been "vendorized," as defined.

This bill would specify the requirements for adoption of regulations by July 1, 1990, for the establishment of an equitable process for setting rates of state payment for in-home respite services, and for community-based day programs, including, but not limited to, a specified ratesetting methodology, would make related changes, and would require reports to the Legislature, as specified.

This bill would appropriate $2,131,000 to the department for increased rates for eligible programs, as specified

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

Ch 1397 (AB 1030) Sher. Underground storage tanks federal program authorization

(1) Existing law prohibits the ownership or operation of an underground storage tank used for the storage of hazardous substances unless a local agency issues a permit for its operation Existing law also imposes various design, installation, monitoring, and release reporting requirements with regard to underground storage tanks. For purposes of these provisions, "underground storage tank" is defined as excluding tanks used for specified purposes The State Water Resources Control Board is required to adopt regulations to implement certain provisions governing underground storage tanks Every county is required to implement these provisions and to designate the department of the county to serve as the local agency, except that a city or county which adopted an ordinance before January 1, 1984, concerning underground storage tanks, which met specified minimum requirements, is exempt from the requirements of these provisions. Cities were required to assume responsibility for implementing these provisions on or before January 1, 1986. The local agency is authorized to retain 6% of a surcharge imposed on the permit fees and to transmit the remainder of the surcharge to the board Existing law imposes a civil penalty of not less than $500 or more than $5,000 for specified violations of these provisions. Existing law authorizes the granting of categorical and site-specific variances from these provisions

Existing federal law, as added by the Hazardous and Solid Waste Amendments of 1984, requires the administrator of the Environmental Protection Agency to adopt and enforce regulations concerning release detection, prevention, and correction with regard to underground storage tanks The administrator is authorized to approve state programs regulating underground storage tanks in lieu of the federal program if the state program meets specified requirements If the program is approved, federal law provides that the state has primary enforcement responsibility with respect to the requirements of its program.

This bill would make a statement of legislative intent concerning state program authorization under the federal act. The bill would redefine the term "hazardous substance" to include regulated substances under the federal act and revise the term "underground storage tank" to delete certain tanks excluded from this definition, including tanks used for the storage of hazardous substances for the control of external

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parasites of cattle and tanks containing aviation or motor fuel used by a licensed pest control operator. The bill would also define the terms "automatic line leak detector," "release," and "underground tank system." The bill would provide for a specified permitting process for a person who owns an underground storage tank which was not subject to the underground storage tank provisions before January 1, 1990.

The bill would exempt a county of the 5th class (Santa Clara County), and the cities within that county, from the requirements of collecting or transmitting the surcharge to the board, and would include a statement as to the reasons for the exemption.

The bill would authorize the local agency, California regional water quality control board, or the board to require the tank owner or operator to submit information and to conduct monitoring and testing for purposes of carrying out the provisions regulating underground storage tanks. The bill would require the report of an unauthorized release which is required to be submitted to the local agency to include information concerning the release and any corrective or remedial actions taken or required.

The bill would revise the design requirements for underground storage tanks, including requiring that any underground storage tank installed on or before January 1, 1984, to be replaced or upgraded, as specified, by December 22, 1998, and that pressurized piping meet specified conditions, except as specified

The bill would impose additional operational and closure requirements on underground storage tanks and would require all owners and operators to maintain evidence of financial responsibility for taking corrective action and compensating 3rd parties for injury and damages caused by a release. The bill would specify that the records of monitoring, testing, repairing, and closure be kept in sufficient detail to enable the local agency to determine whether the underground storage tank is in compliance with the provisions regulating underground tanks, the regulations adopted by the State Water Resources Control Board to implement these provisions, and with the tank's permit.

The bill would include in the civil penalty provisions violations concerning regulations, inspection, monitoring, and the making of false statements The bill would also impose this civil penalty upon persons who intentionally fail to provide notice when required to do so or who submit false information in a permit application, amendment, or renewal. The bill would require these penalties collected on behalf of the board to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund, and would make these funds available for expenditure by the board, upon appropriation, for specified purposes.

The bill would require the board to adopt regulations implementing the underground storage tank provisions and would require the board, when adopting these regulations, to assure consistency with the federal act. The board would be required to adopt emergency regulations to obtain state program approval under the federal act, and the bill would exempt these regulations from repeal by the Office of Administrative Law The bill would delete the exemption for a city or county exempted from implementing the provisions regulating underground storage tanks by requiring the city or county to implement these provisions by January 1, 1991, and, until that date, to take specified actions concerning the issuance of permits.

The bill would provide that cities, which, prior to January 1, 1990, were exempt from implementing these provisions, have exclusive jurisdiction to implement these provisions

The bill would delete the requirement that a city assume responsibility by January 1, 1986, and would require a city to notify the county by July 1, 1990, of its intention to implement these provisions The bill would specify that provisions authorizing categorical variances and site-specific variances and provisions allowing local agencies to adopt additional design and construction standards do not apply to or within cities and counties exempted from implementing the provisions regulating underground storage tanks as of December 31, 1984.

The bill would repeal a provision preempting any local regulation of underground storage tanks and would instead specify that the provisions regulating underground storage tanks do not preclude or deny a local agency's right to adopt or enforce regulations, requirements, or standards of performance more stringent than these provisions.

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The bill would require that any permit issued for an underground storage tank which has been granted a variance to include specified conditions, including any conditions necessary to comply with the federal act. The bill would designate the board as the lead agency for purposes of the federal act and would authorize the board to take specified actions to comply with the approval requirements for state programs under the federal act. The bill would delete obsolete provisions regarding a study by the board relative to specified underground storage tanks.

(2) The California Constitution requires the state to 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 imposing new requirements on local agencies concerning implementing the provisions regulating underground storage tanks and by imposing new monitoring and reporting requirements, the falsification of which is a crime pursuant to other provisions of law

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

Ch. 1398 (AB 1059) M Waters. Mastectomy: prosthetic devices.

(1) Existing law imposes a requirement upon health care service plans, group disability insurance, self-insured employee welfare benefit plans, and nonprofit hospital service contracts to provide coverage for prosthetic devices, as specified, if coverage is provided for mastectomy

This bill would define "prosthetic devices" for purposes of these provisions to mean provision of initial and subsequent prosthetic devices pursuant to an order from the patient's physician

(2) Existing law requires Medi-Cal coverage to include specified external and internal prostheses in connection with mastectomies.

This bill would require this coverage to include the provision of initial and subsequent prosthetic devices pursuant to an order of the patient's physician

(3) The bill would state that it clarifies rather than changes existing law.

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

Ch 1399 (AB 1542) Woodruff Small business development

Existing law, under the Small Business Development Corporation Law, provides for a Small Business Development Board for the purpose of providing loans, loan guarantees, and assistance to small businesses

This bill would revise and recast that law and would, among other things, (1) revise the statement of legislative findings to include women as a group for whom the development of business opportunities is particularly intended, (2) provide that financial institutions that make agreements with the board must be authorized to conduct business in this state, (3) revise the duties of the board as it relates to approving small business corporations, (4) require corporations to present a one-year business plan rather than a 4-year plan, (5) delete authorization for the board to facilitate the transfer of a business between a seller and a buyer, (6) delete authority for the board to establish programs that guarantee investments, as specified, (7) revise requirements relating to the board of directors and membership of a small business corporation, (8) delete authority for a client or other person to file a grievance with the Office of Small Business relating to a decision of a corporation, (9) revise qualifications for membership on the board of directors of a small business corporation, (10) revise criteria for the making of a loan or a loan guarantee by the board, (11) delete a limitation on the amount of obligations of a small business corporation that may be held by a financial institution, as specified, (12) revise criteria for the designation of a financial institution where the funds of a small business corporation will be deposited, (13) delete provisions relating to an agreement or reorganization plan negotiated between a corporation and its creditors, (14) revise limits and criteria on direct loans made by corporations to farmers and farm corporations, as specified, (15) delete authority for a small business corporation to receive an equity position in a business in lieu of fees, (16) provide that funds from the Hazardous Waste Reduction Loan Account may be utilized for the costs incurred to prevent a

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default, (17) extend the repealing date for provisions relating to hazardous waste reduction from 1990 to 1996, and (18) make other conforming changes.

The bill would make other technical and clarifying changes

Ch 1400 (AB 1589) Hauser. Wildlife. habitat Advisory Committee on Salmon and Steelhead Trout

(1) Existing law authorizes the Department of Fish and Game to expend funds for improvement of lakes and streams for fish, as specified, and to carry out that habitat improvement on private land, with permission, without the state acquiring an interest in the property.

This bill would authorize the expenditure of funds for improvement of property, as specified, to restore, rehabilitate, and improve fish and wildlife habitat and would authorize the department to, instead, undertake the services and habitat improvement work on private, public, and public trust lands without the state acquiring an interest in the property The bill would also authorize, with specified exceptions, the department to enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement, as specified, which contracts would be declared to be contracts for services governed by specified provisions of the State Contract Act and not subject to specified provisions of the Labor Code

(2) Existing law prohibits any person 14 years of age or more or less than 70 years of age on or before April 1 of the current license year to take salmon for commercial purposes or to be on board a vessel while salmon are being taken or transported unless the person has a commercial salmon stamp affixed to his or her commercial fishing license, and existing law prohibits an operator of that vessel from permitting that person on board

This bill would change that minimum age to 16 years or more and would expressly exempt from those requirements for commercial fishing salmon stamps any person who is exempted from the requirement to have a commercial fishing license or who is not required to be so licensed

(3) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out its duties under the Fish and Game Code

Because this bill would authorize additional uses of the fund and impose additional duties on the director with regard to regulating salmon fishing, the bill would make an appropriation

(4) Under existing law, the revenues from a specified cigarette and tobacco tax are deposited in 6 accounts in the Cigarette and Tobacco Products Surtax Fund, among which is the Public Resources Account. The money in the Public Resources Account may be appropriated only for programs to protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat on an equally funded basis or programs to enhance state and local park and recreation resources

This bill would require the department, after consultation with the Advisory Committee on Salmon and Steelhead Trout, to allocate from any moneys appropriated to the department from the account that amount which the department determines to be necessary to pay the costs for the advisory committee

(5) Under existing law, the taking of abalone for commercial purposes is regulated by size, limit, season, and area of taking

This bill would prohibit abalone from being possessed aboard, or landed from, a commercial fishing vessel in any fish and game district in which the commercial taking is prohibited or the season for taking is closed, except as specified Because violation of the provision would be a misdemeanor pursuant to other existing provisions of the Fish and Game Code, the bill would impose a state-mandated local program

(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 appropriate $228,500 from specified federal funds and from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund, as speci-

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fied, to the department to provide 3 personnel years for the wild trout program and to pay the costs of the advisory committee to advise the department on programs to protect, restore, enhance, or maintain salmon and steelhead trout.

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

Ch 1401 (AB 1682) Sher Structural pest control

Existing law authorizes licensed contractors to remove and replace portions of a structure damaged by wood destroying pests or organisms if the work is incidental to other work being performed on the structure or is identified by a structural pest control report

This bill would authorize contractors to apply wood preservative after making a disclosure, as specified, to the customer

The bill would define "wood preservative" for purposes of provisions regulating structural pest control.

Existing law specifies various branches of pest control practices, consisting of Branch 1, fumigation, Branch 2, general pest, and Branch 3, termite

This bill would specify a new branch of pest control practice, Branch 4, roof restoration, as specified, and would provide, on and after July 1, 1990, for the licensing and regulation of persons practicing in that branch. The bill would make related changes

This bill would incorporate additional changes in Sections 8551.5 and 8564.5 of the Business and Professions Code, proposed by AB 908, to be operative only if AB 908 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

The bill would impose a state-mandated local program by adding a new crime since an unlicensed person would be required to pass an examination prior to application of substances included in the new Branch 4 classification and a violation of this requirement would constitute a misdemeanor.

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

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

Ch. 1402 (AB 2212) Speier Continuous sexual abuse of a child

(1) Existing law does not provide for an offense known as continuous sexual abuse of a child

This bill would create that offense, thereby constituting a state-mandated local program by establishing a new crime The bill would provide that the offense of continuous sexual abuse of a child occurs when a person who either resides in the same home with the child or has recurring access to the child, over a period of time, not less than 3 months in duration, engages in 3 or more acts of substantial sexual conduct, as defined, with a child under the age of 14 years at the time of the commission of the offense, or 3 or more acts of lewd or lascivious conduct, with a child under the age of 14 years at the time of the commission of the offense The bill would make it a felony punishable by imprisonment in the state prison for 6, 12, or 16 years to engage in this offense It would further provide for certain matters regarding a prosecution under this act

(2) Under existing law, in any prosecution under specific sections specifying enumerated sex offenses, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of the complaining witness certain restrictive procedures must be followed

This bill would include the offense of continuous sexual abuse of a child within the listing of enumerated sex offenses causing the restrictive procedure to be followed

(3) Existing law provides that in any arrest or prosecution involving the offense of lewd or lascivious conduct on a child, the peace officer, the district attorney, and the court shall consider the needs of the child victim and shall do whatever is necessary and constitutionally permissible to prevent psychological harm to the child victim

This bill would include the offense of continuing sexual abuse of a child within the above, and would provide that the public officials do whatever is necessary, within

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existing budgetary resources, thereby constituting a state-mandated local program by requiring the restrictions to apply with respect to a child victim and increasing the level of services required by local government under an existing program.

(4) Existing law requires persons who have been convicted of the commission or attempted commission of certain listed sex offenses and persons who have been adjudicated wards of the juvenile court because of the commission or attempted commission of certain listed sex offenses, within 14 days of coming into any county, city, or city and county, in which the person resides or is temporarily domiciled for that length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area Failure to properly register is a misdemeanor.

This bill would include within the listed offenses, the offense of continuous sexual abuse of a child It thus creates state-mandated local programs by increasing the level of services required of local government under an existing program and by expanding the scope of an existing crime

(5) Existing law provides for an increased prison term for a person convicted of committing lewd or lascivious acts with a child under the age of 14 years if that person has previously been convicted of certain listed sex crimes, and provides that a person convicted of lewd or lascivious acts with a child under the age of 14 years, who has served 2 or more prison terms for certain listed sex crimes, is guilty of a felony punishable by imprisonment for 15 years to life Existing law further provides a person convicted of lewd or lascivious acts with a child under 14 years of age, if previously convicted 2 or more times for certain listed sex crimes specified by this bill, is guilty of a felony punishable by imprisonment for 15 years to life, as specified

This bill would include within the listed sex crimes, the offense of continuous sexual abuse of a child

(6) Existing law provides for 5-year prison enhancements for persons convicted of certain sex offenses who have previously been convicted of any of those offenses Existing law also 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 the law Existing law provides that in lieu of the term imposed pursuant to the above-stated restriction, 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 5-year enhancement may be imposed and in which a full, separate, and consecutive term may or shall be imposed, the offense of continuous sexual abuse of a child

(7) Existing law provides that a prosecuting witness in prosecutions for specified listed 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 include within the listed sex offenses, the offense of continuous sexual abuse of a child

(8) Existing law provides that in a criminal proceeding in which the defendant is charged with a violation of specified listed sex offenses, the court shall undertake specified actions with regard to minor witnesses and victims

This bill would include within the listed sex offenses the offense of continuous sexual abuse of a child

(9) Under existing law, added by initiative statute, plea bargaining in any case in which the indictment or information charges any listed 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

This bill would provide that "serious felony" also includes the offense of continuous

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sexual abuse of a child.

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

(10) Under existing law, except in unusual cases where the interests of justice would best be served if the person is granted probation, the courts are prohibited from granting probation to, among others, certain persons who have previously been convicted of listed offenses, except as specified.

This bill would include with the listed offenses, the offense of continuous sexual abuse of a child.

(11) Existing law prohibits the granting of probation or the suspension of the execution or imposition of a sentence or the dismissal of a case involving persons who engage in specified crimes.

This bill would include in the listing of specified crimes, the offense of continuous sexual abuse of a child where the person has substantial sexual contact with a victim under the age of 11 years.

(12) Existing law authorizes the video-taping of the testimony at a preliminary hearing of a victim of specified listed sex crimes who is 15 years of age or less, or who is developmentally disabled, as specified, which testimony may be introduced in evidence at trial if the court finds that further testimony would cause the victim emotional trauma so that the victim is medically unavailable or otherwise unavailable within specified provisions of the Evidence Code.

This bill would include in the history of specified sex offenses, the offense of continuous sexual abuse of a child.

(13) The bill would incorporate additional changes in Section 290 of the Penal Code, proposed by SB 203 and AB 1008 to become operative only if SB 203 or AB 1008, or both, and this bill are enacted and this bill is enacted last.

(14) The bill also would incorporate changes in Section 868.5 of the Penal Code, proposed by AB 1710 to become operative only if AB 1710 and this bill are enacted, and this bill is enacted last.

(15) The bill also would incorporate changes in Section 1203 of the Penal Code, proposed by AB 688 to become operative only if AB 688 and this bill are enacted, and this bill is enacted last

(16) This bill would provide that if any provision of the bill or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the bill which can be given effect without the invalid provision or application, and to this end the provisions of this bill are severable.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be payable from the State Mandates Claims Fund

Ch 1403 (AB 2523) Seastrand. School districts: 4-day week.

Existing law authorizes the Pacific Elementary School District to operate schools on a 4-day school week as specified. Existing law authorizes the reorganization of school districts and provides that any action to reorganize a school district shall be effective on July 1 of the calendar year following the year in which the action was completed

This bill would change the references to the Pacific Elementary School District in the provision that authorizes the operation of a 4-day school week to the Pacific Unified School District to conform with the unification of the school district and the name

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change that is to become effective on July 1, 1989, and would thereby authorize the Pacific Unified School District to operate its schools on a 4-day school week through the 1992–93 school year

The provisions described above would be operative on July 1, 1989, if the bill becomes effective on or before July 1, 1989, but would be operative on the effective date if the bill becomes effective after July 1, 1989

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

Ch. 1404 (SB 77) L. Greene. School facilities: state funding program

Under existing law, the State Allocation Board is authorized to apportion funding for school facilities construction projects on behalf of applicant school districts under the Leroy F. Greene State School Building Lease-Purchase Law of 1976. Existing law bases the eligibility of an applicant district for funding under that act, in part, upon the current and anticipated average daily attendance of the district, and specifies that the estimate of future average daily attendance for this purpose may encompass up to and including an additional 2 years for any district that pays 50% or more of the cost of the project, as specified

This bill would specify that the district matching share requirement would not apply to designated projects for which 50% or more of the cost of the project would be paid for from local funding sources, as described, and these projects would be eligible for "fast tracking," which is defined to exempt the project, as specified, from eligibility reviews conducted by the state subsequent to the approval of the project by the State Allocation Board.

Ch 1405 (SB 100) Lockyer Toll bridges local transportation funds

(1) Existing law specifies the disposition of revenues derived from increasing to $1 the tolls on bridges within the jurisdiction of the Metropolitan Transportation Commission.

This bill would revise the disposition of those revenues The bill would continuously appropriate a specified portion of those revenues to the Controller for allocation to the Metropolitan Transportation Commission for expenditure for specified purposes

(2) Existing law requires the Department of Transportation and the California Transportation Commission to consider the inclusion of bicycle and pedestrian facilities on each new toll bridge.

This bill would require that an exclusive lane for pedestrians and bicycles be included in at least one of the Benicia-Martinez and Carquinez Bridges, as specified The bill would require that the design of these bridges not preclude the subsequent addition of a lane for the exclusive use of pedestrians and bicycles

The bill would require the department to report to the Legislature on the feasibility of incorporating, as specified, rail transit on the San Mateo-Hayward Bridge

(3) Under existing law, counties may establish a county transportation fund and deposit therein a portion of the sales and use tax revenues, for allocation by the local transportation agency to transit operators. Existing law requires that interest earned by the local transportation fund accrue to and become a part of that fund.

This bill would permit the Metropolitan Transportation Commission, with respect to amounts designated by the commission for future allocation to an operator for a particular purpose, to estimate the interest earned on that amount and include the accrued interest in that allocation

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

Ch 1406 (SB 174) Watson Medi-Cal: hospital care: AIDS

Under existing law, the Medi-Cal program, which is administered by the State Department of Health Services, provides qualified categories of low-income individuals with basic health care benefits

Under existing law, the California Medical Assistance Commission is required to negotiate contracts with hospitals for the provision of health care services under the Medi-Cal program

Existing law requires the commission to report to the Legislature on January 1 and

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May 1 of each year on various factors relating to health service contracts, and specifies that the May report shall serve as an update of certain information contained in the January report

The bill would require the commission to include in its annual report for 1991 an assessment of the problems of the distribution of health care for AIDS patients in hospitals in major metropolitan areas of the state and which, to the extent needed, contains recommendations by the commission on ways to increase access to care for AIDS patients at a wider range of hospitals under the Medi-Cal program

Ch. 1407 (SB 203) Presley. Sex offenses.

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. Under existing law, any person who is required to register and who fails to register is guilty of a misdemeanor.

This bill would additionally, require sex offenders to register with the chief of police of a campus of the University of California or the California State University if the person is domiciled upon the campus or in any of its facilities. The bill would make it a misdemeanor or felony for any person who has 2 prior convictions for the offense of failing to register and who subsequently willfully commits that offense. To the extent that this bill would create a new crime, it would constitute a state-mandated local program.

Existing law also requires the sex offenders mentioned in the first paragraph, prior to discharge, parole, or release, to sign a form stating that the duty of the person to register with local law enforcement officials has been explained to him or her, and requires the official in charge of the jail, prison, school, road camp, or other institution where the person is confined to give one copy of the form to the person and to send one copy of the form to the Department of Justice and one copy of the form to the appropriate law enforcement agency having local jurisdiction where the person expects to reside

This bill also would require the official in charge of the place of confinement or hospital to send one copy of the form to the appropriate law enforcement agency or agencies, rather than to the appropriate law enforcement agency, having local jurisdiction where the person expects to reside. To the extent this bill would impose additional reponsibilities on local governmental officials, the bill would create a state-mandated local program

This bill would incorporate additional changes in Section 290 of the Penal Code, proposed by AB 2212 and AB 1008, to become operative only if AB 2212 or AB 1008, or both, and this bill are enacted and this bill is enacted last

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

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

However, the bill also 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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1408 (SB 206) L. Greene. School facilities: asbestos abatement

Under existing law, the State Allocation Board is authorized to apportion funding for school facilities construction projects on behalf of applicant school districts under the Leroy F. Greene State School Building Lease-Purchase Law of 1976. Existing law requires, as conditions of state funding of any project under that act, that the applicant district pay a designated matching share toward the cost of the project, that the district agree to keep the project in good repair, including the maintenance of a restricted fund for regular maintenance and routine repair, and that the district be subject to certain liability for the payment of rent to the State Allocation Board, as specified. Existing law further requires, for any project funded under that act, that the subject school property be deemed the property of the state

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This bill would exempt, from those matching share, restricted fund, and rent liability requirements, any project funded under that act that involves only the identification, assessment, or abatement of hazardous asbestos in school facilities. The bill would also specify that the funding under that act of any such asbestos-related project would not cause the transfer to the state of title or any other property interest in the subject facilities.

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

Ch. 1409 (SB 221) Petris. Restraining orders. children.

Existing law requires the presiding judge of the superior court to designate one judge, commissioner, or referee in each county to be available, as specified, to orally issue, by telephone or otherwise, emergency protective orders against domestic violence, as specified, which orders are authorized to be issued at all times when the court is not in session. An emergency protective order against domestic violence expires not later than the close of judicial business on the next day of judicial business following the day of its issue.

This bill would provide that an emergency protective order against domestic violence shall expire not later than the close of judicial business on the 2nd day of judicial business following the day of its issue.

This bill would also authorize the above described designated judges, commissioners, or referees to issue emergency protective orders, as specified, when a police or sheriff's officer asserts reasonable grounds to believe that a child is in immediate danger of abuse by a family or household member. The bill would provide that the order shall expire not later than the close of judicial business on the 2nd day of judicial business following the day of its issue. The bill would also provide that the parent or legal guardian of the endangered child who is not a restrained party, or any person having temporary custody of the endangered child, would be able to apply for a more permanent restraining order, as specified.

Existing law details the procedures for declaring a minor a dependent child of the juvenile court and authorizes the juvenile court to direct all such orders to the parent, parents, or guardian of a minor as the court deems necessary and proper for the best interests of the minor. A violation of an order of the juvenile court is a contempt

This bill would authorize the juvenile court, during the pendency of any proceeding to declare a minor a dependent child of the juvenile court, to issue ex parte orders enjoining any parent, guardian, or member of the minor child's household from engaging in specified behavior or activity or excluding any parent, guardian, or member of the minor child's household from the dwelling of a person having the care, custody, and control of the child, upon a specified showing. The juvenile court would also be authorized, upon notice and a hearing, to issue the above-described orders which orders would remain in effect, in the court's discretion, not to exceed one year, unless otherwise terminated by the court or extended, as specified The bill would provide that any willful and knowing violation of any of these restraining orders issued by the juvenile court would be a misdemeanor punishable by imprisonment for up to 1 year in county jail, and a specified fine.

This bill would incorporate additional changes in Section 546 of the Code of Civil Procedure, proposed by AB 2089, to be operative only if AB 2089 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last.

Because this bill would authorize the imposition of a longer county jail sentence for violation of the above specified restraining orders issued by the juvenile court than that authorized for criminal contempts generally, it would constitute a state-mandated local program. Additionally, because the bill would impose new duties on police and sheriffs' officers, 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 specified reasons.

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Ch. 1410 (SB 269) Stirling. Corporations

Under existing law, if a nonprofit public benefit corporation changes its status to that of a nonprofit mutual benefit corporation, the corporation, upon the filing of the certificate of amendment, is subject to a provision that requires a corporation, upon incorporation, to prepay the minimum tax

This bill would delete that provision

The bill would also require the Secretary of State to notify the Franchise Tax Board of any amendments to a public benefit corporation's articles.

Ch 1411 (SB 636) Keene. Hazardous waste.

(1) Existing law defines the term "disposal," for purposes of the provisions regulating hazardous waste, and imposes criminal penalties upon persons who dispose of hazardous waste in violation of these provisions

This bill would revise the definition of disposal to include the abandonment of waste, thereby imposing a state-mandated local program by creating a new crime.

(2) Existing law defines "hazardous waste" as a waste which has specified characteristics The State Department of Health Services is required to adopt criteria for the identification of hazardous waste.

This bill would include, within the definition of hazardous waste, any waste which meets the criteria adopted by the department for the identification of hazardous waste.

(3) Existing law requires any person who knowingly treats or stores any hazardous waste at an unpermitted or unauthorized facility, as specified, to be punished, upon conviction, by a fine of between $2,000 and $50,000 for each day of violation, or by imprisonment in the county jail for not more than one year or in state prison for 16, 20, or 24 months, as specified, or by both the fine and imprisonment.

This bill would, instead, require that any person so convicted 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 and by fine of between $5,000 and $100,000 for each day of violation The bill would authorize additional penalties of imprisonment in state prison for up to 36 months and a fine of up to $250,000 for each day of violation, if the violation caused great bodily injury or a substantial probability that death could result The bill would impose a state-mandated crime by changing the penalty for a crime

(4) The revisions made to the definitions of "disposal" and "hazardous waste" would not become operative if AB 1847 is enacted and amends Sections 25113 and 25117 of the Health and Safety Code

(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. 1412 (SB 658) Bergeson Public contracts: environmental services

Existing law contains provisions regarding the letting of contracts by state and local agency heads for architectural, engineering, land surveying, or construction project management services based on demonstrated competence and professional qualifications rather than competitive bidding Existing law defines architectural, engineering, and land surveying services for purposes of these provisions.

This bill would include environmental services, as defined, within these provisions. The bill would also provide that these contract procedures shall specifically prohibit practices which might result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful consideration, and it would specifically prohibit government agency employees from participating in the selection process when these employees have a relationship with a person or business entity seeking a contract pursuant to these provisions which would subject those employees to specified prohibitions

This bill would incorporate additional changes in Section 4525 of the Government Code, proposed by SB 1224, to be operative only if SB 1224 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered

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last These changes would become operative on the operative date of SB 1224

This bill would incorporate additional changes in Section 4526 of the Government Code, proposed by SB 419, to be operative only if SB 419 and this bill both become effective on or before January 1, 1990, and this bill is chaptered last. These changes would become operative on the operative date of SB 419.

The bill would also make conforming changes, and would declare that it is to take effect immediately as an urgency statute

Ch 1413 (SB 662) Bergeson. California State Prison-Imperial County

(1) Existing law authorizes the Department of Corrections to construct and establish a 2,000-bed Level IV prison, together with a 200-bed service facility, in Imperial County and appropriated $10,000,000 from the 1988 Prison Construction Fund for this prison and service facility to be repaid from funds derived from lease-purchase financing methods.

This bill would authorize the use of lease-purchase financing arrangements for the necessary funding of this prison and service facility It would appropriate $193,700,000 from the 1990 Prison Construction Fund to the Department of Corrections for the construction of the prison and service facility

The bill would also authorize the Department of Corrections to construct and establish a 2,000-bed Level III prison, together with a 200-bed Level I support services facility, in Imperial County, would require the department to prepare an environmental impact report studying 2 or more sites for this project, and would appropriate $10,000,000 from the 1988 Prison Construction Fund to the department for this prison and support services facility

(2) Existing law requires each state agency to establish and update annually an affirmative action program which provides goals and timetables to overcome any identified underutilization of minorities and women in the state agency. Existing law also requires contracts let by the Department of Corrections for the construction, erection, alteration, repair, or improvement of state prison facilities, to have statewide participation goals of 15% for minority business enterprises and 5% for women business enterprises, exclusive of inmate day labor contracts

This bill would require the Department of Corrections to establish for correctional facilities financed by this bill, an annual goal of 20% for the employment of minorities, as defined, women, and persons with disabilities, who are residents of the Imperial Valley and an annual goal of an additional 20% for the employment of residents of the Imperial Valley, thereby establishing a cumulative goal of 40% for the employment of those residents at these facilities The bill would also require the department to establish outreach programs to maximize the participation of businesses and professionals located in the Imperial Valley in the design, construction, and maintenance of the facilities financed by the bill and to promote the employment of residents of the Imperial Valley at these facilities

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

Ch 1414 (SB 678) Davis Joint powers entities· designation as single school districts.

(1) 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

Existing law authorizes any separate joint powers entity formed pursuant to these 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 approval of affected school districts, as specified

This bill would also authorize any separate joint powers entity that has as its sole function the provision of school food services to be designated as a single school district for these purposes, subject to prior approval by the Superintendent of Public Instruction, and subject annually to the approval of affected school districts, as specified The bill would require that employees of specified school districts who transfer from a participating school district and are employed by the joint powers entity shall be entitled to carry

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over their seniority upon that transfer. The bill would make a legislative finding on the necessity for a special statute.

(2) Existing law makes the joint powers entity 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

This bill would, in addition, make the joint powers entity subject to the same budget, expenditure, appropriation, accounting, auditing, and program requirements as school districts and county superintendents of schools generally with respect to food services programs.

Ch 1415 (SB 679) Davis. Courts: compensation

(1) Existing law prescribes the compensation of justices and judges of courts of record.

This bill would provide that each judge of the Supreme Court and the courts of appeal shall receive the same life insurance benefit as is granted to other constitutional officers and state managerial employees It would require the Administrative Office of the Courts to administer the insurance benefit.

(2) Existing law provides for the appointment of the Clerk of the Supreme Court, and specifies his or her salary

This bill would repeal those provisions and, instead, provide for the appointment of a Clerk/Administrator of the Supreme Court, provide for the appointment of other employees of the Supreme Court, and specify that the compensation of the Clerk/Administrator and his or her employees shall be set by the Supreme Court, as specified.

Ch 1416 (AB 157) Assembly Committee on Judiciary Judicial proceedings.

(1) Existing law provides for the arbitration of attorney's fees, liens of a deed of trust securing a shared appreciation loan, appeals from small claims court judgments, jury service, the duties of jury commissioners, peremptory challenges, service of process, notice, and pleadings in civil actions and proceedings, the adoption of rules of court, the enforcement of judgments, appeals from superior court judgments, costs in civil actions, the approval of dispositions in civil actions, deposition subpoenas, witness fees, advisory committees to assist the Judicial Council, the admissibility of copies of records, the acceptance by local agencies of payment by credit card, the recording of public documents, and the appearance by counsel in certain proceedings by telephone.

This bill would revise and recast those provisions The bill would impose a state-mandated local program by expanding the duties of jury commissioners and the provisions for appearances by counsel by telephone in courts subject to the Trial Court Delay Reduction Act of 1986, and by requiring a county recorder to record court-certified copies of satisfaction of judgments by governmental entities This bill would also incorporate additional changes in Section 2025 of the Code of Civil Procedure proposed by AB 1802, to become operative only if AB 1802 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated 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. 1417 (SB 710) Stirling Justice courts

(1) Under the California Constitution, justice courts are courts of record

This bill would make numerous conforming changes The bill would impose a state-mandated local program by requiring the clerk of a justice court to perform duties previously performed by the judge

(2) Existing law provides that a judge of a full-time justice court in an option county shall receive the same salary as a judge of a municipal court, and a part-time justice court judge in an option county shall receive proportional compensation, as specified, to be provided for in the Budget Act Other provisions of law applicable to counties not

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receiving trial court funding from the state authorize the board of supervisors to regulate the compensation of justice court judges, except as to justice court judges who meet specified conditions Operative January 1, 1990, the latter justice court judges are to receive an annual salary of $30,000, as adjusted according to specified provisions

This bill would provide, instead, that all full-time justice court judges shall receive the same salary as a judge of the municipal court, and all part-time justice court judges shall receive proportional compensation, except as specified. The bill would impose a state-mandated local program in this regard by requiring a higher level of service under an existing program.

(3) Under the California Constitution, laws that set the salaries of elected state officers are appropriations

This bill would make an appropriation by setting the salaries of justice court judges

(4) Under existing law, justice court judges are not included in the Judges' Retirement System

This bill would include justice court judges in the Judges' Retirement System, and would require the payment of employer and employee contributions to the Judges' Retirement Fund for justice court judges and make other conforming changes. Since the Judges' Retirement Fund is a continuously appropriated fund, this bill would make an appropriation

(5) Existing law provides that for any judge who, prior to becoming a judge, served as a "judge of an excluded" court, as defined, the number of years he or she served as a "judge of an excluded court" shall be included in the computation of the number of years of service as a judge if specified conditions are met.

This bill would specify that, on and after January 1, 1990, the right to elect to receive credit for this prior service shall apply only to a justice of the Supreme Court or a court of appeal or a judge of a superior or municipal court The bill would require the Judges' Retirement System, in cooperation with the Judicial Council, to study the effects of providing justice court judges who have become members of the Judges' Retirement System the option of electing this prior service credit prior to January 1, 1990, and would require that the results of the study be submitted to the Legislature on or before March 1, 1990

The bill would also provide that a judge who renders part-time service after January 1, 1990, shall receive a reduced retirement allowance, as specified

(6) This bill would incorporate additional changes in Section 396b of the Code of Civil Procedure, proposed by AB 157, to be operative only if AB 157 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last. This bill would also incorporate substantially all of the changes in Section 68202 5 of the Government Code, proposed by SB 1350, to become operative only if SB 1350 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last These changes would become operative on July 1, 1990 This bill would incorporate substantially all of the changes in Section 1803 of the Vehicle Code, proposed by SB 1119, to be operative only if SB 1119 and this bill are both chaptered and become effective on or before January 1, 1990, and this bill is chaptered last These changes would become operative on January 1, 1992

(7) This bill would specify that certain provisions shall become inoperative on July 1, 1990, if SB 1350 of the 1989-90 Regular Session is chaptered and takes effect on or before January 1, 1990, and amends Section 68202 5 of the Government Code to provide for the salary of part-time judges

(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 1418 (SB 782) Davis Secondhand dealers

(1) Under existing law, secondhand dealers are required to report certain transactions involving tangible personal property on forms approved or provided at actual cost by the Department of Justice. Existing law provides that the report include prescribed

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information, including a complete and reasonably accurate description of serialized and nonserialized property.

This bill would provide that whenever a secondhand dealer has complied with specified requirements, he or she shall be deemed to have received adequate evidence of authority to sell or pledge the property, as specified.

This bill would also make a statement declarative of legislative intent

(2) Existing law provides that a secondhand dealer's license shall be renewable annually, however, the license is subject to forfeiture by the licensing authority and the licensee's activities are subject to being enjoined for breach, as specified Notwithstanding the above, no person may be denied a secondhand dealer's license solely on the grounds that he or she has violated specified provisions relating to secondhand goods and pawnbrokers, except as specified.

This bill would, instead, provide that no person may have his or her renewal application for a secondhand dealer's license denied, nor shall the license be forfeited solely on those grounds.

(3) Existing law provides that a licensee shall not engage in the business of secondhand dealer, as defined, with any minor

This bill would instead prohibit transactions that require reporting by a secondhand dealer, as specified, from being engaged in with a minor.

(4) Under existing law pawnbrokers are prohibited from receiving anything in pledge from any person under the age of 16 years. A violation of the provisions regulating pawnbrokers is a misdemeanor.

This bill would prohibit a pawnbroker from receiving anything in pledge from any person who is a minor thus creating a state-mandated local program by expanding the scope of an existing crime

(5) This bill would incorporate additional changes in Section 21628 of the Business and Professions Code, proposed by SB 1519, to be operative only if SB 1519 and this bill are both chaptered and become effective January 1, 1990, 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. 1419 (SB 802) Marks Residential care facilities for the elderly.

Existing law requires the licensing and regulation of residential care facilities for the elderly by the State Department of Social Services but does not expressly preclude a facility from requiring patients to purchase drugs or rent or purchase medical equipment from any particular pharmacy or other source.

This bill would expressly prohibit a residential care facility for the elderly from requiring patients to purchase drugs, or rent or purchase medical equipment from any particular pharmacy or other source. Because violation of laws relating to these facilities is a misdemeanor, this bill would create a new crime and therefore impose a state-mandated local program.

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

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

Ch. 1420 (SB 817) Presley Corrections· state employees lease-purchase

(1) Existing law provides that in state civil service appointments, the names of the 3 persons standing highest on the promotional employment list for the class in which the position belongs shall be certified to the appointing power, with specified exceptions

This bill would provide that for positions in the Department of Corrections, the names of all those eligibles for peace officer and closely allied classes whose scores, at the time of certification, represent the 3 highest ranks on the employment list for the class in

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which the position belongs shall be certified to the appointing power, would specify that for purposes of ranking, scores of eligibles on employment lists for the classes shall be rounded to the nearest whole percent, and would specify that a rank consists of one or more eligibles with the same whole percentage score

This bill would also permit the board to provide for certifying less than 3 ranks where the size of the certified group is disproportionate to the number of vacancies.

(2) Existing law provides that the Director of General Services may lease-purchase any real property for the use of any state agency if he or she deems the leasing is in the best interest of the state.

This bill would authorize the director, on behalf of the Department of Corrections, to enter into an agreement to acquire through lease-purchase, as specified, in an amount not to exceed $11,000,000, approximately 40 acres of land, including the Richard A McGee Correctional Training Center

(3) Existing law authorizes the Department of Corrections to give to any warden of a state prison facility the title of superintendent and, in certain cases, the statutes refer to the chief administrative officer of specified state prison facilities as the superintendent of that facility.

This bill would delete the authority of the department to give the title of superintendent to wardens and would delete the specific references to the term "superintendent" in the provisions referred to above and in related provisions

The bill would also make a clarifying change

Ch 1421 (SB 862) Kopp Highways· improvements.

(1) Under the Street Opening Act of 1903, counties and cities are authorized to make improvements on public streets and parking places.

This bill would require that specified improvements not result in noncompliance with applicable zoning ordinances

(2) Existing law defines "incidental expense" for purposes of the Improvement Act of 1911

This bill would revise the definition of "incidental expense" for purposes of the 1911 act.

(3) Under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, special assessment protest proceedings are inapplicable to certain districts under specified situations.

This bill would change the percentage of property ownership required for waiver of the protest proceedings when the property is used primarily for residential purposes

Ch. 1422 (SB 879) Keene Small and rural hospitals

Existing law contains various provisions relating specifically to small and rural hospitals

Existing law also contains the California Health Facilities Financing Authority Act, under which the California Health Facilities Financing Authority is empowered, among other things, to issue revenue bonds to finance health facility construction projects.

Existing law provides for the California Health Facility Construction Loan Insurance Law, under which the Office of Statewide Health Planning and Development provides construction loan insurance to qualified entities

This bill would require the authority to establish, on a pilot program basis, a program of financing loans to small and rural hospitals, as defined, for physical plant and equipment capital expenditure necessary to satisfy regulatory requirements imposed by state agencies. It would permit the authority to issue revenue bonds for the purpose of financing this program

The bill would limit loans made under the program to a maximum term of 30 years, and a maximum amount of $200,000 Aggregate loans under the program could not exceed $1,000,000 annually, and could not exceed a maximum of $3,000,000.

The bill would also permit the office, at the request of the authority, to insure bonds issued by the authority for loans guaranteed under this pilot program It would express the intent of the Legislature that the office ensure these bonds unless there is a substantive basis indicating that the facility would default on repayment of the bonds.

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The bill would require the authority to submit a report to the Legislature, on or before January 1, 1993, on the implementation of the bill The report would contain an evaluation of the pilot project based upon specified criteria

This bill would make these provisions inoperative on July 1, 1993, and would repeal them as of January 1, 1994

Ch 1423 (SB 892) McCorquodale Animals abuse of elephants.

Existing law prohibits cruelty to animals, as specified

This bill would make it a misdemeanor for any owner or manager of an elephant to engage in abusive behavior towards the elephant, as specified. This bill would impose a state-mandated local program upon local governments by creating new crimes

This bill would also provide that its provisions shall not supersede or limit the application of any other provision 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.

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

Ch 1424 (SB 898) Vuich. Export financing.

(1) Under existing law, the California Export Finance Office coordinates efforts to guarantee loans related to qualified export transactions subject to certain conditions No loan guarantee may exceed $350,000

This bill would increase the limitation on loan guarantees to $500,000

Ch 1425 (SB 905) Davis State Bar mandatory continuing legal education.

(1) Existing law, the State Bar Act, charges the Board of Governors of the State Bar of California with the governance of the State Bar

The bill would require the State Bar to request the California Supreme Court to adopt a rule of court authorizing the State Bar to establish and administer a mandatory continuing legal education program, as specified, to commence on or after January 1, 1991

This bill would also exempt retired judges, officers, elected officials, full-time employees of the State of California, and full-time law professors from these provisions, as specified.

(2) Existing law provides that a person is eligible to be a judge of a court of record who has been a member of the State Bar for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts

This bill would provide that those who are or have been enrolled as inactive members of the State Bar at their request are members of the State Bar for the purpose of being eligible to be a judge of a court of record

(3) This bill would also make a statement declaratory of legislative intent.

Ch 1426 (SB 953) Stirling Public officers oath of office

Existing law generally requires every public officer to take and subscribe an oath of office before entering on the duties of the office and requires the oath to be certified by the officer before whom it was taken and to be filed in a specified office within a specified time

This bill would require every oath of office filed with the Secretary of State to include the expiration date of the officer's term of office, if any The bill would further provide that if there is no expiration date set forth in the oath for an appointed officer, or the appointed officer leaves office before the expiration date, the appointing authority shall report in writing to the Secretary of State the officer's date of departure from office Since these requirements would apply to local government appointing authorities, this bill would constitute a state-mandated local program

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

This bill would provide that the Legislature finds there is no mandate contained in

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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. 1427 (SB 1042) C. Green. PERS public agency employer pool-discontinuation· health benefits; Legislators' Retirement System. inactive members' dental care.

(1) The existing Public Employees' Retirement Law provides for the pooling of the liabilities and assets of certain public agency employers relating to the current service of local miscellaneous members, for employer contribution ratesetting purposes only and the establishment of a single employers' contribution rate for pool members.

This bill would provide for the discontinuance, effective July 1, 1989, of the pool and ratify the individual public agency employer contribution ratesettings of the Board of Administration effective July 1, 1989, and the related discontinuation of the single employers' contribution rate.

(2) Under existing law, the Board of Administration of the Public Employees' Retirement System is authorized to contract with health benefits carriers for the provision of health benefits plans to state employees and to administer self-funded or minimum premium health benefits plans for state employees

Under existing law, any Member of the Legislature, elective officer of the state whose office is provided by the Constitution, or exempt employee, as defined, who has a minimum number of years of credited state service, who permanently separates from state service both on or after January 1, 1988, and within 10 years of attaining his or her minimum service retirement age, who retires more than 120 days after separation from employment, and who is receiving a retirement allowance, is authorized to enroll, upon retirement, in a health benefits plan, without discrimination as to premium rates or benefit coverage, upon assuming payment of any employee contributions at which time the state is required to assume payment of the employer contributions.

This bill would make nonsubstantive, clarifying changes in these provisions, and would declare these changes to be declaratory of existing law.

(3) The State Employees' Dental Care Act authorizes the Department of Personnel Administration to contract with carriers for dental care plans for state employees and annuitants not employed in public higher education and continuously appropriates certain funds therefor

This bill would amend the provision of the Public Employees' Medical and Hospital Act which authorizes any inactive member of the Legislators' Retirement System 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 members and would require the member, upon retirement, to be deemed an annuitant, to make that provision also applicable to the dental care program provided by the Department of Personnel Administration and to make other related changes These changes would require the expenditure of continuously appropriated funds for new purposes and would therefore constitute an appropriation This bill would also declare these changes to be declaratory of existing law

(4) This bill would also incorporate additional changes in Section 11126 of the Government Code, as amended by Chapter 177 of the Statutes of 1989 (AB 1284) proposed by SB 1458, to be operative on January 1, 1990, only if AB 1284 and SB 1458 are both chaptered and become effective on January 1, 1990, and this bill is chaptered last

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

Ch. 1428 (SB 1156) Bergeson Child abduction.

(1) Under existing law, in any case where a petition to determine custody of a child has been filed, or where a temporary order pending determination of custody has been entered, as specified, and the whereabouts of the party in possession of the child are not known, the district attorney, acting on behalf of the court, is required to take all actions necessary to locate the whereabouts of the party and the child. Additionally, in any case where a custody or visitation decree has been entered and the child is taken or detained by another person in violation of the decree, the district attorney is required to take all

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actions necessary to locate and return the child and the person.

This bill would provide that, if the district attorney represents to the court that a temporary custody order is needed to recover a child under the aforementioned provisions, the court may issue an order placing the child in the temporary custody of specified persons.

(2) Under existing law, kidnapping is punishable by 5, 8, or 11 years if the person kidnapped was under 14 years of age at the time of the kidnapping. However, these provisions are not applicable to specified crimes relating to child abduction.

This bill would expand the scope of an existing crime by deleting the reference to the specified crimes in the above-stated exception and, instead, providing an exception for the taking, detaining, or concealing of a minor child by a biological parent, a natural father, as specified, an adoptive parent, or a person who has been granted access to the minor child by court order.

(3) Existing law makes it either a misdemeanor or a felony, punishable by imprisonment in state prison for a period of one year and one day and a fine of $5,000, or both, for a person having a right of custody, as defined, to maliciously take, detain, conceal, or entice away the child without good cause, as defined, and with the intent to deprive the custody right of another person or public agency also having a right of custody of the child

This bill would revise the felony punishment to imprisonment in state prison, a fine of not more than $10,000, or both Further, the bill would delete the definition of "a person having a right of custody." It would also revise the definition of "good cause" to include not only a good faith belief that the taking, detaining, concealing, or enticing away of the child is necessary to protect the child, as specified, but also a reasonable belief of the necessity of the action The bill would also require the person who takes, detains, or conceals the child to file a report with the law enforcement agency, as specified, within a reasonable time of such action The address of the parent, or a person who has been granted access to the minor child by a court order, who takes, detains, or conceals the child. with good cause, would remain confidential until released, as specified.

(4) Existing law makes it either a misdemeanor or a felony for a person who is in violation of the physical custody or visitation provisions of a custody order to take, detain, conceal, or retain the child with the intent to deprive another of his or her right to physical custody or visitation

This bill would delete those provisions

(5) Under existing law, a child who has been detained or concealed is required to be returned to the person, guardian, or public agency having lawful charge of the child or to the court in which a custody proceeding is pending or the probation department in the court in which the victim resides

This bill would provide that when a person is arrested under specified provisions relating to child abduction the court shall, at the time of arraignment, impose a condition that the child shall be returned to the person or public agency having lawful charge of the child The bill would further provide for the determination, at a hearing, of jurisdiction if conflicting custodial orders exist within this state or between this state and a foreign state and would provide that the court shall, at the conclusion of the hearing, enter an order as to which custody order is valid and is to be enforced. Under the bill, if the child has not been returned at the conclusion of the hearing, the court shall set a date within a reasonable time by which the child must be returned to the person or agency having lawful charge of the child An order adverse to the prosecution or defense would be reviewable by writ of mandate or prohibition

(6) Existing law provides that a violation of specified provisions relating to child abduction is punishable in California, whether the intent to commit the offense is formed within or without the state, if the child was a resident or present in California at the time of the taking or if the child is thereafter found in California.

This bill would also make a violation of the specified provisions punishable in California if one of the parents, or a person granted access to the child by court order, is a resident of California at the time of the alleged violation by a parent or person who was

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not a resident of or present in California at the time of the alleged offense.

This bill would add definitions for the phrase "a person having a right of custody" and for the phrase "right of custody" for purposes of specified provisions relating to child abduction

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

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

Ch 1429 (SB 1377) Russell Alcohol and drug programs

Existing law authorizes funding for various alcohol- and drug-related programs for purposes of providing education, intervention, treatment, or enforcement

This bill would, commencing July 1, 1990, prohibit the encumbrance of any state funds by certain state agencies, for allocation to an entity, whether public or private, for any drug- or alcohol-related program, as defined unless the drug or alcohol program contains a component that clearly explains in written materials that there shall be no unlawful use of drugs or alcohol.

This bill also would require a state agency that distributes state funds to an entity, whether public or private, for a drug- or alcohol-related program to establish and provide guidelines and procedures for the entity to use to ensure compliance with the bill The bill would specify that if the drug- or alcohol-related program fails to satisfy the guidelines, the program shall not receive state funds from the agency

This bill also would require a drug- or alcohol-related program that receives state funds from a local agency to file with the local agency which distributes the state funds a written assurance with specified contents that is signed by the person responsible for operating the drug or alcohol program, thereby imposing a state-mandated local program by imposing additional duties on local agencies

The bill would require every state or local agency distributing funds to which this bill applies to provide a process for appealing a determination to deny or terminate funding to a drug- or alcohol-related program based upon noncompliance with the requirements of the bill.

The bill would permit other state agencies and departments not included to comply with the provisions of the bill

The bill would specify that its provisions would become operative on July 1, 1990

This bill also would require a local agency which receives state funds from a state agency for establishing a drug- or alcohol-related program and which has discretionary authority for how the local agency spends the state funds to consider the above requirements in establishing the drug- or alcohol-related program, thereby creating a state-mandated local program by imposing additional duties on local agencies

This bill furthermore would require school district personnel who have authority to select and purchase instructional materials, curricula, or both, for the purpose of teaching drug or alcohol use prevention, or both, to follow the above requirements, thereby creating a state-mandated local program by imposing additional duties on school districts

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

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, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Ch. 1430 (SB 1413) Maddy Medi-Cal

Existing law provides for the Medi-Cal program pursuant to which medical benefits are provided to public assistance and certain other low-income persons

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Under existing law, the medically needy category of eligibility under the Medi-Cal program includes, among others, persons who meet the definition of aged, blind, or disabled under the Supplemental Security Income Program, whose income and resources are insufficient to provide for the costs of health care or coverage. Medically needy individuals are responsible for payment of a share of the cost of Medi-Cal services to the extent their monthly income exceeds the amount required for maintenance, as specified

This bill would revise that limitation on the use of community income by specifying the maximum levels of income and resources permitted to be excluded from the Medi-Cal eligibility determination of an institutionalized spouse

The bill would also provide for further revision of the use of community income in making that eligibility determination operative if federal law is amended, or federal approval is received, to authorize the application of community property laws in the eligibility determination.

The Budget Act of 1989 appropriated money from the General Fund and from the Federal Trust Fund to the State Department of Health Services for the purposes of local health care and administrative assistance

The bill would reappropriate $50,000 from each of those appropriations for county eligibility administrative costs for the provision of certain personnel services to county welfare departments which rely on state-administered personnel services.

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

Ch 1431 (SB 1582) Watson Birth registrations. certificates.

Existing law requires that persons having knowledge regarding any birth, fetal death, death, or marriage, provide this information on prescribed forms upon the demand of the state or local registrar

This bill would require that those persons who supply this information shall in no case use a derogatory, demeaning, or colloquial racial or ethnic descriptor

Existing law provides for the issuance of birth certificates and also provides for birth certificates to be amended for specified reasons

This bill would authorize a person born in this state whose birth is registered in this state, or the person's conservator, or, if a minor, the person's parent or guardian, to submit a written request to the state registrar for a new birth certificate on the ground that his or her existing birth certificate contains a derogatory, demeaning, or colloquial racial descriptor, as defined This bill would require the state registrar to issue a new birth certificate with the accurate racial descriptor identified by the registrant to the registrant if the request identifies the term that the registrant has determined is a derogatory, demeaning, or colloquial racial descriptor, identifies the accurate racial descriptor, and is accompanied with the payment of a specified fee, as specified. The bill would require the state registrar to transmit copies of the new birth certificate to the registrant as well as local registrar and county recorder in whose offices copies of the previously issued birth certificate are on file The bill would impose other related duties on local registrars and county recorders.

The bill would specify that the new birth certificate shall supplant any previously issued birth certificate registered for the registrant and shall be the only birth certificate of the registrant open to public inspection The bill would require the request and previously issued birth certificate to remain as part of the records of the state registrar The bill also would provide that specified records and information shall be available only upon the written request of the registrant or an order of a court of competent jurisdiction

Because the bill would impose additional duties on local registrars and county recorders, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch 1432 (AB 210) Filante 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 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, including case management services

Under existing law, no reimbursement is allowed to any provider for nonemergency Medi-Cal services and other specified Medi-Cal services rendered to any Medi-Cal beneficiary who is receiving case management services

The bill would specify that a provider shall be reimbursed, as specified, for covered services rendered to a beneficiary when the department's automated eligibility verification system fails to indicate that the beneficiary is subject to receiving case management services, provided that claims for the services meet all other requirements for valid claims under the Medi-Cal program

Under existing law, bills for services covered under the Medi-Cal program are required to be submitted not more than 2 months after the month in which the services were rendered Existing law further provides, as specified, that should the patient not identify himself or herself as a Medi-Cal beneficiary to the provider, the provider shall submit the bill within 60 days after the date certified by the provider as the date the patient was so identified

This bill would allow bills for services covered under the Medi-Cal program to be submitted within 6 months after the month in which the services were rendered This bill would allow a provider, as specified, to submit a bill within 60 days after the date certified by the provider as the date the patient was first identified as a Medi-Cal beneficiary, should the patient not so identify himself or herself within 4 months after the month in which the services were rendered This bill would also make technical nonsubstantive changes

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

Ch 1433 (AB 224) Vasconcellos. 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.

This bill would incorporate additional changes in Section 14132 of the Welfare and Institutions Code, proposed by this bill and AB 1726 or SB 1414, or both, to become operative only if AB 1726 or SB 1414, or both, and this bill are chaptered and become effective on or before January 1, 1990, and this bill is chaptered last

Ch 1434 (AB 851) Kelley State Personnel Board study PERS state safety criteria —plant quarantine inspectors

An existing statute requires the State Personnel Board to develop objective criteria for determining the application to state civil service positions of the state safety membership category of the Public Employees' Retirement System, to determine which classes of positions meet the criteria, and to report thereon to the Legislature with the related signed memorandum of understanding

This bill would require the board to conduct a study of the extent to which certain plant quarantine inspectors meet all or part of the criteria established for the state safety membership category and to report thereon to the Legislature and the Department of Personnel Administration on or before December 31, 1990

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

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Ch. 1435 (AB 1662) Hansen. PERS industrial disability retirement: reinstatement from retirement.

The existing Public Employees' Retirement Law provides for industrial disability retirement allowances without regard to age or amount of service for certain membership categories

This bill would require that a person retired for industrial disability be reinstated, subject to specified conditions, from retirement upon his or her application, if, upon reinstatement, he or she will be employed by the state or any contracting agency as a state or local miscellaneous member and would provide upon subsequent retirement for the resumption and recalculation of the industrial disability retirement allowance, as specified, or, if the member is qualified for service retirement, for receipt, in lieu of the industrial disability allowance, of the service retirement allowance, if the service retirement allowance is greater

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

Ch. 1436 (AB 1847) Quackenbush Hazardous waste management

(1) Existing law defines the terms "disposal," "hazardous waste," "non-RCRA hazardous waste," "reclaimed material," "used or reused material," "small quantity producer," "storage facility," and "waste" for purposes of the hazardous waste control law, which imposes requirements upon the management of hazardous waste Existing law provides that the definitions in the hazardous waste control law govern the construction of that law. A violation of these requirements is a crime

This bill would specify that the definitions in the hazardous waste control law govern only the construction of that law. The bill would revise these definitions, except the bill would repeal the definitions of "small quantity producer," "reclaimed material," and "used or reused material" and would define the term "RCRA hazardous waste " The bill would additionally include, within the definition of the term "waste," certain material which poses a threat to public health or the environment and is mislabeled or not adequately labeled or is packaged in deteriorated or damaged containers, and would delete the exemption for material issued a variance, thereby imposing a state-mandated local program by creating a new crime. The bill would revise the definition of "disposal" to revise how waste may be emitted or discharged into the environment and to include the abandonment of waste within that definition, thereby imposing a state-mandated local program by creating a new crime The bill would make a statement that this provision is declaratory of existing law.

(2) Existing law authorizes the State Department of Health Services to grant a variance, pursuant to a specified procedure, for a hazardous waste which is a non-RCRA waste, or for the hazardous waste management activity which 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 which is not otherwise regulated pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended, (RCRA) if the department makes specified findings.

This bill would delete from this waiver provision hazardous waste activity granted a variance or waiver pursuant to the Comprehensive Environmental Response, Compensation, and Recovery Act of 1976

(3) Existing law makes recyclable materials subject to the hazardous waste control law, except if the department issues a variance or except as otherwise specified, including if the material meets certain conditions, such as being recycled and used within 90 days of its generation This provision states that it does not limit, abridge, or supersede any authority granted to the department under the variance procedure.

This bill would delete the requirement that the material be used within 90 days and the statement concerning the department's authority under the variance provision. The bill also would delete a requirement that a facility storing petroleum refinery waste for more than 90 days prior to conversion is subject to hazardous waste storage facilities requirements. The bill would include, as a recyclable material not subject to the hazardous waste control law, a container which meets specified requirements.

(4) 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

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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. Existing law limits this provision to residues which are non-RCRA hazardous waste.

This bill would instead, limit this provision to residues which are not RCRA hazardous waste

(5) Existing law requires the department to adopt regulations and standards for the management of hazardous waste The department is authorized to furnish the Environmental Protection Agency any information required by RCRA

This bill would authorize the department to limit the application of these standards or regulations at permitted hazardous waste facilities, except as specified. The bill would authorize the department to furnish the Environmental Protection Agency and any other federal agency any information necessary to comply with RCRA

(6) Existing law, the Hazardous Waste Management Act of 1986, prohibits from land disposal any hazardous waste prohibited from land disposal by the Environmental Protection Agency, unless the Administrator of the Environmental Protection Agency grants a variance The department is required to prohibit land disposal of any hazardous waste unless the waste meets certain criteria.

This bill would revise the definition of "treated hazardous waste" for purposes of the act and would instead prohibit from land disposal any waste prohibited from land disposal by RCRA or by the Environmental Protection Agency pursuant to RCRA The bill would authorize the disposal of a hazardous waste prohibited by land disposal by the Environmental Protection Agency if the waste is treated in accordance with an applicable treatment standard The bill would additionally authorize land disposal of a solid hazardous waste generated in the cleanup or decontamination of a site contaminated with hazardous waste The bill would revise the requirements for a variance from the act for a surface impoundment

(7) Existing law imposes a civil penalty of up to $10,000 upon persons who make false statements or representations in documents filed under the hazardous waste control law, who violate the hazardous waste control law, or who dispose of hazardous waste in an unauthorized manner

This bill would increase the amount of the civil penalty which may be imposed for these acts to an amount of not more than $25,000. The bill would make conforming changes to provisions authorizing the imposition of a compliance order and providing for a misdemeanor violation of the provisions regulating hazardous waste

(8) 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 for specified facilities The department is required to impose conditions on a hazardous waste facilities permit concerning specified aspects of the management of the facility, including requirements for evidence of financial responsibility, provision of bond or other sureties to cover the costs of monitoring, maintaining, and closing the facility and postclosure security Existing law requires operators of hazardous waste facilities to obtain this permit and a person planning to construct a hazardous waste facility is required to obtain this permit before construction Existing law terminates the interim status grant for incineration facilities by November 8, 1989, unless, among other things, the facility's permit application specified only non-RCRA hazardous waste will be disposed of at that facility, and terminates the interim status grant by November 8, 1992, for all other facilities, except incineration and land disposal, unless the permit application specifies that only non-RCRA hazardous waste will be disposed of at that facility Existing law requires the department to take final action on permits for these facilities by specified dates, unless the permits are for the treatment, storage, or disposal of hazardous waste The department is directed to require corrective action for all releases of hazardous waste at a facility engaged in hazardous waste management

This bill would require the permit application for an incineration facility exempt from this termination date, to instead specify that only non-RCRA hazardous waste will be incinerated at the facility and would require the permit application for all other facilities to specify that only non-RCRA hazardous waste will be transferred, treated, or stored at the facility The bill would additionally exempt from the final action requirements

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permits to transfer non-RCRA hazardous waste

The bill would require the department to impose conditions on each hazardous waste facilities permit specifying the types of hazardous wastes which may be accepted for transfer, storage, treatment, or disposal. The bill would authorize the department to impose other conditions on hazardous waste facilities permits, as specified. The bill would specify that, on the date the department is granted a specified authorization by the Environmental Protection Agency, any permit issued in the state pursuant to a prescribed federal act for which no state hazardous waste facilities permit has been issued shall be deemed to be a state permit, as specified.

The bill would additionally require owners of hazardous waste facilities to obtain a hazardous waste facilities permit, thereby imposing a state-mandated local program by creating a new crime The bill would limit the requirement for obtaining a permit before construction to facilities or units which would manage RCRA waste The bill would delete requirements that the department impose conditions on a hazardous waste facilities permit concerning financial responsibility and closure and postclosure monitoring.

The bill would delete the requirement that the department impose the conditions concerning the operation of a hazardous waste facility specified above and would authorize the department to adopt or amend regulations imposing additional or more stringent requirements than those in existence at the time a permit is issued The bill would make a statement that this deletion and authorization are declaratory of existing law

The bill would direct the department to require corrective action for all releases of hazardous waste or constituents from a solid waste or hazardous management unit at a hazardous waste management facility, and would exempt an owner or operator from this requirement if a specified demonstration is made to the department

(9) 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 The operator or owner of a land treatment unit is required to take specified actions, including submitting information to the department.

This bill would redefine the terms "vadose zone" and "waste management unit" for these purposes, and would revise the information required to be submitted to the department

(10) The bill would incorporate changes, to Section 25123 3 of the Health and Safety Code proposed by AB 107, which would become operative only if both bills are enacted and this bill is enacted last.

(11) The bill would incorporate changes to Section 25143 2 of the Health and Safety Code proposed by AB 817, which would become operative only if both bills are enacted and this bill is enacted last

(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.

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

Ch 1437 (AB 2268) Bates. Minors: specialized health care needs.

Under existing law, the State Department of Social Services licenses foster families, and the department and each county provide assistance to foster parents of low-income children under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

Under existing law, the State Department of Health Services administers various health services programs which provide services to children.

This bill would make findings and declarations concerning the needs of children who are judged dependents of the juvenile court who have specialized health care needs.

The bill would require the Health and Welfare Agency to designate a department to coordinate sources of funding and services not under the jurisdiction of the department which are available to children with special health care needs, as defined, in order to maximize the health and social services provided to these children and avoid duplication

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of programs and funding

The bill would also require the department to develop a program, to be administered by the State Department of Social Services and county social services departments, for the establishment of foster care homes for children with special health care needs with foster parents trained by health care professionals pursuant to the discharge plan of the facility releasing the child being placed in, or currently in, foster care.

The bill would require the State Department of Social Services to develop specialized care payment rates for these specialized foster family homes for any child eligible to receive assistance under the AFDC-FC program.

The bill would require each county department of social services to develop a specified plan, to be submitted for approval to the State Department of Social Services and the State Department of Health Services, not later than April 1, 1990, for foster care placement of children with special health care needs.

The bill would require each county's plan to provide for the development of health and child welfare services plans for each child participating in the program. It would establish as a mandatory inclusion in county plans, the requirement that, prior to placement, foster parents be trained in the specialized health care needs of the child. County plans would also be required to contain provisions for monitoring of all children placed under the program, as prescribed.

The bill would require the county to report to the State Department of Social Services, on a regular basis, on the conduct and effectiveness of the foster care program, as specified

The bill would, commencing in 1991, require the State Department of Social Services to include an annual progress report on this foster care program in a report required to be submitted to the Legislature pursuant to existing law

The bill would require the State Department of Social Services to adopt emergency regulations implementing the foster care program

Since the bill would impose duties upon county welfare departments concerning the implementation of this foster care 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, 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. 1438 (AB 2525) Harris Oakland Unified School District· emergency loan

Existing law authorizes emergency apportionments to be made to school districts.

This bill would appropriate $10,000,000 to the Oakland Unified School District for the purpose of an emergency loan to the district.

The bill would authorize the Superintendent of Public Instruction to appoint a trustee, as specified, to monitor and review the operation of the Oakland Unified School District.

The bill would appropriate $50,000 for the 1989–90 fiscal year to the State Department of Education to pay for the costs of the trustee until the trustee is terminated by the Superintendent of Public Instruction.

The bill would require the governing board of the school district to, among other things, adopt a plan, as prescribed, to resolve the financial and management problems of the district, and would require the report to be submitted to the county superintendent on a date set by the Superintendent of Public Instruction

The bill would require the district to formulate, adopt, and obtain appoval for its 1989–90 budget under specified provisions of law.

This bill would require the district to develop a plan to improve the educational achievement of all district students

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The provisions described above relating to the financial, management, and educational improvement plans of the district would become inoperative on June 30, 1993, and, as of January 1, 1994, would be repealed, unless a later enacted statute deletes or extends those dates

By imposing these duties upon the district, this bill would impose a state-mandated local program

The bill would provide that acceptance of an emergency apportionment by the Oakland Unified School District shall constitute a desire for and request of the funds by the district whereby no reimbursement is required by this act, as specified

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 1439 (SB 139) Presley School facilities finance

Under existing law, any school district applying for project funding under the Leroy F Greene State School Building Lease-Purchase Law of 1976 (the "Greene Act") is required to comply with a matching share requirement for the building cost portion of any project The matching share is computed on the basis of the maximum fee that the district is otherwise authorized to levy upon residential, commercial, and industrial development within the district, over a designated period of time

This bill would reduce the district matching share by the amount of those fees or other requirements that are applied by the district to pay any contractual obligation incurred by the district prior to January 1, 1987, for the purpose of funding school construction or reconstruction, as specified

Existing law defines "construction," for purposes of the Leroy F Greene State School Building Lease-Purchase Law of 1976, to include, but not be limited to, reconstruction, remodeling, and replacement of school facilities, as well as the performance of deferred maintenance activities

This bill would delete that reference to "remodeling" and, instead, would include "modernization" within that definition The bill would also specify that funding for deferred maintenance may be approved without regard to whether project funding for the reconstruction, modernization, or replacement of the facility is prohibited under that state school funding program.

Ch 1440 (SB 192) Garamendi Teale Data Center; Competitive technology

Existing law provides that the director of the Stephen P Teale Data Center shall be appointed by the Secretary of Business, Transportation and Housing, pursuant to civil service.

This bill would provide that the director shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor. It would provide that the director shall receive an annual salary as set forth in a specified provision of law

This bill would also require the Legislative Analyst to conduct a specified study relating to the shifting of data processing programs to the Stephen P Teale Data Center and to report thereon to the Legislature by no later than January 30, 1990

Under existing law, there is within the Department of Commerce the Competitive Technology Advisory Committee The Speaker of the Assembly and the Senate Committee on Rules are each required to appoint 3 members to the committee who are California residents and who are members of the National Academy of Science, the National Academy of Engineering, or the National Institute of Medicine

This bill would delete the requirement that the members appointed by the Speaker

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of the Assembly and the Senate Committee on Rules be members of the National Academy of Science, the National Academy of Engineering, or the National Institute of Medicine. It would require that all members of the committee be California residents.

The bill would also make a technical nonsubstantive change

Existing law establishes within the department the California Competitive Technology Program to provide grants to technology transfer projects, including, but not limited to, research support, capital outlay, and collaborative research.

This bill would also provide that technology transfer projects shall include consortia development It would authorize the Director of Commerce to approve the use of consortia development projects funds to fund certain projects by nongrantees, as specified

Existing law requires that an eligible project under the program have significant private sector matching contributions, as specified. It also authorizes the director to award discretionary technology transfer grants of up to 5% of the annual appropriation for the program, or $100,000, whichever is greater

This bill would authorize the director to award up to 15% of the annual fiscal year appropriation for consortia development projects that do not have private sector matching grants, as specified.

Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law permit taxpayers operating qualified businesses within economic development areas or enterprise zones designated by the Department of Commerce to claim specified credits against and deductions from the taxes imposed by those laws in connection with certain of their business expenditures Those laws also permit specified creditors of those taxpayers to claim specified credits against or deductions from the taxes imposed by those laws

This bill would require the Department of Commerce to annually certify as eligible for those tax credits and deductions a corporation which is comprised of a consortium of significant semiconductor and electronics companies if the department determines that those tax benefits are a necessary part of a proposal submitted by the State of California by September 30, 1989, to secure the corporation's siting of manufacturing facilities for dynamic, random-access memory (DRAM) chips in California. This bill would make the corporation and its creditors eligible to claim the aforementioned tax credits and deductions if the corporation receives the necessary certification from the department These provisions would be repealed on January 1, 2005, unless a later enacted statute is enacted before that date which deletes or extends that date

This bill would make specified legislative findings and declarations regarding the necessity for the above DRAM manufacturing facilities to be located in California

Ch. 1441 (SB 220) Petris Juvenile court law

Existing law authorizes the juvenile court to declare a minor a dependent child or a ward of that court, as specified

This bill would provide that whenever a minor appears to be both a dependent child and a ward of the court, as specified, the county probation department and the county welfare department shall, pursuant to a jointly developed written protocol, as described, initially determine which status will serve the best interests of the minor and the protection of society The bill also would require the recommendations of both departments to be presented to the juvenile court with the petition which is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. The bill would specify that these provisions shall not be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court

Because the bill would impose new duties on local county probation and welfare departments, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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This bill would include declarations of legislative intent and would limit the reimbursement of those costs by providing that if the statewide cost does not exceed $125,000, reimbursement shall be made from the State Mandates Claims Fund

Ch. 1442 (SB 299) Keene. Petroleum underground storage tanks

(1) Existing law requires that all storage tanks containing hazardous substances be subject to a permit process and meet specified monitoring and design requirements, depending upon the date of installation. A local agency is authorized to request the State Department of Health Services or a California regional water quality control board to remedy the effects of and remove a hazardous substance which has been released from an underground storage tank

This bill would authorize a local agency to revoke or modify a permit for an underground storage tank, as defined, for cause, including specified grounds, and would require a local agency to revoke the permit of an underground storage tank which does not meet specified requirements which would be imposed by the bill concerning financial responsibility, as specified. The bill would require every owner and operator of an underground storage tank containing petroleum to establish and maintain evidence of financial responsibility for taking corrective action and compensating third parties for damages arising from tank operations.

The bill would require the owner, operator, or other responsible party of an underground storage tank containing petroleum to conduct corrective action in a specified manner in response to an unauthorized release The bill would also authorize a California regional water quality control board or local agency to undertake or contract for corrective action if a person to whom a specified order is issued does not comply with the order or if prompt action is required by the regional board or local agency to protect human health or the environment

The bill would require an owner or operator of an underground storage tank containing petroleum to pay an annual $200 maintenance fee for each underground storage tank issued a permit The fee would be collected by the State Board of Equalization The bill would specify procedures concerning the administration of the fee, including the collection and determination of the fee and claims for overpayment and refunds The bill would require the fee to be deposited in the Underground Storage Tank Cleanup Fund in the General Fund which the bill would create The bill would authorize the board to expend the money in the fund, upon appropriation by the Legislature, to reimburse eligible owners and operators for the costs of corrective action for up to a specified amount, pursuant to a specified procedure to pay for the costs incurred by a regional board or a local agency in taking corrective action, to pay for the costs of an agreement with a local agency to clean up releases from underground storage tanks, and to pay for the costs of cleanup and oversight of unauthorized releases at abandoned tank sites The bill would also authorize the board and the State Board of Equalization to each expend up to 5% of the fees deposited in the fund for administrative costs. The Attorney General would be required to recover the costs incurred and payable from the fund from the owner or operator.

The bill would require the board to submit a report to the Legislature by January 1, 1993, concerning these provisions The board would be required to adopt regulations, and would be authorized to adopt emergency regulations, to implement these provisions.

The bill would authorize the granting of an injunction for violation of these provisions and would authorize a civil penalty of up to $10,000 to be imposed for a violation of the financial responsibility or corrective action requirements in an action brought in the superior court by the state or a local agency or in an administrative action brought by the board or a regional board.

The bill would require the Department of Commerce to conduct a program to make loans to persons to upgrade, replace, or remove petroleum underground storage tanks to meet applicable local, state, or federal standards and to take corrective actions. The bill would create the Petroleum Underground Storage Tank Financing Account in the General Fund, which would be available for expenditure by the Department of Commerce, to receive federal, state, and local money and loan repayments, upon appropria-

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tion by the Legislature The bill would create the Petroleum Financing Collection Account in the California Economic Development Grant and Loan Fund and would authorize the Department of Commerce to expend the funds in this account, upon appropriation by the Legislature, to protect the state's interest as a lender-creditor

The bill would transfer, as a loan, $10,250,000 from the Motor Vehicle Account in the State Transportation Fund, of which $7,000,000 would be deposited in the Underground Storage Tank Cleanup Fund, and appropriated therefrom to the board to carry out the corrective action requirements of the bill, and $250,000 to the State Board of Equalization to pay for the administrative costs of collecting the fee.

The bill would transfer $3,000,000 to the Petroleum Underground Storage Tank Financing Account and would appropriate this amount therefrom to the Department of Commerce to carry out the loan provisions of the bill. The bill would appropriate $65,000 from that account to the Department of Commerce for the administrative expenses of carrying out the loan provisions of the bill from the effective date of the bill until July 1, 1990

The bill would require the funds transferred from the Motor Vehicle Account to be repaid at the pooled money investment rate from the revenues generated by the annual maintenance fee

The bill would repeal these provisions on January 1, 1998, except that the bill would specify that certain obligations would not be terminated and would not repeal the corrective action 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 impose a state-mandated local program by requiring local agencies to revoke underground tank permits under specified circumstances.

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 1443 (SB 496) Seymour Workers' compensation. forms and procedures

Existing law provides that no pleading other than an application and answer shall be required in a workers' compensation proceeding, and that they shall conform to forms prescribed by the Workers' Compensation Appeals Board in its rules of practice and procedure

This bill would require the appeals board to establish uniform court procedures, uniform forms, and uniform time of court settings for all offices of the appeals board, and would prohibit a local office of the appeals board or a workers' compensation judge from requiring forms or procedures other than as established by the appeals board.

This bill would also state the findings and declarations of the Legislature with regard to the bill

Ch 1444 (SB 552) Russell Municipalities: granting of franchises.

(1) Existing law, known as the Broughton Act, provides the procedures to be followed when municipalities grant franchises The Franchise Act of 1937 provides for an alternative procedure to that contained in the Broughton Act for the granting of gas, oil, water, and electric franchises by municipalities. The provisions of the Franchise Act of 1937, however, do not apply to chartered municipalities if those municipalities have provisions in their charters for the issuance of franchises, although chartered municipalities may use the procedures set forth in the Franchise Act of 1937 if they so choose.

This bill would require all franchises, licenses, permits, or other privileges granted to a public utility by any city, county, or city and county, including those holding a freeholder's charter, to use, or to construct, or lay and use, under, along, across, or upon the public streets, ways, alleys, and places within the municipality, facilities which are part of a pipeline system transmitting oil or products thereof, to be granted upon the terms and conditions provided in, and in accordance with, either the Broughton Act or the Franchise Act of 1937. The bill would additionally add a provision to the Franchise Act of 1937 to specify the compensation to be paid for the franchise when a municipality elects to

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avail itself of those provisions. These requirements would impose a state-mandated local program. The bill would also make a declaration that the granting of these franchises is a matter of statewide concern

(2) Because a violation of certain requirements, which the bill would impose, by specified persons, would be a misdemeanor under existing law, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 1445 (SB 601) Hart. Water quality control civil liability.

Under existing law, in determining the amount of civil liability which may be administratively imposed on water quality violators pursuant to specified provisions, a California regional water quality control board, and the State Water Resources Control Board upon review, are required to take into consideration specified factors.

This bill would include the degree of toxicity as a specified factor, would specify minimum amounts for civil liability administratively imposed by a regional board in specified cases, and would require express findings, as specified, for a regional board to impose civil liability in a lesser amount. The bill would require the state board to submit an annual report to the Legislature listing all instances in which civil liability has been administratively imposed by a regional board, and containing related matters

Ch. 1446 (SB 822) Rosenthal. Medi-Cal· County Administrative Cost Control Plan.

Existing law requires the State Department of Health Services to establish and maintain the County Administrative Cost Control Plan, which establishes standards and performance criteria to which counties shall adhere in the administration of the determination of eligibility for Medi-Cal benefits. Existing law further requires that reimbursement to counties under this plan for outstationed eligibility functions shall be based solely on productivity standards applied to that county's welfare department office

This bill would authorize counties to petition the department for modification of its County Administrative Cost Control Plan in order to implement an optional plan, to include specified components, for the outstationing of eligibility workers at alternative sites to facilitate the receipt and processing of applications for Medi-Cal eligibility for pregnant women. The bill would exempt a county implementing these provisions from the requirement that reimbursement be based solely on productivity standards applied to that county's welfare department office.

The bill would authorize the department to advance administrative funding to a county for which it approves an augmentation of its County Administrative Cost Control Plan, to cover the costs of outstationed eligibility workers.

This bill would make various findings and declarations in regard to its provisions

The bill would require the State Department of Health Services to establish a joint task force, comprised of representatives of the department and the Legislature, to consider the development of options for simplification of the Medi-Cal application process It would further require the department to identify changes in the Medi-Cal application process, in accordance with specified factors, and to engage in outreach activities in order to enhance participation in and access to perinatal services.

The bill would reappropriate $1,000,000 from Item 4260-111-001 of the Budget Act of 1989 to Item 4260-101-001 of that act, and would specify that any of those funds which are unencumbered at the end of the 1989–90 fiscal year shall be available for reappropriation in the 1990–91 fiscal year.

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

Ch 1447 (SB 874) Doolittle. Sales and Use Taxes: exemption: donated property.

Existing law exempts from the Sales and Use Taxes the gross receipts from the sale of and the storage, use, or other consumption in the state of, tangible personal property, made, prepared, assembled, or manufactured by charitable organizations qualifying for the welfare exemption, where those organizations are engaged in and make the sales pursuant to relief efforts

This bill would provide that the exemption applies to tangible personal property made, prepared, assembled, or manufactured by charitable organizations qualifying for the welfare exemption, where those organizations are engaged in and make donations, as well as sales, pursuant to relief efforts This bill would also make nonsubstantive, technical changes.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

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

This bill would take immediate effect as a tax levy, but its operative date would depend on its effective date

Ch. 1448 (SB 875) Russell. Public retirement systems benefits: limits

Existing federal income tax laws provide special benefit limitations for public retirement plans. Public retirement plans risk loss of their federal tax-exempt status unless they elect to be bound by specified benefit payment limitations A public retirement plan may elect to exempt members who became plan participants prior to January 1, 1990, from these limitations if the plan also elects to be bound by these limitations for all members who join on or after that date

The existing County Employees Retirement Law of 1937 provides specified benefits upon retirement for members. This bill would make the elections for new members on or after January 1, 1990, for purposes of that law, except as provided.

This bill would request each county retirement board to assist PERS in the conduct of a specified study, would encourage those boards to ascertain, as specified, the impact of Section 415 of the Internal Revenue Code upon retirement benefits, as specified, and to make related identifications for the Legislature These provisions would be repealed as of January 1, 1991

This bill would provide that the retirement rights conferred by the County Employees Retirement Law of 1937 upon any person who for the first time becomes a member on or after January 1, 1990, shall be subject to, that such a person shall not have any retirement right or benefit which exceeds, and that no retirement right or benefit shall accrue to or vest in such a person which exceeds the Internal Revenue Code limitations on public retirement systems. This bill would require each retirement board to provide to each employer a related notice for distribution, prior to employment, to each person who may become a member and to each person who for the first time becomes a member on or after January 1, 1990 This requirement would impose upon the affected counties state-reimbursable state-mandated local program costs.

The bill would make related legislative findings and declarations

This bill would not apply to Los Angeles 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, 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 1449 (SB 975) Seymour. Assessments streets, roads, and highways.

Under the Benefit Assessment Act of 1982, the legislative body of a local agency may levy a benefit assessment pursuant to specified procedures to finance the maintenance and operation costs of drainage, flood control, or street lighting

This bill would extend the act to authorize assessments for the maintenance of streets, roads, or highways levied by a local agency with authority to maintain streets, roads, or highways The bill would specify how the benefit assessment for this maintenance may be levied, including applicable notice requirements.

The bill would require a proposition to levy an assessment for these purposes to be submitted to the voters if written protests, as specified, are submitted by not less than 25% of the registered voters residing within the zone of benefit

The bill would exempt any assessment levied pursuant to the act from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931

Ch 1450 (SB 1137) Marks Courts small claims court

(1) Existing law provides that the small claims court may, in its discretion, dismiss an action without prejudice or transfer the case to the proper court on its own motion, or on the request of the defendant when it appears to the court that it lacks the proper venue No additional fee is charged for this transfer.

This bill would require the small claims court to inquire of the parties facts sufficient to determine whether venue is proper in all cases, as specified, and would permit a defendant to challenge venue by writing to the court without making a personal appearance. It would also require the small claims court to dismiss the action without prejudice on its own motion when the action lacks the proper venue, unless all defendants are present and agree that the action be heard

(2) Existing law provides that a $6 fee shall be charged and collected for the filing of each claim in small claims court and a $12 fee if the number of claims filed by a party in each court in the preceding 12 calendar months is more than 12

The bill would increase these fees to $8 and $16, respectively, and require that $6 of each $8 fee and $14 of each $16 fee charged and collected be deposited in a special account in each county for the small claims advisor program, as specified However, if SB 620 is also enacted and becomes effective January 1, 1990, amending Section 117.14 of the Code of Civil Procedure, and this bill is enacted after SB 620 the $16 fee would be further raised to $18, with $2 of that fee to be deposited with the trustees of the county law library, to be used, as specified The bill would impose a state-mandated local program by requiring a higher level of service It would also require that the remainder of these funds be used for court or court-related programs and that the records of these moneys be available for public inspection on request, thus imposing a state-mandated local program by imposing duties on local officials. This bill would also require that these and other specified provisions not be applied in any manner that results in a reduction of the level of service or the amount of funds allocated to the small claims advisor program in each county during the 1989–90 fiscal year

This bill would also make findings and declarations relative to the Small Claims Advisor Program.

(3) Existing law requires each county to provide individual assistance to small claims court litigants and potential litigants at no additional charge through the implementation of a small claims court advisor program which may provide advisory service in person, by telephone, or by any other means reasonably calculated to provide timely and appropriate assistance Existing law also requires that adjacent counties operating joint programs administer these services independently of the control of the court

This bill would require that all of these advisory services be provided and that recorded telephone messages may be used to supplement these services, as specified, thus imposing a state-mandated local program by requiring a higher level of service It would also provide that counties in which the number of small claims actions filed annually is

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1,000 or less as averaged over the immediately preceding 2 fiscal years may elect to be exempted from these requirements, except as specified It would also provide that the Judicial Council may adopt rules to determine the characteristics of the advisory service in accordance with local needs and conditions

This bill would also delete the requirement that the advisory services operated by adjacent counties be administered so as to be independent of the control of the court and instead require that adjacent counties that provide these services jointly avoid the existence or appearance of a conflict of interest between persons providing the advisory services and any party or judicial officer rendering decisions, as specified

(4) Existing law requires the Judicial Council in consultation with the Department of Consumer Affairs to adopt rules to ensure that litigants receive adequate notice of these services, to prescribe other qualifications and conduct of those who provide assistance, and to address other matters, as specified.

This bill would require that the Judicial Council prescribe training standards for advisors and temporary judges hearing small claims matters and adopt uniform rules and procedures regarding small claims actions and judgments before July 1, 1991, as specified

This bill would also require each municipal court in which small claims court cases are heard to provide in each courtroom a current copy of a publication, as specified, describing small claims court law and procedures, including the procedures for the enforcement of judgments. This would impose a state-mandated local program by requiring a higher level of service

This bill would make a statement declarative of legislative intent.

This bill would also make conforming, technical changes.

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

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

Ch 1451 (SB 1282) Seymour Housing elements

Existing law requires each city and each county to adopt a general plan which includes, among other elements, a housing element which consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing Existing law further requires the housing element to include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.

This bill would impose a state-mandated local program by, in addition, requiring the assessment and inventory to include an analysis of existing assisted housing developments, as defined, that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions.

Existing law further requires that the housing element include a program which sets forth a 5-year schedule of actions which the city or county plans to take to implement this element.

This bill would impose a state-mandated local program by requiring that program to preserve for lower income households, the assisted housing developments identified by the required assessment and inventory. The bill would also require the analysis and program for preserving assisted housing developments to be adopted, by January 1, 1992, as an amendment to the housing element of each city and county

Existing law requires counties and cities to plan, in the housing element of their general plan, to meet their appropriate share of the regional housing need. Existing law requires the distribution of regional housing needs to, among other things, take into consideration market demand for housing and the type and tenure of housing needs.

This bill would impose a state-mandated local program by requiring the cities and counties to also take into consideration the loss of units contained in assisted housing developments and units that changed to non-low-income use through mortgage prepay-

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ment, subsidy contract expirations, or termination of use restrictions.

This bill would incorporate additional changes in Section 65583 of the Government Code, proposed by AB 2080, to be operative only if AB 2080 and this bill are both chaptered and become effective January 1, 1990, and this bill is chaptered last

This bill would incorporate additional changes in Section 65584 of the Government Code, proposed by SB 966, to be operative only if SB 966 and this bill are both chaptered and become effective January 1, 1990, 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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 $1,000,000, shall be made from the State Mandates Claims Fund

Ch. 1452 (SB 1431) Roberti Political Reform Act expenditure of campaign contributions

Under the Political Reform Act of 1974, all contributions deposited in a candidate's campaign account are deemed to be held in trust for the expenses associated with the election of the candidate to the specific office for which the candidate has stated an intention to seek and expenses associated with holding that office A knowing or willful violation of the act is a misdemeanor

This bill would provide that an expenditure to seek office is within the lawful execution of the trust imposed by the act if it is reasonably related to a political purpose or associated with holding office if it is reasonably related to a legislative or governmental purpose It would further require campaign expenditures which confer a substantial personal benefit to be directly related to a political, legislative, or governmental purpose

The bill would set forth specific provisions to govern the use of campaign funds for specific purposes, including travel, governmental agency fees, professional services, litigation costs, fines, penalties, judgments, settlements, clothing, tickets to political fundraising events, entertainment, sporting events, personal gifts, loans, vehicles, leases of real property, purchases of appliances and equipment, and health-related expenses It would also set forth specific provisions to govern the use of surplus campaign funds.

The bill would also repeal provisions of the Elections Code which prohibit the personal use of campaign funds

The existing campaign disclosure provisions of the Political Reform Act of 1974 require each campaign statement required to be filed pursuant to those provisions to contain specified information regarding each person to whom an expenditure of $100 or more has been made by the filer during the period covered by the statement

This bill would require this information to include specified additional information regarding any such expenditure made to pay or reimburse the travel expenses or necessary accommodations of a candidate, his or her representatives, or a member of the candidate's immediate family. By creating new crimes, this bill would impose a state-mandated local program

The bill would appropriate $150,000 from the General Fund to the Fair Political Practices Commission to carry out the act

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

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

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a ⅔ vote of each house and compliance with specified procedural requirements

This bill would require a ⅔ vote and would declare that it furthers the purposes of

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the act

Ch. 1453 (SB 1661) Roberti Crack Down Task Force Program

Existing law requires the Department of Justice to focus its investigation and prosecutive endeavors with regard to organized crime which, among other things, seeks to supply illegal goods, including narcotics Existing law also requires the department to annually report on its activities and accomplishments to the Legislature, as specified.

This bill would express legislative findings and make declarations regarding the importation of cocaine into this state The bill would create, within the Department of Justice, the Crack Down Task Force Program, which would be responsible for establishing, conducting, supporting, and coordinating crack down task forces composed of state and local law enforcement agencies targeting the investigation and apprehension of the Columbia cartel-street gang cocaine network, as specified The bill would require the department's annual report to the Legislature to include a separate report on the activities of the Crack Down Task Force Program

The bill would appropriate $13,400,000 from the General Fund to the Department of Justice for purposes of this bill

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

Ch 1454 (AB 179) Vasconcellos Claims against the state appropriation. [22]

This bill would appropriate $2,693,483 21, as specified, 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 1455 (AB 219) Connelly Childhood Lead Poisoning Prevention Program. [23]

Existing law requires the State Department of Health Services to complete a childhood lead screening program, and report to legislative committees, as specified.

This bill would state findings and declarations of the Legislature concerning lead poisoning in children The bill would require the department to continue to direct the Childhood Lead Poisoning Prevention Program to implement a program of specified components to identify and conduct medical followup of high-risk children and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures in California

The bill would appropriate $140,000 from the General Fund to the department for the purposes of the act.

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

Ch 1456 (AB 2065) Clute Public schools alcohol and drug use. [24]

Existing law establishes various programs concerning alcohol and drug use prevention within the public schools

This bill, based upon certain legislative findings and declarations, would appropriate $400,000 to the Office of Criminal Justice Planning for distribution pursuant to a contract with a nonprofit organization with specified experience with antidrug and antialcohol programs in the public schools The organization would be required to provide field testing, in 4 selected school districts, of a curriculum model developed pursuant to Chapter 1306 of the Statutes of 1985, utilizing athletes as role models and presenters, as specified The organization would also be required to provide the State Department of Education with an estimate of the cost required to replicate and disseminate the curriculum program statewide

The bill would repeal the above provisions on July 1, 1991

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

Ch 1457 (SB 271) Stirling Crimes. persons or property on school grounds. [25]

(1) Existing law requires the Attorney General periodically, but not less than once every 2 years, to prepare and distribute to the Superintendent of Public Instruction an updated report which contains a complete summary, as specified, of state penal and civil laws pertaining to crimes committed against persons and property on school grounds

Existing law also requires the State Department of Education, in consultation with

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others, as specified, to develop a standard school crime reporting form, as specified.

This bill would provide that the Attorney General shall prepare and submit a handbook, rather than a report, which also shall include a complete summary, as specified, of state penal and civil law pertaining to crimes identified on the school crime reporting forms

(2) Existing law provides that upon receipt of the report, the Superintendent of Public Instruction shall duplicate and distribute the report to all superintendents of school districts and request the superintendents to ensure that a copy of the report is posted and available on request at every school location and to provide notice of the report to each parent or guardian in their next regular communication

This bill would require the superintendent to distribute the handbook, rather than the report, to those persons and also to county offices of education, and to principals or directors of county-operated programs, sites, and schools.

In addition, the bill would require the superintendent to request the superintendents of school districts to ensure that the principal or director of each county-operated program, site, or school notify parents and guardians of the contents and availability of the handbook at the school, program, or site in the next regular communication sent to each parent or guardian, rather than to ensure that a copy is posted and available on request at every school location and to provide notice of the report to each parent or guardian in the next regular communication.

(3) Existing law requires each principal of a school in a school district and each principal or director of a school, program, or camp, on forms prepared and supplied by the State Department of Education, to forward a completed report of crimes committed on school or camp grounds at the end of each reporting period to the district superintendent or to the county superintendent, and requires each district superintendent or county superintendent to compile the school data and to submit the aggregated data to the State Department of Education for specified reporting periods

For these purposes, this bill would refer to the principal or director of a county-operated program, site, or school, rather than to the principal or director of a school, program, or camp.

(4) Existing law provides that the superintendent of any school district that maintains a police department, as specified, may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education, as specified

This bill, in addition, would provide that if the chief of police or other designated administrator completes the report of crimes, the chief of police or designated administrator shall provide information to each school principal about the school crime reporting program, the crime descriptions included in the reporting program, and validation criteria identified by the State Department of Education for each crime description.

(5) Existing law requires the State Department of Education, not later than January 1 of each year for the previous school year, to distribute, upon request, to each office of the county superintendent of schools and to each county probation department, a summary of that county's district reports, county reports, and the summary of statewide aggregated data In addition, among other things, commencing with the 2nd annual report, the department is also required to evaluate school district and county school crime prevention programs by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of previous years

This bill would provide that the summary of the reports shall be supplied not later than March 1, rather than January 1, of each year The bill also would provide that, commencing with the 2nd annual report, the department also shall identify trends in school crime by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of the previous year and the baseline reporting year, rather than evaluating school district and county school crime prevention programs, as specified

The bill also would change existing law which provides that all school district, county, and statewide reports, as specified, shall be made available to the public at a price not to exceed the actual cost of duplication and distribution, rather than duplication

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(6) The bill also would provide that (1) by June 30, 1991, the State Department of Education shall publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and recording school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature, and (2) by June 30, 1990, the department, in consultation with school districts and county offices of education, shall identify criteria, as specified, for validating the reported incidence of each crime description contained on the standard school crime reporting forms. By January 1, 1991, the department would be required to pilot test the validation criteria in a representative sampling of school districts and county offices of education

(7) The bill also would provide that, beginning July 1, 1991, the department shall use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

The department also would be required to inform school districts and county offices of education of the validation criteria for the crime descriptions included on the standard school crime reporting forms Each district and county office of education would, in turn, notify their respective schools, programs, and sites of the validation criteria. Because this provision would impose additional duties and responsibilities on local school officials, it would create a state-mandated local program.

(8) 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 authorize 2 new staff positions in the State Department of Education to carry out the purposes of the bill. In addition, the bill would appropriate $100,000, as specified, to the Superintendent of Public Instruction for purposes of the act In addition, the bill would include declarations of legislative intent concerning future funding

Ch 1458 (SB 1309) Ayala 1990 World Exposition Osaka, Japan [26]

This bill would appropriate $1,500,000 from the General Fund to the Department of Food and Agriculture, to enable the State of California to participate in the 1990 World Exposition in Osaka, Japan, as specified Expenditure would be subject to specified conditions

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

Ch 1459 (SB 1615) Garamendi State park system Town of Locke. [27]

Under existing law, the Department of Parks and Recreation has control of the state park system

This bill would appropriate $20,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the department to study acquisition and management of the Town of Locke as a unit of the state park system

Ch 1460 (SB 1623) Lockyer Driving offenses· driver's license revocation [28]

(1) Under existing law, a person's privilege to operate a motor vehicle may be suspended or revoked if the person is 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, or if the person refuses to submit to chemical testing of his or her blood, breath, or urine after arrest for those offenses. The period of the suspension or revocation is 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, additionally, authorize the Department of Motor Vehicles to suspend the person's privilege to operate a motor vehicle for 6 months on a first violation or one year on any subsequent violation within 7 years if the department finds that the person was driving a motor vehicle with an excessive concentration of alcohol in his or her blood, except if the person has a commercial driver's license, as defined, or if the person

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subsequently enrolls in an alcohol treatment program, as specified. If the person has a commercial driver's license and has no separate violations of alcohol-related offenses or suspensions, as specified, within 7 years, the bill would require the department to suspend the person's driving privilege for 30 days and then issue the person a restricted license for driving to and from, and in the course and scope of, employment If the person subsequently enrolls in an alcohol treatment program, as specified, the bill would require the department to suspend the person's driving privilege for 30 days and then issue the person a restricted license for driving to and from the treatment program under specified conditions

The bill would also authorize the peace officer to serve the notice of the order of suspension under both of these provisions on the person, as specified, which would become effective in 45 days, and to take the person's driver's license under specified circumstances. If the officer takes the license, the bill would require the officer to issue a temporary permit to operate a motor vehicle, valid for 45 days, to the person. The bill would provide for administrative review of the order of suspension and would provide for an administrative hearing upon request of the person, as specified, within the 45-day period under specified circumstances The effective date of the order of suspension would not be stayed by the administrative review and would not be stayed by a request for administrative hearing, except as specified. The bill would provide for judicial review of the administrative hearing in a court of competent jurisdiction and would require the action to be filed within 30 days of the determination from the hearing The filing with the court would also not stay the effective date of the order of suspension.

The bill would provide that the administrative determination of facts would have no collateral estoppel effect on subsequent criminal prosecution and would not preclude litigation of the same or similar facts in the criminal proceeding

The bill would require the peace officer arresting a person for the specified driving offense to forward to the department a sworn report of the arrest with specified content by the end of the 5th following business day, and, if the person's driver's license is taken, the license and copies of the notice of the order of suspension and the temporary operating permit, thereby imposing a state-mandated local program

(2) Existing law prohibits driving a motor vehicle when the person's driving privilege is suspended for a conviction of driving under the influence of alcohol, any drug, or both, driving with an excessive blood-alcohol concentration, or driving while addicted to any drug when the person knows of the suspension or revocation, except as specified.

This bill would exempt from that prohibition driving when emergency medical service is needed immediately

(3) Existing law requires that before a driver's license may be issued, reissued, or returned to a person after a suspension or revocation ordered by the department, a fee in addition to other fees required by the code is to be paid The amount of the fee is required to be in the amount sufficient to pay the actual costs of the issuing, reissuing, or return of the license, as determined by the department

The bill would, instead, provide that the fee for the issuing, reissuing, or return of a license suspended for refusing or failing to complete the required chemical testing or a license suspended for driving with an excessive concentration of alcohol in the blood to be an amount determined by the department to be sufficient to pay the administration of the suspension programs, specified costs of the Department of the California Highway Patrol, and any reimbursement for costs mandated by the state under specified provisions of the bill, not to exceed $100. The bill would exempt from the fee any suspension or revocation that is set aside by the department or a court

(4) This bill would incorporate additional changes in Section 13353 of the Vehicle Code, proposed by SB 1119, to be operative only if SB 1119 and this bill are both enacted and become effective on or before January 1, 1990, and this bill is enacted 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000

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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 $1,000,000, shall be made from the State Mandates Claims Fund. The bill would also provide that upon certification by the Controller, as specified, the reimbursement for costs mandated by the state and paid from specified funds shall be transferred from the Motor Vehicle Account in the State Transportation Fund to that fund from which the claims were paid, thereby making an appropriation.

(6) The bill would appropriate $4,800,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for the purposes of implementing the administrative license suspension and revocation program under the bill

(7) The bill would become operative on July 1, 1990

Ch 1461 (AB 647) D. Brown. Income taxes: bank and corporation taxes regulations, unitary businesses.

The existing Personal Income Tax Law and Bank and Corporation Tax Law provide that if a qualified housing project, as defined, is sold or disposed of by a taxpayer, the gain is not recognized to the extent specified if the taxpayer makes an election at the time and manner as the Franchise Tax Board prescribes by regulation.

This bill would provide under both laws that the election not to recognize that gain shall be made at the time and in the manner as specified by the Franchise Tax Board in forms and instructions.

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 to, sources within this state pursuant to a water's-edge election. The existing Bank and Corporation Tax Law requires that the election be made by contract with the Franchise Tax Board for an initial term of 5 years, with annual renewals of an additional year, unless notice of nonrenewal is given, as specified, by the qualified taxpayer It provides that the election shall be effective only if every taxpayer which is a member of the water's-edge group and subject to tax under that law makes the election. It provides that an affiliated bank or corporation which is a member of the water's-edge group and subsequently becomes subject to the tax under that law shall be deemed to have elected.

This bill would provide that an affiliated bank or corporation which is a member of the water's-edge group and subsequently becomes subject to tax under that law, or is a nonelecting taxpayer, as specified, shall be deemed to have elected

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

Ch 1462 (AB 1864) Johnston Commercial paper negotiability

Existing law requires an instrument to be considered negotiable if it contains specified provisions including a sum payable that is a sum certain, as specified. Under existing law, the sum paid is a sum certain even though, among other things, the sum payable is with a stated interest or payable by stated installments

This bill would, until January 1, 1995, specify that the sum payable is certain even though it is paid with a stated rate of interest The bill would also provide, until January 1, 1995, that a rate of interest that cannot be calculated by looking only to the instrument is a stated rate of interest if the rate is computed by a reference in the instrument to a statute, regulation, rule of court, generally accepted commercial or financial index, or interest rates periodically announced or established by a named financial institution, as specified

This bill would also contain a declaration of legislative intent

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

Ch 1463 (SB 280) Hart Schools. administrative employees.

Existing law prescribes the maximum ratio of administrative employees to each 100 teachers in the various districts Existing law additionally requires school districts to submit specified reports relating to administrative and teaching employees to the Super-

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intendent of Public Instruction. These reports are used to determine whether a district's apportionment of funds will be reduced.

This bill would require the Legislative Analyst to conduct, or cause to be conducted, a study to determine the most appropriate, efficient, and clearly understood means of reporting and monitoring the allocation of resources by school districts. The Legislative Analyst, at a minimum, would be required to consult with designated persons in conducting the study The study would be required to consider, among other things, whether an administrator-teacher maximum ratio is the most effective means for calculating, monitoring, and reporting the proportion of resources that school districts allocate for their administrative costs, or whether there are alternative means that would more effectively accomplish that purpose, and, assuming that an administrator-teacher maximum ratio is retained, the definitions of the various categories of school employees that would provide the most accurate and consistent calculating, monitoring, and reporting procedures, and which administrator-teacher maximum ratios would be the most appropriate. This bill would require the Legislative Analyst to submit a report on the findings and recommendations of the advisory group to the appropriate budget and policy committees of the Legislature, the Governor, and the Department of Finance on or before October 30, 1990.

This bill, commencing with the 1988–89 fiscal year, and annually thereafter, would require the Superintendent of Public Instruction to determine the statewide average percentage of school district budgets that are allocated to the salaries of administrative personnel, as defined, for specified types and sizes of school districts This bill would also require the Superintendent of Public Instruction to determine the statewide average percentage of school district budgets that are allocated to the salaries of teachers, and would require the superintendent to determine that statewide average salary, by size and type of school district, for. (1) beginning, mid-range, and highest salary paid to teachers, (2) schoolsite principals, and (3) district superintendents. The bill would require the statewide averages for the 1988–89 fiscal year to be provided to each school district on or before March 30, 1990, and annually thereafter for the prior fiscal year for use in the school accountability report card This bill would require a copy of the state summary information to be submitted annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst

This bill would require each school district to include specified information in the district's school accountability report card required under specified provisions of current law, relating to the salaries paid to teachers and schoolsite principals in the district, and district superintendents, and the percentage allocated under the district's current fiscal year budget for the salaries of teachers, as defined. This requirement would not apply to school districts maintaining a single school for kindergarten or grades 1 to 12, inclusive The bill would also require this state summary information and information on the statewide average percentage of school district budgets allocated for the salaries of administrative personnel for the appropriate size and type of district for the most current fiscal year to be included in the district's school accountability report card These provisions would impose a state-mandated local program on school districts

This bill would appropriate $50,000 to the Legislative Analyst for the purpose of conducting or contracting for the study for the reporting and monitoring of the allocation of school district resources 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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 $1,000,000, shall be made from the State Mandates Claims Fund

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Ch 1464 (SB 1172) Craven. PERS: local firefighters disability: board member compensation: additional contracting agency formula.

(1) Existing provisions of the Public Employees' Retirement Law provide for a local safety membership category consisting of local policemen, local firefighters, local safety officers, and county peace officers; provide therefor, generally, higher retirement and disability benefits and higher contribution rates than the local miscellaneous membership category; and generally, authorize contracting agencies to elect to make local safety member benefits applicable to specified categories of employees.

This bill would revise the definition of a "local firefighter" by deleting all references to fire training and fire investigation service This bill would also add a new additional definition of "local firefighter," which would be applicable only at the option of a contracting agency, to include any officer or employee of a fire department of a contracting agency, as specified.

This new authorization would impose state-reimbursable, state-mandated local negotiation costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The Public Employees' Retirement Law defines, for retirement purposes, the term "compensation" through specified included and excluded categories.

This bill would authorize contracting agencies, if agreed upon in a memorandum of understanding, to report as compensation any of the items included in that definition, expressed as a percentage of salary.

(3) Existing law permits any city, county, special district, or harbor district which is a contracting agency with the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937, to make advanced disability pension payments, under specified conditions, to any local safety officer who has qualified for a leave of absence while disabled without loss of salary in lieu of workers' compensation temporary disability benefits, and who is approved for a disability allowance.

Existing law also requires the Public Employees' Retirement System to deduct the amount of advanced disability pension payments made to a local safety member from the member's retroactive disability allowance, and up to 10% of the member's monthly disability allowance, to reimburse the local agency which made the advanced disability pension payments

Existing law provides that both of the above provisions shall be repealed on January 1, 1990.

This bill would delete the repeal of the above provisions, thereby continuing them in effect indefinitely

This bill would also make conforming changes to other provisions.

(4) The Public Employees' Retirement Law requires the system to pay to the employer of any local member of the system who is a member of the board, $100 for each day of actual attendance, or portion thereof, at board meetings or committee meetings

This bill would, instead, require the system to reimburse, as specified, an employer of an elected member of the board for costs of employing a replacement when the board member is carrying out specified office-related functions. This provision would authorize increased payments from the continuously appropriated Public Employees' Retirement Fund and would, therefore, constitute an appropriation.

(5) 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, a member contribution rate of 8% of compensation in excess of $238 per month, and a specified limitation upon certain industrial disability allowances and authorizes 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 bill would authorize the Board of Administration to refuse to contract with, or to agree to an amendment proposed by, any public agency for any benefits provisions which are not specifically authorized by that law and which the board determines would adversely affect PERS.

This bill would also authorize the City of Sacramento to elect, prior to June 30, 1991,

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by contract amendment, to transfer all or part of the safety members of its local retirement system to PERS, to provide specified cost-of-living adjustments, and to elect the state peace officer/firefighter formula, as specified, and would authorize certain transferred safety members to cancel prospectively a specified election to receive service credit.

These new authorizations would impose state-reimbursable, state-mandated local negotiating costs since their exercise would be subject to negotiation under existing law relating to public employer-employee relations.

(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 $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that items (1) to (3), inclusive, of this bill contain costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed $1,000,000, shall be made from the State Mandates Claims Fund

(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 item (4) of this bill for a specified reason

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

Ch 1465 (SB 1361) Robbins Insurance vehicles

Under existing provisions of an initiative statute, which provisions will become operative on November 9, 1989, insurers are required to offer and sell a Good Driver Discount Policy to every person who has been licensed to drive for the previous 3 years and has had not more than one conviction for a moving violation during that period

This bill would instead provide that, in order to qualify for a Good Driver Discount Policy, within the previous 3 years the person must not have more than one motor vehicle violation point count, as specified, more than one dismissal after attending driving school other than a dismissal made confidential by this bill, been in violation of a provision prohibiting a minor driving a vehicle with 0.05% or more blood alcohol, or been at fault in certain accidents. This bill would permit an insurer to refuse to sell a good driver discount policy insuring a motorcycle unless all named insureds have been licensed to drive a motorcycle for the previous 3 years.

Under existing law, the record relating to the first dismissal in a 12-month period of a traffic violation after having attended driving school is confidential

This bill would provide that the record relating to the first dismissal in an 18-month period of a charge after having attended driving school is confidential.

Existing law requires juvenile court judges, traffic hearing officers, and referees to keep a full record of cases involving reportable traffic offenses committed by persons under 18 years of age, and to report the offenses to the Department of Motor Vehicles within 30 days of the offense

This bill would require the reports to be made in no case less than 10 days after an adjudication, and would require the report for all adjudications that a minor violated the traffic provisions, as specified.

The bill would require that an abstract of the record in certain traffic cases involving minors be forwarded to the Department of Motor Vehicles

Since the bill would impose new reporting requirements on local court personnel, it would impose a state-mandated local program

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

This bill would provide that the Legislature finds there is no mandate contained in

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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. This bill would, however, also declare that, in the event that local costs are incurred under the bill, these costs will be reimbursed under the Brown-Presley Trial Court Funding Act.

This bill would incorporate additional amendments to Section 1861.02 of the Insurance Code proposed by AB 591, contingent upon the prior enactment of that bill.

Existing law contains the Robbins-McAlister Financial Responsibility Act, generally requiring drivers to provide evidence of financial responsibility and imposing other related requirements until January 1, 1990.

This bill would extend the termination date of those provisions until January 1, 1991. By extending certain duties imposed on the courts and county treasurers and misdemeanor violation provisions, 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 Fund to pay the costs of mandates which do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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 1466 (AB 1901) Campbell. Indian education centers

Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact that legislation, funding for the general purpose of the program may continue after the termination date, but relevant statutes and regulations are not operative. Under current law, the provisions governing Indian education centers ceased to be operative June 30, 1989

This bill would delete the scheduled June 30, 1989, inoperative date and specify that all statutes and regulations relative to Indian education centers that became inoperative on that date shall become operative on the effective date of this act

This bill would create a new inoperative date of January 1, 1992, for Indian education centers.

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

Ch 1467 (SB 870) Robbins Courts and justice facilities

(1) Existing law prescribes the number, compensation, and classification of municipal court employees in Marin County.

This bill would revise the number, compensation, and classification of municipal court employees in Marin County, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program The bill would also make a technical, nonsubstantive change

(2) Existing law authorizes the imposition of specified parking surcharges and nonparking penalty assessments for courthouse construction, county criminal justice facility construction, transition planning, and automated fingerprint identification systems, and the imposition of a specified civil action filing fee surcharge in San Francisco.

This bill would repeal and reenact these provisions without substantive change, except to (a) provide separate provisions for each county, (b) authorize a $2 penalty assessment for courthouse construction and criminal justice facility construction in Butte, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lassen, Mendocino, Modoc, Mono, Nevada, San Benito, Shasta, Siskiyou, Tehama, Trinity, Tuolumne, and Tulare Counties, (c) authorize a $1.50 parking surcharge for courthouse construction in each of those counties except Butte and Shasta Counties, (d) authorize a $1 penalty assessment for juvenile justice

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

facility construction in Kern County, (e) restructure the priorities for the distribution of courthouse construction funds in Los Angeles County, as specified, (f) incorporate the provisions of Chapter 186 of the Statutes of 1989, and (g) make related technical 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

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

DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1989

1989–90 REGULAR SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (SCR 3) Lockyer. Legislative Counsel of California.
This measure designates Bion M. Gregory as the Legislative Counsel of California.

Res. Ch. 2 (SCR 9) Torres. Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development.
This measure would create the Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development and would provide for the membership, authority, and duties of that committee.
This measure would provide that the joint committee shall terminate on January 31, 1991.

Res. Ch. 3 (SCR 5) 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 January 31, 1991, 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 January 31, 1991, and would terminate the existence of the joint committee as of that date.

Res. Ch. 4 (SCR 6) Dills Joint Committee on the State's Economy.
This measure would continue in existence, until January 31, 1991, the Joint Committee on the State's Economy and the advisory committees to it. The measure would also extend the committee's powers, duties, and authority to expend funds, as specified.

Res Ch. 5 (SCR 8) Garamendi. Joint Committee on Science and Technology.
Pursuant to the provisions of Resolution Chapter 14 of the Statutes of 1987, the Joint Committee on Science and Technology terminated on November 30, 1988
This measure would reestablish the Joint Committee on Science and Technology and would provide for the membership, authority, and duties of that committee. The measure would authorize the Senate Committee on Rules to make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the Joint Committee on Science and Technology in compliance with policies set forth by the Senate Committee on Rules, subject to the approval of that committee The measure would also establish a procedure for submission of the Joint Committee on Science and Technology's annual budget to the Joint Committee on Rules for review and comment.
This measure would require that the Joint Committee on Science and Technology be terminated on January 31, 1991.

Res Ch. 6 (SCR 14) Deddeh. Joint Committee on Organized Crime and Gang Violence
By Resolution Chapter 73 of the Statutes of 1988, the Legislature established a Joint Committee on Organized Crime and Gang Violence. The joint committee consisted of 18 members, including 9 Members of the Senate and 9 Members of the Assembly, with specified duties. The joint committee was authorized to act for the 1987–88 Regular Session of the Legislature. Further, the joint committee was required to report to the Legislature on or before November 30, 1988, on methods of curtailing the problems of organized crime, gang violence, and drug abuse
This measure would continue the committee's existence and authorize it to act until January 31, 1991, and would extend the deadline for reporting to the Legislature to on or before January 31, 1991. The measure would also increase the membership on the joint committee to 20 members, including 10 Members of the Senate and 10 Members of the Assembly, appointed as specified

Res. Ch. 7 (SCR 10) L. Greene. Joint Committee on School Facilities

This measure would establish the Joint Committee on School Facilities, with specified membership and duties. The measure would authorize the Senate Committee on Rules to make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the committee, as specified. The committee would be required to present its budget to the Senate Committee on Rules for review and comment, as specified

The measure would require the committee to report annually to the Legislature on its activities and recommendations for improvements in the school facilities system. The measure would authorize the committee to act until January 31, 1991, at which time the committee's existence would terminate

Res. Ch 8 (SCR 15) L. Greene. Engineers Week.

This measure would recognize the contributions of engineers to California citizens and would designate the week of February 19th through February 25th, as "Engineers Week"

Res. Ch. 9 (SCR 24) Watson. Youth-At-Risk Week

This measure would proclaim the week of February 13 through February 19, 1989, Youth-At-Risk Week

Res Ch 10 (SCR 18) Watson. Joint Select Task Force on the Changing Family.

This measure would continue in existence the Joint Select Task Force on the Changing Family with a maximum of 26 members, as specified The duties of the task force would include reporting to the Legislature on specified issues, developing legislative recommendations, and making recommendations to the Legislature on methods for evaluating the impact of programs and policy development or family stability, as specified The task force would terminate on November 30, 1990.

Res. Ch. 11 (SJR 2) Russell. Armenians in Soviet Azerbaijan.

This measure would memorialize the President and Congress to use every diplomatic and political tool to stop the anti-Armenian riots in Soviet Azerbaijan which killed or injured hundreds of Armenians

Res Ch. 12 (SCR 4) Lockyer 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 on January 31, 1991

Res. Ch. 13 (SCR 21) Watson. Black History Month

This measure would proclaim the month of February 1989 as Black History Month.

Res. Ch 14 (ACR 12) Hansen. Women's History Month and International Women's Day.

This measure would designate the month of March 1989 as Women's History Month and would urge all Californians to join in the celebration of International Women's Day on March 8, 1989.

Res. Ch. 15 (ACR 14) Polanco. California Eating Disorders Awareness Week.

This measure would declare the week of March 12 to 18, 1989, as California Eating Disorders Awareness Week.

Res. Ch. 16 (AJR 17) Lancaster. Federal deficit reduction: motor vehicle fuel taxes.

This measure would memorialize the President and Congress to oppose proposals which would divert Highway Trust Fund revenues resulting from federal motor vehicle fuel tax increases for purposes of reduction of the federal budget deficit.

Res Ch. 17 (ACR 11) Katz. Earthquake Preparedness Month.

This measure would proclaim the month of April 1989 as California Earthquake Preparedness Month and urge all Californians to engage in appropriate earthquake safety-related activities during that month.

Res. Ch. 18 (ACR 13) Katz. Kareem Abdul Jabbar.

This measure would commend Kareem Abdul-Jabbar on the occasion of his retirement as a professional basketball player.

Res. Ch. 19 (ACR 36) N. Waters. California School Lunch Week.

This measure would proclaim the week of March 13 to 19, 1989, as California School Lunch Week, commend the school lunch program as a valuable tool in the educational process, and acknowledge the contributions the agricultural products from California have made to the success of the school lunch program

Res. Ch. 20 (SCR 7) Rosenthal. Joint Committee on Energy Regulation and the Environment.

This measure would create the Joint Committee on Energy Regulation and the Environment, specify the committee's duties, and 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, as specified, on or before March 15, 1990

Res. Ch 21 (ACR 51) N. Waters. California Agriculture Day

This measure would declare Monday, March 20, 1989, as "California Agriculture Day "

Res. Ch. 22 (SCR 28) Roberti Gang violence.

This measure would recognize Friday through Sunday, April 14th to 16th, inclusive, 1989, as Statewide Days of Prayer for the victims of gang violence, and would call upon the people of California, each according to his or her own faith, to gather on those days to pray for the victims of gang violence and for an end to that gang activity.

Res. Ch. 23 (ACR 6) Eastin Joint Oversight Committee on GAIN Implementation.

Under existing law, the Greater Avenues for Independence Act of 1985 (GAIN) provides for an employment and training services program for Aid to Families with Dependent Children program assistance recipients to acquire unsubsidized employment.

The Joint Oversight Committee on GAIN Implementation was established pursuant to Resolution Chapter 24 of the Statutes of 1987, and authorized to conduct hearings and develop recommendations to address concerns in the implementation of the GAIN program, develop policy recommendations on GAIN-related issues, and develop recommendations on funding methods for achieving GAIN goals, until the end of the 1987–88 Regular Session

This measure would reestablish the Joint Oversight Committee on GAIN Implementation for the 1989–90 Regular Session, and would additionally authorize the committee to conduct hearings and develop recommendations on how California's GAIN program can be enhanced by the federal Family Support Act of 1988.

Res. Ch. 24 (ACR 61) W Brown. California Volunteer Services Week.

This measure would recognize the week of April 9 to 15, inclusive, of 1989 as "Califor-

nia Volunteer Services Week" in the State of California.

Res. Ch 25 (SJR 6) Marks. Coastal resources: oil and gas leases.
This measure would request that specified tracts of California coastal land under consideration for inclusion by the United States Department of the Interior in proposed Outer Continental Shelf Lease Sale 119 for potential oil and gas exploration and development be defined as environmentally sensitive and deleted from further consideration from leasing.

Res Ch. 26 (ACR 56) Tucker. Venereal Disease (VD) Awareness Month.
This measure would proclaim the month of April 1989 as Venereal Disease (VD) Awareness Month

Res Ch. 27 (ACR 57) Tucker. Fair Housing Month
This measure would designate the month of April 1989 as Fair Housing Month and urge all California residents to reflect upon the importance of fair housing to our way of life

Res Ch 28 (SJR 12) Dills Reparations for Japanese-Americans
This measure would memorialize the Congress of the United States to authorize the sum of $500,000,000 for the upcoming fiscal year, and every fiscal year following as long as necessary, for the payment of reparations to Japanese-American survivors of World War II internment camps.

Res. Ch 29 (ACR 17) Katz. California Holocaust Memorial Week
This measure would designate the week of April 30 through May 7, 1989, as California Holocaust Memorial Week, and would urge Californians to observe these Days of Remembrance for the Victims of the Holocaust in an appropriate manner.

Res. Ch 30 (ACR 25) Leslie Victims of Pornography Week.
This measure would recognize the pervasion of pornography in California, and particularly its exploitation of children. In addition, the measure would resolve that Members of the California Legislature work together to protect innocent children from becoming victims of pornography, and request that the Governor proclaim the week of May 7 through May 13, 1989, as "Victims of Pornography Week "

Res. Ch. 31 (ACR 4) Katz Small business.
This measure would request the Governor to proclaim, in conjunction with the national designation thereof, the week of May 7 through May 13, 1989, as California Small Business Week

Res. Ch. 32 (ACR 7) Filante Rotary Week.
This measure would declare the week of May 8, 1989, as "Rotary Week."

Res. Ch. 33 (ACR 9) M. Waters California public pension funds.
This measure would create the Joint Committee on Public Pension Fund Investments as an investigating committee of the California Legislature It would charge the committee with studying the manner of increasing the yield on portfolio investments of all California public pension funds, improving the financial responsibilities of corporations to their public pension fund shareholders, and evaluating portfolio potential, among other things.
This measure would provide for the appointment of members to the committee, would provide for additional powers and duties of the committee staff, and would provide for the funding of the committee from the Assembly Contingent Fund by the Assembly Committee on Rules, as specified It would provide for the termination of the committee at the end of the 1989–90 Regular Session

Res Ch 34 (AJR 42) Clute. California Air National Guard: proposed 1990 fiscal year force structure changes.
This measure would memorialize the President and Congress to require the Depart-

ment of Defense and the Department of the Air Force to revise proposed 1990 fiscal year force structure changes applicable to designated units of the California Air National Guard in a specified manner to maintain the operational capabilities of these units.

Res Ch. 35 (SCR 11) 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. 36 (SJR 13) Keene Environmental problems.

This measure would request the President of the United States to take the lead in making global environmental problems a top agenda item for the July 1989 Economic Summit at Paris, France.

Res. Ch. 37 (ACR 48) Pringle. Southeast Asia Genocide Remembrance Week.

This measure would proclaim April 30 through May 6, 1989, as Southeast Asia Genocide Remembrance Week

Res Ch 38 (ACR 62) Leslie. National Day of Prayer.

This measure recognizes the first Thursday in May annually, as the "National Day of Prayer "

Res Ch. 39 (ACR 34) O'Connell. Toxic Awareness Week.

This measure would proclaim the week of May 14, 1989, as "Toxic Awareness Week," and would encourage public elementary and secondary schools and businesses to sponsor programs to inform students and employees of accident prevention measures and proper emergency responses concerning hazardous materials

Res. Ch. 40 (ACR 72) Speier California Alcohol Drug Related Birth Defects Awareness Week.

This measure would proclaim the week of May 14 to 20, 1989, as California Alcohol and Drug-Related Birth Defects Awareness Week.

Res. Ch 41 (ACR 74) Tanner Mother's Day.

This measure would commemorate the second Sunday of May 1989 as Mother's Day and urge all Californians to engage in appropriate observances and activities therefor.

Res Ch. 42 (ACR 26) Farr California Tourism Day

This measure would designate May 22, 1989, as California Tourism Day. The measure would also commend the efforts of various public and private groups in ensuring the success of the tourism industry

Res. Ch 43 (ACR 69) N Waters. Winter Olympics at Lake Tahoe

This measure expresses the support of the Legislature for the Reno/Tahoe Organizing Committee, Inc. in its attempt to bring the winter Olympics to Lake Tahoe in 1998.

Res. Ch. 44 (AJR 3) Kelley. Lake Norconian dam repair

This measure would memorialize the President and Congress to fund construction by the United States Navy of the repair of the west dam of Lake Norconian during the 1989 fiscal year.

Res. Ch. 45 (ACR 68) Leslie. California Foster Care Awareness Month.
This measure would recognize the month of May 1989 as "California Foster Care Awareness Month" and would urge all citizens to give recognition and appreciation to foster parents for the care that they provide

Res. Ch 46 (ACR 33) Eastin. Make-A-Wish Foundation.
This measure would request the Governor to proclaim the month of June of each year as "MAKE-A-WISH MONTH" to make citizens of California aware of that organization as one which brings happiness and joy to children whose lives are limited and to encourage support of the organization's activities.

Res. Ch. 47 (AJR 11) Filante. Medicare Catastrophic Coverage Act of 1988.
This measure would memorialize the President and the Congress to amend the Medicare Catastrophic Coverage Act of 1988 to restore the traditional insurance financing principles of funding the Medicare program and to eliminate the supplemental tax on federal income taxes to fund various new coverages under the act.

Res Ch. 48 (ACR 19) Bradley. AIR/SPACE America '88.
This measure would extend congratulations to AIR/SPACE America '88 for its successful 1988 exhibit of new developments in aviation, space, and electronics, and urge all Californians to support AIR/SPACE America '90.

Res Ch. 49 (AJR 27) Cortese. National Wine Act
This measure would memorialize the President and Congress of the United States to enact a national wine act to promote uniformity in marketing requirements.

Res. Ch 50 (SCR 38) Maddy Food Science and Technology Week.
This measure would declare the week of June 21, 1989, through June 28, 1989, as "Food Science and Technology Week "

Res. Ch 51 (SJR 11) Seymour. Safe and Sober Graduation Night Celebration Program.
This measure would encourage school districts to establish a Safe and Sober Graduation Night Celebration Program.

Res. Ch 52 (SJR 16) Rosenthal. Sewage treatment. Los Angeles County.
This measure would memorialize the Environmental Protection Agency to deny the application of the Sanitation District of Los Angeles County for a waiver from specified secondary treatment requirements of the federal Clean Water Act, and would urge the agency to expedite compliance with the full secondary treatment standard without delay.

Res. Ch 53 (SCR 42) Keene. Christo The Umbrellas, Joint Project for Japan and U.S.A.
This measure would commend Christo with respect to the placement of the temporary work of art "The Umbrellas" simultaneously in Japan and an area of Kern and Los Angeles Counties, and would recognize the Department of Transportation, the Department of the California Highway Patrol, and the Department of Parks and Recreation for their continued cooperation with Christo and assistance in facilitating "The Umbrellas" project in California

Res. Ch. 54 (SJR 35) Garamendi. People's Republic of China.
This measure urges the government of the People's Republic of China to work towards a peaceful and positive solution to the current crisis in China

Res. Ch 55 (AJR 6) Elder. Medicare supplemental surtax.
This measure would memorialize the President and Congress of the United States to institute a 1-year moratorium on the implementation of the Medicare supplemental surtax, and to direct the appropriate agency to study the existing catastrophic health care coverage already available to many public and private employees and assess the

necessity of the Medicare Catastrophic Coverage Act for these individuals, and would memorialize the Congress of the United States to hold at least 2 hearings in California to allow public and private employees to present testimony on their concerns.

Res. Ch 56 (AJR 14) Peace. Traffic flow: Calexico Port of Entry.

This measure would declare that the Legislature of the State of California supports the proposal that additional entry lanes be opened at the Calexico border crossing and points out the need for an increase in the number of customs inspectors to staff the port of entry to resolve the problem of long waits at the border. The measure would memorialize the President and Congress of the United States to provide for an independent and comprehensive investigation of the January 2, 1989, tragedy which occurred at the border, for the purpose of developing recommendations for improvements at the Calexico Port of Entry.

Res Ch 57 (AJR 15) Eastin. Highway projects: delegation of responsibilities.

This measure would memorialize the President and Congress to enact legislation which provides that the Secretary of Transportation discharge specified responsibilities relating to federal-aid highway projects in states which have an environmental law as stringent as the National Environmental Policy Act of 1969 by accepting a certification by the state that it will perform those responsibilities

Res. Ch 58 (ACR 28) Pringle Older Californians

This measure would memorialize all California citizens to recognize and appreciate the numerous contributions made by Older Californians, during May 1989 and throughout 1989 by engaging in appropriate observances and activities.

Res Ch. 59 (ACR 54) Clute Airports *noise control· compatibility with surrounding uses*

This measure would propose to the boards of supervisors of the counties of the State of California all of the following (1) that encroachment criteria be established in order to eliminate the possibility of airfield closure due to noise problems; (2) that the counties purchase land in the periphery of airfields; and (3) that the formation of airport land use commissions and the adoption of comprehensive land use plans be expedited in order to incorporate land use elements into the county general plan and to provide for the orderly growth of airfields and the area surrounding them

Res Ch. 60 (AJR 25) Speier Firearms: Nationwide background check

This measure would memorialize the Congress to adopt legislation to require all states to make available to other states through existing data bases all criminal and serious mental health information on persons who attempt to purchase a firearm in any state.

Res. Ch. 61 (AJR 35) Clute Veterans' educational benefits: extension.

This measure would memorialize the President and Congress to support and enact legislation extending the December 31, 1989, termination date for eligibility for veterans' educational and training benefits under the Veterans' Educational Assistance Act of 1984 (the Montgomery GI Bill Act of 1984) to a 10-year period after each eligible veteran's separation from service.

Res Ch 62 (ACR 44) Seastrand Intergenerational Older Americans Month projects

This measure would encourage area agencies on aging throughout the state, as part of Older Americans Month, to sponsor intergenerational projects similar to the art, poetry, and writing project which enabled seniors in San Luis Obispo County to produce the book "My Favorite Senior Citizen"

Res. Ch. 63 (SJR 9) Campbell. Urban search and heavy rescue.

This measure would memorialize the President and Congress of the United States to direct the appropriate federal agencies and the United States military to work with state and local governments to develop a coordinated urban search and heavy rescue re-

sponse plan for their respective states and local communities.

Res. Ch. 64 (AJR 37) Farr. United States and Mexico relations: the border ditch.

This measure would memorialize the President, Congress, Attorney General, and Department of Justice of the United States, and the Commissioner of the United States Immigration and Naturalization Service, to postpone action on the construction of the border ditch along the California-Mexico border and begin negotiations immediately with Mexico to resolve this disagreement.

Res. Ch 65 (SJR 10) Torres. Refugees.

This measure would make certain declarations regarding the role of the United States with regard to Southeast Asia and would memorialize the President and the Congress of the United States to increase the number of refugees admitted to this country.

Res. Ch 66 (SCA 1) Garamendi. Appropriations limit

(1) Existing provisions of Article XIII B of the California Constitution prohibit the annual appropriations subject to limitation, as defined, of an entity of government 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

This measure would require that the annual calculation of the appropriations limit for each entity of local government be reviewed as part of an annual financial audit.

(2) Existing provisions of Article XIII B of the California Constitution provide that all revenues received by an entity of government, except the state, in excess of the amount which is appropriated by that entity in compliance with Article XIII B during a fiscal year must be returned by that entity by a revision of tax rates or fee schedules within the next 2 subsequent fiscal years

Existing provisions of Article XIII B of the California Constitution provide that a prescribed amount of the revenues received by the state in excess of the amount which is appropriated by the state in compliance with Article XIII B during a fiscal year is required to be transferred and allocated to the State School Fund, and any remaining amount of excess revenues must be returned by the state by a revision of tax rates or fee schedules within the next 2 subsequent fiscal years.

This measure would provide that revenues so received by an entity of government, other than the state, in a fiscal year and the fiscal year immediately following it must be returned by the entity by a revision of tax rates or fee schedules within the next 2 subsequent fiscal years.

This measure would provide that 50% of the excess revenues received by the state in a fiscal year and the fiscal year immediately following it must be transferred and allocated from a fund established for that purpose, to the State School Fund and the remaining 50% of excess revenues received by the state in a fiscal year and the fiscal year immediately following it must be returned by the state by a revision of tax rates or fee schedules within the next 2 subsequent fiscal years.

(3) Existing provisions of Article XIII B of the California Constitution provide that the appropriations limit of an entity of government may be exceeded in the event of an emergency, but the appropriations limits in the following 3 years must be reduced accordingly to prevent an aggregate increase in appropriations resulting from the emergency.

This measure would provide that if an emergency is declared by the legislative body of an entity of government, the appropriations limits in the following 3 years must be reduced accordingly to prevent an aggregate increase in appropriations resulting from the emergency.

This measure would provide that if an emergency, as defined, is declared by the Governor, appropriations approved by a ⅔ vote of the legislative body of an affected entity of government to an emergency account for expenditures relating to that emergency would not constitute appropriations subject to limitation.

(4) Existing provisions of Article XIII B of the California Constitution define the terms "cost of living" and "population" for purposes of the annual adjustment in the

appropriations limit of an entity of government.

This measure would revise the definition of "cost of living" for purposes of the annual adjustment in the appropriations limit of an entity of government and would revise the definition of "population" for purposes of the annual adjustment in the appropriations limit of the state, a school district, and a community college district.

(5) Existing provisions of Article XIII B of the California Constitution exclude certain appropriations from the appropriations limit for each entity of government.

This measure would also exclude from the appropriations limit for each entity of government appropriations for all qualified capital outlay projects, as defined by the Legislature, and appropriations of revenues which are derived from (a) that portion of the tax imposed on motor vehicle fuels used in motor vehicles upon public streets and highways at a rate in excess of 9¢ per gallon, (b) the sales and use taxes collected on the increment of the tax specified in (a), and (c) the weight fee imposed on commercial vehicles above the weight fee imposed on those vehicles on January 1, 1990.

(6) This measure would require that for fiscal years beginning on or after July 1, 1990, the appropriations limit of each entity of government would be the appropriations limit for the 1986–87 fiscal year adjusted, as specified.

(7) Existing provisions of Article XVI of the California Constitution require the state, commencing with the 1988–89 fiscal year, to provide a minimum level of funding for school districts and community college districts equal to the larger of 2 amounts determined in accordance with prescribed formulas. That article allows the minimum level of support requirement to be suspended for one year by the enactment of an urgency statute. That article also requires additional state funding for school districts and community college districts to be provided from a portion of excess revenues of the state in accordance with prescribed formulas

This measure would, commencing with the 1990–91 fiscal year, revise the 2 existing formulas and would add a 3rd formula, under specified conditions, for determining the minimum level of state funding for school districts and community college districts.

This measure would revise the amount of additional state funding for school districts and community college districts required to be provided from a portion of the excess revenues received by the state in a fiscal year, to provide that 50% of the excess revenue received by the state in a fiscal year and the fiscal year immediately following it must be so used for that purpose

(8) Existing provisions of Article XVI of the California Constitution provide that the portion of the excess revenues received by the state during a fiscal year which is provided for additional state funding for school districts and community college districts, as specified, does not constitute an appropriation subject to limitation of the school districts or community college districts and that the appropriations limit of the school districts and community college districts shall be annually increased by the amount of the allocation.

This measure would delete the provision requiring the appropriations limit of the school districts and community college districts to be annually increased by the amount of the allocation

(9) This measure would also make technical, nonsubstantive changes

(10) This measure would take effect on July 1 next following the date on which it is approved by the electors.

Res. Ch. 67 (AJR 5) Elder. Home mortgage interest deduction.

This measure would memorialize the President and the Congress of the United States to refrain from taking any action reducing, diminishing, or eliminating the home mortgage interest deduction.

Res Ch. 68 (ACR 23) Peace. David E. Pierson and Bill Freeman Highway.

This measure would designate a specified segment of State Highway Route 86 in Imperial County as the "David E. Pierson and Bill Freeman Highway" The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res Ch. 69 (ACR 27) Jones. Highways to Yosemite.

This measure would designate the portion of State Highway Route 41 in Madera County as the Southern Yosemite Highway, the portion of Route 120 in Stanislaus and Tuolumne Counties as the Northern Yosemite Highway, the portion of Route 132 in Mariposa County as the Historic Yosemite Highway, and the portion of Route 140 in Mariposa County as the Central Yosemite Highway.

The measure would also direct the Department of Transportation to determine the costs of erecting appropriate plaques and markers showing these designations and, upon receiving donations from private sources covering those costs, to erect appropriate plaques and markers.

Res. Ch. 70 (ACR 30) Speier. Law Revision Commission: Family Relations Code

Under existing law, the California Law Revision Commission is required to study any topic assigned to it by the Legislature by concurrent resolution

This measure would require the California Law Revision Commission to conduct a careful review of all statutes relating to the adjudication of child and family civil proceedings, with specified exceptions, and make recommendations to the Legislature regarding the establishment of a Family Relations Code, as specified.

Res Ch. 71 (SJR 15) Deddeh. Cal-Vet bonds.

This measure would memorialize the President and the Congress of the United States to enact legislation increasing to $500,000,000 annually the level of state general obligation bonds that may be issued to fund Cal-Vet loans for which federal tax-exempt status will be granted with regard to interest payable on those bonds.

Res. Ch 72 (SCR 44) 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 1989, transfer $3,640,000 from the Senate Contingent Fund and $3,640,000 from the Assembly Contingent Fund, or so much thereof from each fund as may be necessary, for support of the Joint Legislative Budget Committee.

Res Ch. 73 (SJR 8) Robbins Amtrak: commuter service

This measure would memorialize the President and Congress to include commuter service as a part of the National Railroad Passenger Corporation (Amtrak) rail passenger service, as specified

Res Ch. 74 (SJR 7) Robbins Decennial census: undercounting of population segments.

This measure would urge the Bureau of the Census, United States Department of Commerce, which is charged by federal law with conducting a decennial census of the United States population, to develop and implement a plan for ensuring that minority populations which are traditionally undercounted in the decennial census are included in the 1990 census figures.

Res Ch. 75 (SJR 20) Robbins. United States Department of Veterans Affairs: Sepulveda medical facility.

This measure would memorialize the President and Congress to direct the United States Department of Veterans Affairs to reinstate the inpatient Substance Abuse Program recently closed at its Sepulveda medical center.

Res. Ch 76 (SJR 38) C. Green. Desecration of the American Flag.

This measure would memorialize Congress to propose a constitutional amendment, for ratification by the states, which would specify that Congress and the states have the power to prohibit the physical desecration of the American Flag.

Res. Ch. 77 (AJR 18) Murray Military base closures: medical facilities.

This measure would memorialize the President and Congress to transfer the operation of hospital facilities at military installations scheduled for closure to the Department of Veterans Affairs or, in the alternative, where there is an active military installation, such as McClellan Air Force Base in Sacramento and Oak Knoll Naval Hospital in San Francisco, located in the vicinity of the installation scheduled for closure, to transfer operation of the hospital facilities to that nearby military installation.

Res Ch. 78 (AJR 21) Pringle Southeast Asian émigrés.

This measure would memorialize the President and the Congress to reconsider the proposed quota reductions for Southeast Asian émigrés

Res. Ch. 79 (AJR 41) Roybal-Allard. 1990 census: Hispanics: participation.

This measure would urge the President and the Attorney General of the United States to direct the Commissioner of the Immigration and Naturalization Service to implement a moratorium on any searches, raids, or sweeps for undocumented workers commencing on January 1, 1990, and ending on July 31, 1990, so as to encourage maximum participation by the Hispanic community and other minority communities in the 1990 census count.

Res. Ch 80 (AJR 46) Areias Refugee Act of 1980: reauthorization.

This measure would memorialize the President and Congress of the United States to reauthorize the Refugee Act of 1980 in a timely manner and with certain provisions, and to appropriate refugee assistance funds in the 1990 federal Budget to provide for rates consistent with terms negotiated under the act. It would also encourage the United States Department of State to admit persons fleeing persecution in their homelands as refugees pursuant to the act, rather than as parolees or under other immigrant status.

Res. Ch. 81 (AJR 55) Leslie. Burning or desecration of the American Flag

This measure would memorialize Congress to propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states shall have the power to prohibit the physical desecration of the American Flag.

Res. Ch 82 (ACR 59) Bates. Medical Record Week.

This measure would designate October 8 to 14, 1989, as Medical Record Week.

Res Ch 83 (SCR 23) Presley. Board of Corrections.

Existing law provides that, for purposes of raising the level of competence of local corrections and probation officers, the Board of Corrections shall adopt, and may, from time to time amend, rules establishing minimum standards for the selection and training of these officers In addition, the board is authorized, among other things, to adopt regulations necessary to carry out the above-described duties and to develop and present training courses for local corrections and probation officers.

This measure would set forth various declarations concerning postpartum psychosis, a phenomenon affecting new mothers, would request that the Board of Corrections adopt regulations to include a procedure to be used, as specified, by law enforcement officers or their designees when assessing the mental status of women who have recently given birth and who are charged with serious crimes, especially infanticide, and would recommend that a woman be referred to a mental health facility when an assessment indicates that the woman may suffer from postpartum psychosis.

In addition, the measure would request that the University of California conduct research to define more fully the illness and facilitate understanding of the phenomenon, and its causes, effects, and treatments.

Res. Ch 84 (SCR 25) Doolittle. Charles William Carpenter Memorial Bridge.

This measure would designate a specified bridge presently under construction over the Trinity River on State Highway Route 299 in Trinity County the Charles William Carpenter Memorial Bridge and would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation

and, upon receiving donations from nonstate sources covering that cost, to erect suitable plaques and markers thereon, upon completion of construction.

Res. Ch. 85 (SCR 34) Torres. State and school employees: veterans: PERS military service credit· study.

This measure would request the Public Employees' Retirement System to update and expand its previous study relating to the number of state and school employees who would be eligible for retirement service credit for preemployment military service and to submit the related report to the Legislature.

Res. Ch. 86 (SCR 37) Rosenthal. California Year of Human Rights: Human Rights Day

This bill would designate the year 1990 as the California Year of Human Rights and December 10, 1989, as Human Rights Day.

Res. Ch. 87 (SCR 39) Presley. Department of Justice training.

Under existing law, there is in the Department of Justice, the Commission on Peace Officer Standards and Training which is responsible for administrating numerous law enforcement training and certification programs.

This measure would set forth various declarations concerning postpartum psychosis, a phenomenon affecting new mothers, and would request the Commission on Peace Officer Standards and Training to adopt standards, as specified, to include training on the recognition and handling of women possibly suffering from postpartum psychosis.

Res. Ch 88 (SJR 27) Mello Harbors. dredging and maintenance.

The measure would urge the Army Corps of Engineers to reevaluate its proposed reduction in funding for the dredging and maintenance of low-use harbors and marinas, and to consider as its first alternative a proportionate reduction of the funding for the dredging and maintenance of all harbors and marinas

Res. Ch. 89 (SJR 31) Vuich. Agriculture. set-aside and conservation farm programs.

This measure would memorialize the Congress of the United States to enact legislation which permits farmers who are enrolled in government set-aside programs to grow rotation crops dedicated as feedstock for conversion to fuel sources on displaced base acreage, under specified circumstances

Res Ch. 90 (ACR 65) Connelly. Meet Your Judges Week

This measure urges the participation of judges, attorneys, educators, and the people of this state in Meet Your Judges Week, March 4th through 10th, 1990. It also urges all presiding judges to report to the Legislature no later than July 1, 1990, on actions undertaken during Meet Your Judges Week.

Res. Ch. 91 (AJR 16) Cortese. Uniform closing of polls: presidential elections.

This measure would memorialize the Congress of the United States to enact appropriate legislation to establish a national time schedule for the uniform closing of the polls no earlier than 8 p.m. in the Pacific time zone for voting at presidential elections.

Res. Ch. 92 (ACR 37) Speier. Textbooks Japanese-American internment experience

This measure would urge that the state and school districts adopt instructional materials that reflect, in appropriate subject matter fields, accurate and objective versions of the Japanese-American internment experience as a violation of human rights, rather than as an act of military necessity and that copies of this measure be transmitted to the Superintendent of Public Instruction and the State Board of Education. This measure would request the Superintendent of Public Instruction to notify superintendents of school districts, county offices of education, and those textbook publishers, who have provided, or who are interested in providing, instructional materials to the schools, of this resolution.

Res Ch 93 (ACR 5) Mojonnier. California Women in Sports Day.
This measure would declare February 4 of each year as California Women in Sports Day.

Res Ch 94 (ACR 71) N. Waters. California 4-H Week.
This measure would express the Legislature's recognition of the 75th anniversary of the 4-H Program by declaring the week of September 5 through 8, "California 4-H Week."

Res Ch. 95 (AJR 9) Floyd. Federal minimum wage.
This measure would memorialize the President and the Congress of the United States to take immediate steps to raise the federal minimum wage level to a level not lower than that recently adopted in California and to a level sufficient to restore the lost purchasing power of the federal minimum wage

Res. Ch 96 (AJR 23) Woodruff Highway safety roadside rests: compatible commercial developments.
This measure would memorialize the President and Congress to support and enact legislation permitting the development of appropriate commercial ventures at highway safety roadside rests, including food and fuel service but excluding the sale of alcoholic beverages.

Res. Ch 97 (AJR 26) Klehs. Federal income taxation· ridesharing.
This bill would request the President and the Congress of the United States to provide, for federal income tax purposes, tax incentives for employers and employees to encourage ridesharing and the use of public transit.

Res Ch 98 (AJR 44) Hauser Oil spills· preparedness.
This measure would memorialize the President and the Department of the Interior to take immediate action to improve ocean and coastal waters oil spill cleanup capabilities and to demonstrate, as specified, to designated agencies of each affected state that oil spill cleanup equipment and supplies are in place, as prescribed. The measure would memorialize appropriate federal agencies to test the cleanup equipment and to prepare cleanup plans, as specified

Res Ch 99 (SCR 16) Morgan Schoolage community child care services.
This measure would request that the Superintendent of Public Instruction promote and assure compliance with current law which requires that children who are individuals with exceptional needs residing in a school district be provided services under schoolage community child care programs at levels at least equal to the percentage of their enrollment in the district in kindergarten and grades 1 to 8, inclusive, unless the demand for this level of service does not exist, by informing all special education units in elementary and secondary school districts regarding the enrollment of these children in these programs, and by directing that the Child Development Division of the State Department of Education enforce these requirements by monitoring the compliance of all contractors operating these programs
This bill would require the superintendent to include a report regarding the implementation of the requirements of this measure in a legislative report required to be submitted by the superintendent pursuant to specified provisions of existing law.

Res. Ch. 100 (SCR 17) McCorquodale. Oak woodlands
This measure would request all state agencies having land use planning duties and responsibilities, in the performance of those duties and responsibilities and in a manner consistent with their respective duties and responsibilities, to undertake to assess and determine the effects of their land use decisions or actions within any oak woodlands, as defined, that may be affected by their decisions or actions. The measure would request those state agencies to undertake, in the performance of their duties and responsibilities, to preserve and protect native oak woodlands to the maximum extent feasible and consistent with the performance of those duties and responsibilities, or provide for

replacement plantings where designated oak species are removed from oak woodlands. The measure would request those agencies to report, as prescribed, to the Resources Agency and to the appropriate policy and fiscal committees of the Assembly and the Senate on specified actions by July 1, 1991.

Res. Ch. 101 (SCR 19) Lockyer Women in California history.

This measure would request the Director of General Services to ensure that the next state building constructed, or if not feasible or appropriate, designed to be constructed, in Sacramento bear an inscription honoring the role of women in California history The wording of the inscription would be chosen by a committee with specified members.

Res. Ch. 102 (SCR 26) Davis. Santa Susana Mountains: recreational use feasibility study.

Under existing law, the California Wildlife, Coastal, and Park Land Conservation Act, a specified sum is made available to the Department of Parks and Recreation for acquisition of land within a designated area for additions to the Santa Susana Mountain Project, for specified purposes.

This measure would request the department to prepare a feasibility study relative to the creation and development of a state park in the Santa Susana Mountains and Simi Hills, as specified, and to transmit the study to the Legislature on or before June 30, 1990.

Res. Ch. 103 (SCR 45) Presley. Moreno Valley Freeway

This measure would designate the portion of State Highway Route 60 from Route 10 to Route 91 as the Moreno Valley Freeway

The measure would also direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect appropriate plaques and markers.

Res. Ch. 104 (SCR 49) C Green Hispanic Heritage Week.

This measure would proclaim the week of September 11 to 17, inclusive, 1989, and every third week in September thereafter, as Hispanic Heritage Week.

Res. Ch. 105 (SCR 57) Vuich. Joint Committee on International Trade.

This measure would establish the Joint Committee on International Trade and delineate its membership and duties.

Res Ch. 106 (ACR 22) Roos. Emergency medical and trauma care services.

This measure requests the Governor to convene a Statewide Task Force on Emergency Medical and Trauma Care Services, as specified, to examine the underlying causes of the financial crisis now faced by emergency rooms and trauma centers and review and explore potential sources of funding to adequately support a statewide, comprehensive emergency medical services and trauma care system.

Res. Ch. 107 (AJR 13) Farr. National recycling policy.

This measure would memorialize the President and Congress to direct the federal administrative agencies and departments to establish a national recycling policy of specified content.

Res. Ch. 108 (AJR 29) Johnston. Food labeling: cholesterol content.

This measure would memorialize all federal agencies and departments that regulate food product labeling, including, but not limited to, the Food and Drug Administration and the Department of Agriculture to adopt food labeling regulations to jointly define, and to provide for, the proper use of the terms cholesterol free, low cholesterol, and cholesterol reduced, in the labeling of foods, and to provide for the use of other truthful and nonmisleading statements about cholesterol content in food labeling.

Res. Ch. 109 (AJR 30) Hannigan. Social security trust funds: exclusion from uniform federal budget.

This measure would memorialize the President and the Congress to enact legislation which would immediately implement the 1983 social security amendments, which will remove the social security trust funds from the uniform federal budget in 1993.

Res Ch. 110 (AJR 33) Woodruff. Federal student loan guidelines: vocational and proprietary postsecondary schools.

This measure would memorialize the President and Congress to reconsider, and revise as necessary, the federal guidelines for institutional participation and student eligibility that apply to the granting of student loans for private and public postsecondary colleges and vocational schools, for the purpose of reducing the rate of default on student loans issued through those schools.

Res. Ch. 111 (AJR 40) Hauser. Commercial fishing: foreign vessels.

This measure would memorialize the President and Congress of the United States to ensure that any agreement reached between the federal government and Japan forbids the mixed catch of salmon and provide for increases in the number of independent observers aboard Japanese driftnet vessels and the use of telemetry to determine vessel location and water temperature. The measure would memorialize the President and the Congress to take immediate action against South Korean and Taiwanese governments to increase the penalties for illegal commercial fishing and for knowingly receiving, shipping, processing, or marketing fish which were taken illegally, to provide a statutory presumption that fishing is taking place when a foreign fishing vessel is operating in areas that are prohibited pursuant to an international agreement or if the foreign fishing vessel refuses to permit the United States Coast Guard to board the vessel and search for the fish, and to extend the "Pelly" import sanctions to include the embargo of imports other than fish and fish products

Res. Ch. 112 (AJR 36) Hauser Columbia River Hydroelectric Projects: anadromous fish.

This measure would declare that the Legislature endorses the action taken by the Northwest Power Planning Council to amend the Columbia River Basin Fish and Wildlife Program to include a spill agreement for purposes of increasing the populations of salmon and steelhead originating in the Columbia River Basin, and would request the council to expedite the amendment process. The measure would memorialize the President and Congress of the United States to do whatever is necessary for the United States Army Corps of Engineers, as the operator of the federal Columbia River Hydroelectric Projects, to implement the spill agreement and to install appropriate bypass facilities as soon as reasonably possible, and to provide the necessary funds to finance expeditious construction of the bypass facilities.

Res. Ch 113 (AJR 39) Polanco. Federal immigration reform.

This measure would memorialize the President and Congress to oppose any attempt to diminish or divert the funds currently appropriated for the State Legalization Impact-Assistance Grants Program.

Res Ch. 114 (AJR 48) Killea. Veterans: women veterans: incidence of cancer.

This measure would memorialize the President and Congress to require the United States Department of Veterans Affairs to conduct a followup investigation into its earlier findings that the incidence of cancer among women veterans is nearly twice as high as among adult women in the general population, and to communicate the results of that investigation to each Senator and Representative from California and to the Assembly Subcommittee on Veterans Affairs of the Assembly Committee on Governmental Organization and the Senate Committee on Veterans Affairs.

Res. Ch 115 (AJR 49) Jones. Employee benefit plans.

This measure would memorialize the Congress of the United States to amend the Internal Revenue Code to exclude public school districts from the rules and requirements that apply to benefits provided under certain employee benefit plans.

Res. Ch. 116 (ACR 41) Pringle. Older Californians: residential care: funding.

This measure would request the Secretary of the Health and Welfare Agency and the Director of Finance to identify potential new funding sources for increased moneys for residential care for the elderly. This measure would further provide that as part of the identification process public-private partnerships be identified, and would also request a report to the Legislature on or before January 1, 1990.

Res. Ch. 117 (ACR 52) Polanco. Lanterman Developmental Disabilities Services Act.

This measure would request that the State Department of Developmental Services, the State Council on Developmental Disability, and the Organization of Area Boards cooperate with the Legislature in a review and analysis of the current implementation of the Lanterman Developmental Disabilities Services Act, as specified, and would request that the Assembly Subcommittee on Mental Health and Developmental Disabilities in conjunction with the Senate Subcommittee on Mental Health, Developmental Disabilities, and Genetic Diseases and the Senate Judiciary Subcommittee on the Rights of the Disabled conduct hearings to study services and programs authorized under the act and report to the Legislature

Res Ch. 118 (ACR 70) Hughes. The Year of the Teacher and the Education Decade.

This measure would declare the year 1990 the Year of the Teacher and the years from 1990 to 2000 as the Education Decade.

Res. Ch. 119 (ACR 73) Eastin. Worksite innovations.

This measure would request the Employment Training Panel to allocate $100,000 from the Employment Training fund to support a specified evaluation of worksite innovations

Res. Ch. 120 (ACR 75) Murray. Juvenile justice centers.

This measure would express the intent of the Legislature that juvenile justice centers similar to those existing in the County of Los Angeles, as specified, be established in each county of the state.

Res. Ch. 121 (SJR 4) Deddeh. Drug trafficking: enforcement: California National Guard.

This measure would memorialize the President and Congress to direct the United States Department of Defense, the National Guard Bureau, and the Vice President of the United States, who is in charge of the National Narcotics Border Interdiction System, to support and fund a proposal by the California National Guard to engage in drug interdiction operations with the acquisition of helicopters and surveillance equipment, the establishment of a full-time aviation program to support drug interdiction agencies, and the establishment of a California National Guard attack helicopter battalion at Brown Field.

Res. Ch. 122 (SCR 13) Robbins. Insurance: mental health services.

This measure would request the Senate Office of Research to conduct a study of disability insurers and nonprofit hospital service plans to determine the number of insurers and plans that currently provide specified mental health coverage and the need therefor. It would also require the Senate Office of Research to survey self-insured employee welfare benefit plans and multiple employer trusts, as specified, which provide coverage for hospital, medical, or surgical benefits for those same purposes.

The measure would also require the Senate Office of Research to report its findings to the Legislature on or before January 10, 1991.

Res. Ch. 123 (SCR 32) Russell. Education.

This measure would request the State Department of Education to provide to every public elementary and secondary school teacher the "Handbook on the Legal Rights and Responsibilities of School Personnel and Students in the Areas of Moral and Civic Educa-

tion and Teaching About Religion," which was adopted by the State Board of Education on June 10, 1988. The measure also would request the department to send a program advisory to every school district in the state advising that the handbook should be read by every teacher and incorporated into all course material where appropriate. The measure also would request the department to incorporate into the state's regional workshops on the History-Social Science Framework, teacher training based on the precepts set forth in the handbook. This measure also would request the department to consider the feasibility of providing funding for the distribution of the handbook and related information from specified federal funds and from any other available resources, including private funds.

Res. Ch. 124 (SCR 41) Roberti. Legislative contingent funds.

This measure would request the Controller to prepare an itemized report of all expenditures made by each Member of the Legislature and each committee during the 1985–86 Regular Session from the Senate Contingent Fund, the Assembly Contingent Fund, and the Contingent Funds of the Senate and Assembly, and to identify any claims that were submitted and paid that would have been rejected had the claim been audited prior to payment by the Controller.

Res. Ch. 125 (SCR 47) B. Greene California Vietnam Veterans' Memorial. security.

This measure would direct the Director of General Services to require the California State Police Division to guard the California Vietnam Veterans' Memorial 24 hours a day until the necessary security measures to prevent vandalism may be taken

Res Ch 126 (SCR 48) Robbins. Child care facilities: Los Angeles.

This measure would memorialize the State Architect to start the preliminary planning work that he or she deems necessary, at a minimal funding level, as determined by the State Architect, for the child care center proposed by SB 867, until the enactment of SB 867 or until the appropriation of funds for this purpose in the 1989–90 fiscal year or in the 1990–91 Budget.

Res. Ch 127 (SCR 51) C Green. Hispanic Veterans Day.

This measure would proclaim September 17, 1989, and every third Sunday of September thereafter, as Hispanic Veterans Day.

Res. Ch. 128 (SCR 63) Alquist. Supplemental Report of the Committee on Conference on the 1989 Budget Bill.

This measure would declare that the Supplemental Report of the Committee on Conference on the 1989 Budget Bill reflects the intent of both houses of the Legislature in adopting the Budget Act of 1989. The measure would also declare that the report shall be interpreted as the intent of the Legislature by the various agencies of state government affected by the statements contained in the report. The measure would require the Legislative Analyst to transmit copies of the appropriate parts of the report to the agencies to which the report is directed.

Res. Ch. 129 (SCR 67) Deddeh. Martin Luther King, Jr. Freeway.

This measure would designate a portion of State Highway Route 94 in southern California as the Martin Luther King, Jr. Freeway. The measure would also request the Department of Transportation to determine the cost of erecting appropriate signs and to erect the signs upon receiving donations from private sources covering that cost.

Res. Ch. 130 (SJR 5) Mello. Medicare Catastrophic Coverage Act of 1988.

This measure would memorialize the President and the Congress to amend the Medicare Catastrophic Coverage Act of 1988 to distribute costs of the act's new benefits proportionately and fairly, to protect Medicare beneficiaries against the costs of long-term care, and to allow California to provide more progressive Medi-Cal eligibility requirements for certain cases.

Res. Ch. 131 (SJR 17) Rogers. Pearl Harbor Day.

This measure would memorialize the President and the Congress of the United States to enact legislation to proclaim December 7 as "Pearl Harbor Day," an annual day of national remembrance.

Res. Ch. 132 (SJR 18) Doolittle. Mather Hospital. transfer of operations.

This measure would memorialize the President and Congress to have the operation of Mather Hospital transferred to another federal agency, such as the Department of Veterans Affairs or McClellan Air Force Base, or to a consortium of federal agencies, rather than ordering its closure

Res Ch 133 (SJR 25) Craven National Guard and Reserve: space available travel.

This measure would memorialize the President and Congress to direct the Secretary of Defense to authorize space available travel on military aircraft outside the continental United States for members of America's National Guard and Reserve and their eligible dependents.

Res. Ch 134 (SJR 30) Kopp. Naturalization of Filipino veterans.

This measure would memorialize the President and Congress of the United States to act favorably on legislation pertaining to the naturalization of Filipino veterans of the United States armed forces.

Res Ch. 135 (SJR 32) Kopp. Oil tanker accidents

This measure would urge Congress and the appropriate federal agencies to take expeditious legislative and regulatory action to prevent oil tanker spills such as the Exxon Valdez disaster from occurring, and would recommend to Congress and the United States Coast Guard specified personnel, equipment, and other measures to prevent those accidents.

Res Ch 136 (ACR 10) Bader. Ontario Freeway

This measure would designate that portion of State Highway Route 15 from Route 215 at Devore to the Limonite Avenue exit immediately south of the State Highway Route 60 interchange as the Ontario Freeway.

Res. Ch 137 (ACR 15) Lancaster. Merit awards

This measure would make additional merit awards to certain state employees whose proposals have resulted in net revenue gains and annual savings to the state, as specified

Res Ch. 138 (ACR 21) Pringle President Ronald Reagan

This measure would recognize and commend the illustrious public service record of President Ronald Reagan.

Res Ch. 139 (ACR 39) Hannigan State park study.

This measure would request the Department of Parks and Recreation to update and revise, as specified, a July 1974 study regarding the feasibility of a state park near Napa State Hospital, and to submit its findings and recommendations to the Legislature not later than March 30, 1990

Res Ch. 140 (ACR 40) Moore Energy resources. natural gas.

This measure would declare the policy of this state to support and encourage the issuance of permits for the construction of interstate pipeline facilities that comply with applicable state and federal laws regulating environmental quality for the transportation of natural gas to customers for use within this state, in order that California gas customers have the broadest array of options for the procurement of the gas they consume

Res Ch 141 (ACR 55) Pringle. Commission on Aging· respite care

This measure would request the California Commission on Aging to consider providing funding for a voluntary respite care program, to be administered by the Department of Aging

Res. Ch. 142 (ACR 66) Eastin. Amtrak service: Sacramento-San Francisco Bay area, Santa Barbara, and Los Angeles.

This measure would request that the Department of Transportation conduct a study of overnight National Railroad Passenger Corporation (Amtrak) rail passenger service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles, taking specified matters into account, as a part of its annual rail passenger development plan.

Res. Ch. 143 (ACR 67) M Waters. Minority and women business enterprises: regulations

This measure would urge the Department of General Services not to adopt proposed draft emergency regulations concerning self-certification by minority and women business enterprises in state contracts It would urge the department to develop new statewide certification regulations that do not include self-certification, and that these regulations included identifiable standards for determining "good faith efforts "

Res. Ch 144 (ACR 76) Hauser F Walter Sandelin Memorial Bridge.

This measure would designate the recently constructed bridge which crosses the Russian River in southern Mendocino County on Highway 101 as the "F Walter Sandelin Memorial Bridge " The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res Ch 145 (ACR 77) Katz California Rideshare Week

This measure would proclaim the week of October 1 to 7, inclusive, 1989, as California Rideshare Week, and urge all Californians to use and support rideshare services and other alternative forms of transportation, including public transit, bicycling, and walking, during that week and throughout the coming year

Res Ch 146 (ACR 80) Bates Twenty-fifth Anniversary of the Mississippi Freedom Summer.

This measure would commend young people participating in a national caravan intended to register voters, occurring during the 25th Anniversary of the Mississippi Freedom Summer, would recognize specified commemorative events organized by veterans of the Mississippi Freedom Summer, and would encourage Californians to apply the values learned during that summer to present challenges

Res Ch. 147 (ACR 81) Polanco. Joint Legislative Committee on Mental Health Research.

This measure would establish the Joint Legislative Committee on Mental Health Research to take various actions relating to mental illness research. This measure would require that the committee report to the Legislature, as specified, and would terminate the committee on January 31, 1991 or upon submittal of a final report to the Legislature, whichever is earlier

Res. Ch. 148 (ACR 82) Frizzelle Off-road vehicles.

This measure would proclaim October 28 as California Off-Road Vehicle Day.

Res. Ch. 149 (ACR 83) Hayden. Massacre at Tiananmen Square.

This measure would request that all California public colleges and universities provide appropriate assistance to citizens of the People's Republic of China who have been studying in this state and who fear returning to the danger and repression in their country related to the massacre at Tiananmen Square in Beijing.

Res. Ch. 150 (ACR 85) Mojonnier. San Diego-Coronado Bridge.

This measure would designate the bridge spanning the San Diego Bay the San Diego-Coronado Bridge and would direct the Department of Transportation to erect suitable plaques and markers thereon.

Res. Ch. 151 (ACR 87) Moore. Executive branch capital investment.

This measure would declare the Legislature's intent to require significant capital investment undertaken by executive branch agencies in the future to be separately identified in the Governor's Budget and subject to legislative approval.

Res Ch. 152 (ACR 88) Polanco. Public Procurement Advisory Committee.

This measure would prescribe the membership and duties of the Public Procurement Advisory Committee and would require the committee to continue to submit its recommendations concerning state public procurement of goods and services annually to the Governor and the Legislature by January 1 of each year It would also provide that the committee shall terminate on January 31, 1991.

This measure would provide that the committee shall be funded exclusively from moneys allocated for that purpose from the Assembly Contingent Fund.

Res Ch. 153 (ACR 89) Klehs Commission on Peace Officer Standards and Training.

This measure would encourage the Commission on Peace Officer Standards and Training to develop a course of training relating to the treatment of the visually impaired or blind and the hearing impaired or deaf, as specified

Res. Ch. 154 (ACR 91) Killea. Coastweeks, Adopt-A-Beach Coastal Cleanup Day.

This measure would declare September 16 to October 9, 1989, inclusive, as coastweeks and September 23, 1989, as Adopt-A-Beach Coastal Cleanup Day.

Res Ch 155 (ACR 93) Farr Computer Learning Month

This measure would request the Governor of the State of California to proclaim the month of October 1989 as "Computer Learning Month."

Res Ch 156 (ACR 94) Farr Employment and training

This measure would designate the week of October 29 through November 4, 1989, as California Employment and Training Week

Res. Ch 157 (ACR 96) N Waters. State highways. salt substitute

This measure would encourage the Department of Transportation to utilize a de-icing salt substitute on highways in specified state transportation districts during the 1989–90 winter season, to the extent existing funds are available, and to transmit a report to the Governor and Legislature on or before July 1, 1990

Res Ch 158 (ACR 97) Epple. Red Ribbon Week.

This measure would proclaim October 22 through 29, 1989, as "Red Ribbon Week"

Res Ch 159 (AJR 2) Peace Offshore drilling· San Diego County.

This measure would request the President and the Congress of the United States, the Department of the Interior, and the Department of Defense to halt lease sale No. 95 off the California coast

Res Ch 160 (AJR 4) Klehs. Tax exempt status.

This measure would memorialize the Congress of the United States to amend the Internal Revenue Code to deny tax exempt status to social clubs which discriminate on the basis of age, gender, national origin, or ancestry.

Res Ch 161 (AJR 20) Klehs First-time homebuyers.

This measure would memorialize the President and the Congress to enact specified legislation providing favorable tax treatment with respect to first-time homebuyers that use an individual retirement account, an individual retirement annuity, or a qualified cash or deferred arrangement for purposes of acquiring their first home.

Res. Ch. 162 (AJR 45) W. Brown. Filipino veterans.

This measure would memorialize Congress to grant immediate permanent resident status to Filipinos who are of sound moral character and can demonstrate service in the

United States armed forces during World War II.

Res. Ch. 163 (AJR 51) Johnston. AMTRAK trains: discharge of human waste.
This measure would memorialize the President and Congress to require the installation of proper holding tanks on AMTRAK trains to eliminate the problem of the discharge of human waste on the right-of-way, and to make the necessary funding, exclusive of operating funds, available for AMTRAK to retrofit its trains with the necessary equipment.

Res Ch. 164 (AJR 54) Woodruff. Federal military bases
This measure would memorialize the Secretary of Defense and the Secretary of the Air Force to defer to affected local communities in determining future alternative uses for federal military bases scheduled for closure. This measure would also reaffirm the Legislature's belief that future uses of federal military bases scheduled for closure should be determined by the communities directly affected

Res. Ch. 165 (AJR 60) N Waters Timber resources.
This measure would memorialize the Regional Forester of the Southwest Region of the United States Forest Service to take appropriate action to ensure the prompt and timely salvage of specified timber which is being harmed by insects in the national forests of the Sierra Nevada. The measure would also memorialize the United States Forest Service to engage in rehabilitation and reforestation efforts, as specified.

Res Ch. 166 (ACR 58) Campbell. Law enforcement training.
This measure would request the Commission on Peace Officer Standards and Training in cooperation with the Legislative Analyst to establish a committee composed of specified members to study the use of advanced technology for law enforcement training, as specified. The committee would be directed to report its findings and recommendations to the Legislature, as specified, no later than January 15, 1991

Res Ch. 167 (SCA 32) Roberti State government. Legislature: state officers
(1) Existing provisions of the California Constitution require the Legislature to enact laws prohibiting Members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities
This measure would also prohibit a Member of the Legislature or a state officer, as defined, from knowingly receiving salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined, or from a person who was under contract with the state entity under the state officer's jurisdiction during the previous 12 months; would prohibit the acceptance of honoraria and require the Legislature to enact implementing laws, and would prohibit, with limited exceptions, knowingly accepting compensation for appearing, agreeing to appear, or taking any action on behalf of another person before any state government board or agency. If a Member of the Legislature or a state officer knowingly accepts any compensation for taking any action before any local government board, or agency, the measure would impose restrictions for one year, as specified, on the Member with respect to actions or decisions before the Legislature, and on a state officer with respect to actions or decisions before the agency for which the state officer serves.
The measure would require the Legislature to enact laws that ban or strictly limit a Member of the Legislature and a state officer from accepting a gift from any source if the acceptance of the gift might create a conflict of interest, and to enact new laws, and strengthen the enforcement of existing laws, prohibiting conflicts of interest by a Member of the Legislature.
The measure would require the Legislature to enact laws that prohibit a Member of the Legislature, a state officer, or a secretary of an agency or director of a department from lobbying, for compensation, before any agency for whom he or she served for 12 months after leaving office and, in the case of Members of the Legislature, the Legislature
(2) Existing provisions of the California Constitution provide that the proceedings of

each house of the Legislature and the committees thereof shall be public, except as provided by statute or concurrent resolution when the resolution is adopted by a two-thirds vote of the membership of each house.

This measure would, beginning on the first day of the 1991–92 Regular Session, limit the purposes for which each house of the Legislature, and the committees thereof, could meet in closed session to matters relating to the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to complaints or charges against a Member of the Legislature or other public officer or employee, to the classification or compensation of an employee of the Legislature, to the safety and security of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature, and to litigation, as specified.

(3) Existing provisions of the California Constitution require the compensation of the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, Treasurer, and Members of the Legislature to be prescribed by statute.

This measure would repeal those provisions, would create the California Citizens Compensation Commission, and would require the commission to establish and annually adjust, as specified, the annual salary and the medical, dental, insurance, and other similar benefits for the state officers enumerated above and for the Insurance Commissioner and members of the State Board of Equalization. The commission would be composed of 7 members appointed by the Governor for 6-year terms, as specified. The Governor would be required to appoint the first commission not later than 30 days after the effective date of the measure.

Res. Ch. 168 (SCR 20) Kopp. Metropolitan Transportation Commission: San Francisco Bay crossing· study.

This measure would request the Metropolitan Transportation Commission, in cooperation with the Department of Transportation, to conduct a Phase 1 analysis, as specified, of the need for a tunnel or bridge, high-speed water transit terminals, or both, between Alameda County and San Mateo County or the City and County of San Francisco and would authorize the commission to contract with experts or consultants; to meet and confer with an advisory committee, composed as specified, to fund the study from bridge toll revenues, as specified, and to report to the Legislature by August 1, 1990

Res Ch 169 (SCR 35) Seymour. Truck safety enforcement· specially marked vehicles

Under provisions of law that were repealed January 1, 1988, the Department of the California Highway Patrol was authorized to conduct a pilot program using special patrol vehicles in the enforcement of commercial vehicle laws. The department was required to submit a report to the Legislature on that program

This measure would declare that the department may use specially marked vehicles in the enforcement of highway safety laws relating to heavy trucks

Res Ch 170 (SCR 43) Rosenthal Oil prices and supplies· investigation

This measure would request the Attorney General to conduct an investigation and to report to the Legislature by December 30, 1990, if the Attorney General determines that the state's motorists are entitled to receive a refund from improper oil overcharges or if certain members of the oil industry should be subject to civil or criminal penalties due to violations of state law The measure would request the State Energy Resources Conservation and Development Commission to investigate the effect of the Alaska oil spill and the damage to the Chevron refinery in Richmond, California, on oil supplies and report to the Legislature by December 30, 1990, on recommended action to alleviate possible supply shortages and to mitigate price increases.

Res Ch. 171 (SCR 50) Garamendi Public Utilities Commission: investigation of intrastate airfares.

This measure would request the Public Utilities Commission to undertake a study of the rates charged by airlines for intrastate air transport and of other specified matters,

and to submit reports of its findings to the Legislature by specified dates.

Res Ch. 172 (SCR 56) Montoya. Association of Pacific Island Legislatures.

This measure would establish the membership of the California Legislature in the Association of Pacific Island Legislatures for the purpose of promoting regional policies to foster environmental safety, commercial development, and enhanced cultural relations with the people of the Pacific Basin region

Res Ch. 173 (SCR 62) Nielsen Sacramento River· Upper Sacramento River Fisheries and Riparian Habitat Management Plan

This measure would declare that it is the policy of the State of California to implement the actions recommended in the Upper Sacramento River Fisheries and Riparian Habitat Management Plan, as specified The measure would request the Secretary of the Resources Agency to establish, for a 2-year period of service, an Upper Sacramento River Advisory Council, as prescribed.

Res. Ch 174 (SCR 66) Hart. California Postsecondary Education Commission: study of and recommendations regarding doctoral degrees issued by the University of California.

This measure would direct the California Postsecondary Education Commission to determine whether there has been an increase in time to completion of doctoral degrees awarded by the University of California, to study factors that have led or may lead to an increase in time to completion of doctorates, and to make recommendations, as specified

This measure would require that the California Postsecondary Education Commission study and make recommendations regarding methods of increasing the number of minorities and women awarded doctoral degrees by the University of California, as specified

Res. Ch. 175 (SCR 69) Robbins Los Encinos State Historic Park.

This measure would request the Department of Parks and Recreation to prepare and submit to specified legislative committees and the San Fernando Valley legislative delegation by March 1, 1990, a plan to improve visitor parking at Los Encinos State Historic Park

Res Ch 176 (SJR 1) Craven. Federal Fair Housing Amendments Act of 1988.

This measure would memorialize the President and Congress of the United States to support and enact urgency legislation to amend the Federal Fair Housing Amendments Act of 1988 to clarify the intent of Congress with regard to the effect of the requirements for senior facilities and services upon the affordability of senior mobilehome parks for the residents of those parks

Res. Ch 177 (SJR 3) L Greene. School facilities: asbestos removal

This measure would memorialize the President and Congress to immediately support and enact emergency legislation to authorize the Environmental Protection Agency to grant a delay in the implementation of the management plan required under the federal Asbestos Hazard Emergency Response Act program to any public school, or private nonprofit school, that has demonstrated the willingness to comply with the requirements of that program

Res Ch. 178 (SJR 22) Marks. Chronic fatigue syndrome.

This measure would state that the Legislature recognizes chronic fatigue syndrome as a serious health problem and would direct the State Health and Welfare Agency to research the medical and social service components of chronic fatigue syndrome.

The measure would memorialize the President and the Congress of the United States to direct increased federal funding to research chronic fatigue syndrome and to develop effective treatments or a cure for this disease.

Res. Ch. 179 (SJR 28) Roberti. Disabled Americans.
This measure would memorialize the President and the Congress of the United States to enact a clear, comprehensive national mandate for the elimination of discrimination against persons with disabilities.

Res. Ch. 180 (SJR 33) Roberti. Tenth Amendment.
This measure would declare that it is the consensus of the Legislature that the Tenth Amendment to the United States Constitution is and always has been of operational force governing and balancing the respective powers of the states and the federal government, would affirm that the Tenth Amendment is a substantive limit on national power and should be so applied as a test by the courts, and would urge the President of the United States and the Members of Congress to protect and strengthen the position of the states in the federal union, avoid intrusion upon state prerogatives, and afford protection to the proper governing authorities of the states

Res. Ch. 181 (SJR 36) Kopp. Anti-Drug Abuse Act of 1988.
This measure would memorialize the President, the Congress of the United States, and the Department of Health and Human Services to make specified changes related to the administration of grants pursuant to the Anti-Drug Abuse Act of 1988, and would urge the passage of legislation to allow states adequate time to secure federal funds provided by the act.

Res. Ch. 182 (SJR 44) Roberti. Lithuania, Latvia, and Estonia.
This measure would memorialize the President and Congress of the United States that the Legislature supports American foreign policy which has maintained that the domination of Lithuania, Latvia, and Estonia by the Soviet Union has been illegal and that they are independent nations.

Res. Ch 183 (SJR 45) Doolittle. Forests road construction.
This measure would memorialize the Congress to restore a $65 million appropriation to the United States Forest Service road construction program.

Res. Ch. 184 (SJR 47) Roberti. Federal immigration policy.
This measure would memorialize the Congress of the United States to enact legislation to reform immigration policy, as specified.

Res. Ch. 185 (SJR 48) Roberti. Jackson-Vanik Amendment to the Trade Act of 1974.
This measure would memorialize the President and Congress of the United States, if it acts to waive for an 18-month period the Jackson-Vanik Amendment to the Trade Act of 1974, to ensure strong congressional oversight of the Soviet Union's compliance with human rights, and to conduct related public hearings during that 18-month period.

Res. Ch. 186 (SCR 60) McCorquodale. Year of the Oak.
This measure would designate the year of 1990 as the "Year of the Oak."

Res. Ch. 187 (SJR 37) Kopp. California Army National Guard: proposed force structure changes.
This measure would memorialize the President and Congress to direct the Department of Defense, the Department of the Army, and the National Guard Bureau of the United States to amend the proposed force structure changes of the California Army National Guard to retain, in an active capacity within the troop structure program for at least the fiscal years 1989 to 1993, inclusive, the headquarters and the Headquarters Detachment of the 49th Military Police Battalion, the headquarters and the Headquarters Detachment of the 143rd Military Police Battalion, and the 570th Military Police Company

1989 DIGEST CHAPTERS SUPERIOR NUMBERS

1 I object to the following appropriations contained in Senate Bill No 165·

Item 0530-001-001—For support of Secretary for Health and Welfare. I reduce this item from $2,044,000 to $1,814,000 by reducing:

(a) Support from $3,739,000 to $3,509,000,

and by deleting Provision 1.

I am reducing this item by $230,000 to eliminate the funding for an Office of Minority Health Affairs as proposed to be established by AB 1561.

Health problems that are unique to minorities are being effectively addressed by existing programs within the Department of Health Services and other departments within the Health and Welfare Agency. The augmentation proposed by this item would add another costly level of administrative structure that is not necessary.

I am deleting Provision 1 to conform to this action.

Item 0530-101-001—For local assistance, Secretary of Health and Welfare. I delete this item and Provision 1.

I am deleting the $250,000 legislative augmentation relating to the financing of an Office of Minority Health Affairs as proposed to be established by AB 1561.

Health problems that are unique to minorities are being effectively addressed by existing programs within the Department of Health Services and other departments within the Health and Welfare Agency. The augmentation proposed by this item would add another costly level of administrative structure that is not necessary

I am deleting Provision 1 to conform to this action.

Item 0820-001-001—For support of Department of Justice. I reduce this item from $166,035,000 to $164,411,000 by reducing

(f) 45-Public Rights from $23,210,000 to $22,073,000,

(g) 50-Law Enforcement from $139,221,000 to $138,734,000,

and by deleting Provision 4

I am deleting the Legislative augmentation of $1,137,000 and 4.7 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's budget, since the Commission has program responsibility regarding this matter This is important litigation and I have approved an additional $434,000 in the State lands Commission's Budget for its role in case preparation. As I indicated in my veto message last year, I still believe this is an issue of such significant policy that it warrants careful study by the Legislature and should more appropriately be addressed through special legislation rather than through the budget process In the absence of such legislation, I believe that the Department of Justice should continue to redirect resources, in its $15,500,000 Public Rights Program on a priority basis, to ensure that the State's interests are protected.

I am deleting the legislative augmentation of $350,000 and 7.6 personnel years to establish an Arson Information Management System. While I am supportive of efforts to improve law enforcement's ability to control this serious crime, implementation of the proposed system is premature since the costs, benefits and feasibility have not been evaluated through the Feasibility Study Report process.

I am deleting the legislative augmentation of $137,000 and 1.9 personnel years for the administration of the Campaign Against Marijuana Planting (CAMP) program which was transferred by the Legislature to the Department of Justice from the Office of Criminal Justice Planning. Additionally, consistent with this action, I am deleting the related $2,613,000 legislative augmentation to the Department of Justice (Item 0820-101-001) for allocation to counties for CAMP activities. I am taking this action because the Office of Criminal Justice Planning is the more appropriate State agency to administer the State funded CAMP local assistance program based on its extensive experience with grants administration and management. The $2,750,000 I am vetoing within the Department of Justice's budget for CAMP will be set aside in

order to return the program to the Office of Criminal Justice Planning. So as not to disrupt the major seasonal eradication efforts to the local grant recipients, I would be supportive of urgency legislation which would authorize the restoration.

I am deleting Provision 4 to conform to this action.

Item 0820-001-477—For support of Department of Justice. I delete Provision 1.

I am deleting Provision 1 which was added by the Legislature to require the Director of Finance to transfer the unencumbered balance of this appropriation and any unexpended balance in the Gaming Registration Account on the effective date of the California Gaming Commission Act proposed to be established in AB 235. This provision constitutes an item of appropriation which I do not support. I oppose the creation of this new commission because it is costly and would add another duplicative layer of management to existing regulatory agencies which are already effectively managing gaming in California. Therefore, Provision 1 is not necessary.

Item 0820-101-001—For local assistance, Department of Justice. I reduce this item from $2,763,000 to $150,000 and delete Provision 1.

I am deleting the $2,613,000 legislative augmentation for the local assistance portion of the Campaign Against Marijuana Planting (CAMP) program which I propose be set aside to be restored through urgency legislation appropriating funds to the Office of Criminal Justice Planning. This action conforms to a reduction taken in Item 0820-001-001 related to administrative support for the CAMP program within the Department of Justice.

I am also deleting Provision 1 to conform to this action.

Item 1108-001-001—For support of the California Aerospace Commission. I delete this item and Provision 1.

I am deleting the $350,000 legislative augmentation to establish the California Aerospace Commission because the need for a new California Air and Space Center has not been adequately demonstrated. Furthermore, the State currently has an Air and Space Center at the California Museum of Science and Industry. The creation of and funding for a new center and related staff would be duplicative. This action conforms to my deletion of Item 1108-301-036.

I am deleting Provision 1 to conform to this action.

Item 1108-301-036—For capital outlay, California Aerospace Commission. I delete this item and Provisions 1 and 2.

I am deleting the $600,000 legislative augmentation to establish the California Aerospace Commission for the planning and development of the California Air and Space Center. The creation of this new Commission would be duplicative of the existing activities of the California Museum of Science and Industry.

I am deleting Provisions 1 and 2 to conform to this action.

Item 1230-020-735—For support of Contractors' State License Board. I reduce this item from $28,915,000 to $28,388,000 by reducing:

(a) 30-Contractors' State License Board from $28,968,000 to $28,441,000,

and by deleting Provision 6 and revising Provision 7.

I am reducing this item by $527,000 and 7 6 personnel years which represents partial funding for a new investigative unit to combat the unlicensed contractor problem. I am retaining $528,000 and 7.6 personnel years to establish a unit as a demonstration project in Southern California to measure the effectiveness of such an effort. I am revising Provision 7 to conform to this action

"7. Of the amount appropriated in this item, at least ~~$1,055,000~~ *$528,000* shall be dedicated to establishing a special investigation unit for the purpose of combating the unlicensed contractor problem in the State."

I am deleting Provision 6 which limits the Board's reserve to six months or 50 percent of operating expenditures. The decision should be deferred to the Board which has the statutory authority to maintain a reserve in an amount up to two years' operating budget expenditures. This language represents a substantive change to the

Board's authority which can only be included in a different single subject bill, rather than the Budget Act.

Item 1480-064-763—For support of the State Board of Optometry. I reduce this item from $540,966 to $471,000 by reducing:

(a) 69-Board of Optometry from $546,966 to $477,000,

and by revising Provision 1.

I am reducing this legislative augmentation by $69,966. The Legislature augmented this item to provide funding for the Board of Optometry to give licensing exams biannually rather than annually. Based on information provided by the Board, the yearly cost for the additional exam is $42,000 and 0.5 personnel years. On this basis, I am reducing the legislative augmentation by $69,966 and 3.0 personnel years.

I am revising Provision 1 to conform to this action.

"1. Of the funds appropriated by this item, ~~$111,966~~ *$42,000* shall be used for ~~3.5~~ *0.5* personnel years to administer a second licensure examination during the year."

Item 1510-070-761—For support of Board of Registered Nursing. I reduce this item from $7,866,000 to $7,616,000 by reducing:

(a) 78-Board of Registered Nursing from $8,380,000 to $8,130,000,

and by deleting Provision 1.

I am deleting the $250,000 legislative augmentation for data collection and a study related to the registered nursing profession. The study of the nursing profession, required by Chapter 1421, Statutes of 1988, is still in progress. It is premature to require an additional study until the current study is completed.

I am deleting Provision 1 to conform to this action.

Item 1700-001-001—For support of Department of Fair Employment and Housing. I reduce this item from $10,001,000 to $10,000,000 by reducing:

(a) 50-Administration of Civil Rights Law from $12,080,000 to $12,079,000,

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 has 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.

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 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 different 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 $438,000 to $437,000, 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. Evidence has not been provided to justify the reopening of this office. Although relocation costs have not been budgeted in 1989–90, 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 provisions concerning 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 which can only be included in a different single subject bill, rather than the Budget Act.

Item 1700-031-001—For 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 1989–90, 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 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, inasmuch 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 different single subject bill, rather than the Budget Act.

Item 1705-001-001—For support of the Fair Employment and Housing Commission. I reduce this item from $884,000 to $805,000.

I am reducing the $171,000 legislative augmentation by $79,000 and 1.4 personnel years to restore positions in the Fair Employment and Housing Commission. I am

retaining two attorney positions for workload involving enforcement of the Ralph Act and to represent the Commission in court litigation. I do not believe the remainder of the workload related to this augmentation is of sufficiently high priority to justify the use of limited State General Fund resources.

Item 1760-001-001—For support of the Department of General Services. I reduce this item from $10,144,000 to $9,968,000 and delete Provision 5.

I am reducing the $476,000 legislative augmentation for increased State Police security by $176,000.

I am retaining $300,000 and 8.2 personnel years to meet security needs in the capitol area.

I am deleting Provision 5 to conform to this action.

Item 1760-001-666—For support of Department of General Services. I reduce this item from $314,537,000 to $314,462,000 by reducing:

(a) 100000-Personal Services from $182,494,000 to $182,328,000,

(b) 300000-Operating Expenses and Equipment from $249,640,000 to $249,555,000,

(d) Amount payable from the General Fund (Item 1760-001-001) from −$10,144,000 to −$9,968,000,

and by deleting Provision 6.

I am deleting the $75,000 legislative augmentation for computer equipment for the Office of Small and Minority Business. The augmentation provided is insufficient to expand the data base as proposed by the Legislature. The need for additional funding for this purpose should be identified as part of the budget development process which includes the preparation and review of a Feasibility Study Report which specifies the project's scope and estimates the implementation costs.

I am deleting Provision 6 to conform to this action.

I am revising schedules in this item to conform to the action taken in Item 1760-001-001 regarding the State Police augmentation.

Item 1760-301-036—For capital outlay, Department of General Services. I reduce this item from $3,954,000 to $3,154,000 by deleting:

(b) 50.25.004-Van Nuys Child Day Care Center—Preliminary Plans, Working Drawings, Construction and Equipment ($800,000),

and by deleting Provision 2.

I am reducing this item by $800,000 to delete the Van Nuys Child Day Care Center. This project should be submitted during the budget development process for consideration of funding in the context of competing needs and priorities.

I am deleting Provision 2 to conform to this action.

Item 1880-001-001—For support of State Personnel Board. I reduce this item from $13,278,000 to $11,728,000 by adding:

Unallocated Reduction −$1,550,000.

I am deleting the $1,550,000 legislative augmentation to restore the 20 percent unallocated reduction I proposed in the 1989–90 Governor's Budget.

I am confident that the Board can meet all Constitutional and statutory requirements with the level of funding I proposed. Additionally, I do not believe that this augmentation is of sufficiently high priority to justify the use of limited State General Fund resources.

Item 2240-001-001—For support of Department of Housing and Community Development. I reduce this item from $6,522,000 to $6,521,000 by reducing:

(d) 5001-Administration from $7,974,000 to $7,973,000,

and by deleting Provision 1.

I am reducing this item by $1,000 and deleting Provision 1, which links the salary of the Public Affairs Manager to the department's submission of a plan to the Legislature related to improving the sensitivity of various department personnel to the issue of homelessness. My administration, including the Department of Housing and Community Development, is aware of the needs of homeless Californians and is

attempting to provide needed services to the homeless in a systematic and compassionate manner.

Item 2240-101-001—For local assistance, Department of Housing and Community Development. I reduce this item from $15,247,000 to $4,400,000 by reducing:

(a) 20-Community Affairs from $92,599,000 to $76,854,000,

and by deleting:

(bx) Amount payable from the Outer Continental Shelf Land Act Section 8g Revenue Fund Item (2240-101-164) (−$4,898,000),

and by deleting Provisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12.

I am deleting the $3,000,000 legislative augmentation to provide funds for operating costs of homeless shelters. Provision of emergency shelter for the homeless is a joint responsibility of Federal, State, and local agencies. The State's share of funding for this program will be provided through the $772,000 remaining in the Department of Housing and Community Development's budget for the Emergency Shelter Program operating costs and the $25,000,000 available for this program during the next two years from Proposition 84

I am deleting Provision 1 to conform to this action

I am deleting the $3,000,000 legislative augmentation, payable from Item 2240-101-164, Outer Continental Shelf Land Act Section 8g Revenue Fund, for the Farmworker Housing Grant Program. I am deleting this augmentation because $5,000,000 will be allocated for farmworker housing from Proposition 84 bond funds during 1989–90. This is twice the funding which has been available for this purpose in past years.

I am deleting Provision 2 to conform to this action.

I am deleting the $2,000,000 legislative augmentation for the Self-Help Housing Program. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties. Furthermore, I believe the $75,000,000 available under Proposition 77 during 1989–90, and the $12,500,000 estimated to be allocated under Proposition 84 during 1989–90 for the Special User Housing Rehabilitation Program and the Deferred Payment Rehabilitation Loan Program, addresses the need to rehabilitate single family residences for low and moderate income households.

I am deleting Provision 3 to conform to this action.

I am deleting the $500,000 legislative augmentation for the Senior Citizen's Shared Housing Program. This program has been funded in past years from Tidelands Oil Revenue, which no longer is a viable source of funding This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 4 to conform to this action

I am deleting the $250,000 legislative augmentation, payable from Item 2240-101-164, Outer Continental Shelf Land Act Section 8g Revenue Fund, for the Rural Community Facilities Technical Assistance Program, which assists low-income rural communities in resolving water and wastewater problems. I believe that sufficient funds are currently available in the budget to provide this assistance to rural communities. Of the $76,300,000 in the department's local assistance budget, over 50 percent is designated for small cities and rural areas. In addition, my budget plan for the Rural Renaissance Program will provide $8,000,000 in 1989–90 to finance public improvements in rural counties.

I am deleting Provision 5 to conform to this action.

I am deleting the $230,000 legislative augmentation, payable from Item 2240-101-164, Outer Continental Shelf Land Act Section 8g Revenue Fund, for the Rural Development Assistance Program As stated above, I believe that sufficient funds currently are available within the budget to address rural community development.

I am deleting Provision 6 to conform to this action.

I am deleting the $107,000 legislative augmentation for the Homeless Coordinated Intake Project. This action is necessary to protect vital programs and to provide for

a prudent reserve for economic uncertainties.

I am deleting Provision 7 to conform to this action.

I am deleting the $240,000 legislative augmentation for the Public Guardian Pilot Program, Financial Services for Seniors. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 8 to conform to this action.

I am deleting the $1,418,000 legislative augmentation, payable from Item 2240-101-164, Outer Continental Shelf Land Act Section 8g Revenue Fund, for the Special Housing Program for Migratory Workers. Proposition 84, approved by the voters in November 1988, provides $10,000,000 for the rehabilitation and construction of migrant farmworker centers. In view of the availability of that source of funds, I do not believe this program to be of sufficiently high priority to justify the use of limited state resources

I am deleting Provision 9 to conform to this action.

I am deleting the $5,000,000 legislative augmentation for the Homeless Assistance Loan Revolving Fund upon enactment of AB 1391 of the 1989 session. The creation of the revolving fund is not of sufficiently high priority to justify the use of limited state resources in light of the need to protect vital programs and to provide for a prudent reserve for economic uncertainties. Furthermore, this augmentation constitutes contingency budgeting in that legislation which would be required to establish the fund has not yet been enacted.

I am deleting Provision 12 to conform to this action.

Item 2240-490—Reappropriation, Department of Housing and Community Development. I delete this item.

I am deleting this reappropriation of funds remaining in the appropriation made by Chapter 112, Statutes of 1988, for operating costs of the Office of Migrant Services, including rehabilitation costs of migrant farmworker centers. Proposition 84, approved by the voters in November 1988, provides $10,000,000 for the rehabilitation and construction of migrant farmworker centers. In view of the availability of that source of funds, I do not believe this program to be of sufficiently high priority to justify the use of limited state resources.

Item 2240-101-164—For local assistance, Department of Housing and Community Development. I delete this item

I am deleting this item to conform to the action I have taken in Item 2240-101-001.

Item 2660-001-042—For support of Department of Transportation. I revise this item by reducing: (c) 30-Mass Transportation from $37,788,000 to $37,638,000, and

(j) Amount payable from the Transportation Planning and Development Account, State Transportation Fund (Item 2660-001-046) from −$32,656,000 to −$32,506,000, and by deleting Provisions 6 and 9.

I am deleting the $150,000 legislative augmentation, payable from Item 2660-001-046, to fund the development of a railroad rights-of-way acquisition and development plan by the California Transportation Commission and the department, as required by SB 1562, which is currently pending before the Legislature. I believe it would be more appropriate that funding for the plan be contained in the legislation.

I am deleting Provision 6 to conform to this action.

I am deleting Provision 9 which would require the Department of Transportation to sell two parcels of property adjacent to the Interstate 405 freeway in Hawthorne to the City of Hawthorne for $100,000 each. This language would inappropriately require the sale of the properties, currently appraised at over $3,000,000, at a price substantially below market value. This would override the department's authority to sell excess land for parks at a mutually satisfactory price, as specified in Section 118.6 of the Streets and Highways Code, and would not be in the State's best interest.

Item 2660-001-046—For support of Department of Transportation. I reduce this item from $32,656,000 to $32,506,000.

I am reducing this item to conform to the action I have taken in Item 2660-001-042.

Item 2660-101-046—For local assistance, Department of Transportation. I reduce this item from $49,652,000 to $48,677,000 by reducing:

(a) 30-Mass Transportation from $45,620,000 to $44,645,000,

and by deleting Provision 2.

I am deleting the $975,000 legislative augmentation for the Tasman Corridor of the Santa Clara County light rail system. Since light rail projects are normally funded based on priorities established by the California Transportation Commission, this allocation would circumvent the regular statewide priority allocation process, and would be inconsistent with the longstanding policy against project-specific budgeting.

I am deleting Provision 2 to conform to this action.

Item 2660-101-164—For local assistance, Department of Transportation. I reduce this item from $1,000,000 to $500,000 and delete Provision 1.

I am deleting the $500,000 legislative augmentation to allocate funds to the Southern California Association of Governments for the following: (1) $250,000 to establish a joint powers agency to assume responsibility for the operation of a commuter rail project, and (2) $250,000 to complete right-of-way acquisition negotiations for that project. Because such activities are normally funded under the Transit Capital Improvements Program based on priorities established by the California Transportation Commission, this allocation would circumvent the regular statewide priority allocation process, and would be inconsistent with the longstanding policy against project-specific budgeting Also, I do not believe that this project is of sufficiently high priority to justify the use of limited Federal 8(g) resources. I continue to support intercity rail passenger service and, with this veto, the 1989–90 Budget will still provide $10,000,000 for capital improvements to the San Diego-Los Angeles-Santa Barbara Rail Service.

I am deleting Provision 1 to conform to this action.

Item 2660-301-036—For capital outlay, Department of Transportation I delete this item and Provision 1.

I am deleting the $1,988,000 legislative augmentation to construct soundwalls on both sides of Interstate 405 between Victory Boulevard and Sherman Way in Los Angeles County. 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 soundwalls from SAFCO, 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.

I am deleting Provision 1 to conform to this action

Item 2660-302-046—For capital outlay, Department of Transportation. I reduce this item from $21,254,500 to $10,000,000 by reducing:

(a) 30-Mass Transportation from $44,370,000 to $21,861,000,

(b) Reimbursements from −$23,115,500 to −$11,861,000,

and by deleting Provisions 1, 2, 3 and 4.

I am deleting the $11,254,500 legislative augmentation for rail service improvements on the San Diego-Los Angeles-Santa Barbara rail corridor and the San Joaquin Rail Service. I continue to support intercity rail passenger service, and with this veto, the 1989–90 Budget will still provide $10,000,000 for capital improvements to the San Diego-Los Angeles-Santa Barbara Rail Service. I believe that this level of funding is sufficient for needed rail improvements in 1989–90 and is consistent with the level of funding provided in the prior year. I would be supportive of legislation that appropriates available Transportation Planning and Development Account funds for transit capital improvement projects. This would enable the funds to be allocated by the

California Transportation Commission according to statewide priorities.

I am deleting Provisions 1, 2, 3, and 4 to conform to this action.

Item 3340-001-001—For support of California Conservation Corps. I revise this item by reducing:

(a) 10-Training and Work Program from $56,407,034 to $56,049,034,

and by deleting:

(fx) Amount payable from Unallocated Account, Cigarette and Tobacco Products Surtax Fund (−$358,000),

and by deleting Provision 2.

I am deleting the $358,000 legislative augmentation, payable from Item 3340-001-236, to provide state support for local conservation corps programs. This augmentation is contrary to current policy which provides that community conservation corps programs should work to become self-supportive and not rely on continual state support to operate their local programs.

I am deleting Provision 2 because it is inconsistent with existing law in that it restricts the California Conservation Corps from expanding its nonresidential programs, if by expanding such programs, local corps programs are placed in a financially precarious condition. This language inappropriately restricts the California Conservation Corps' ability to effectively implement new or expanded nonresidential programs that facilitate the training and employment of California's 18 to 23 year olds as program participants.

Item 3340-001-236—For support of California Conservation Corps. I delete this item.

I am deleting this item to conform to the action I have taken in Item 3340-001-001.

Item 3400-001-001—For support of State Air Resources Board. I revise this item by reducing:

(b) 20-Environmental Affairs from $3,776,000 to $3,676,000, and

(g) Amount payable from Outer Continental Shelf Land Act, Section 8(g) Revenue Fund (Item 3400-001-164) from −$2,050,000 to −$1,950,000.

I am deleting the $100,000 legislative augmentation to the Environmental Affairs Agency for mitigation of emissions from offshore oil platforms. While I am supportive of efforts to reduce air pollution, this project is not of sufficiently high priority to justify the use of limited state resources.

Item 3400-001-164—For support of State Air Resources Board. I reduce this item from $2,050,000 to $1,950,000.

I am reducing this item by $100,000 to conform to the action I have taken in Item 3400-001-001

Item 3400-101-164—For local assistance, State Air Resources Board. I delete this item.

I am deleting the $500,000 legislative augmentation to provide grants to coastal air pollution control districts. While I am supportive of efforts in this area, I do not believe this project is of sufficiently high priority to justify the use of limited state resources.

Item 3600-001-036—For support of the Department of Fish and Game. I delete this item.

I am deleting the $200,000 legislative augmentation to expand a flood mitigation study. In response to concerns from flood control and irrigation districts, a task force has been established to work with the Department of Fish and Game and attempt to resolve concerns regarding administrative procedures required by the department prior to districts performing operational and maintenance activities. This augmentation has not been justified on a workload basis, not is it consistent with expenditure priorities for the use of monies from the Special Account for Capital Outlay.

Item 3600-001-140—For support of Department of Fish and Game. I reduce this item from $10,885,825 to $10,592,000.

I am deleting the $60,000 legislative augmentation provided to construct the Shell Marsh Interpretive Center and the $233,825 legislative augmentation to construct an observation deck on Lake Merritt. I do not believe that these projects are of sufficiently high priority to justify the use of limited state resources.

Item 3600-001-200—For support of Department of Fish and Game. I revise this item by reducing:

(a) 100000-Personal Services from $68,763,446 to $68,228,446,

(b) 300000-Operating Expenses and Equipment from $64,761,879 to $61,360,554,

(f) Amount payable from the California Environmental License Plate Fund (Item 3600-001-140) from −$10,885,825 to −$10,592,000,

(g) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3600-001-235) from −$7,407,500 to −$4,990,000,

(h) Amount payable from the California Wildlife, Coastal, and Park Land Conservation Fund of 1988 (Item 3600-001-786) from −$4,935,000 to −$4,000,000,

and by deleting

(ex) Amount payable from Special Account for Capital Outlay (Item 3600-001-036) (−$200,000),

and by deleting Provisions 5, 6, 7 and 8.

I am revising this item to conform to the actions taken in Items 3600-001-036, 3600-001-140, 3600-001-235, and 3600-001-786.

I am also deleting Provision 8 because it requires the Department of Fish and Game to use $750,000 to contract with local community corps programs for habitat improvement work. This language restricts the department's flexibility to consider operational alternatives which may prove to be more beneficial and less costly to the State. Further, I believe this provision interferes with the department's ability to manage its programs and could result in increased costs to the State.

Item 3600-001-235—For support of Department of Fish and Game. I reduce this item from $7,407,500 to $4,990,000 and delete Provision 1.

I am deleting the $94,500 legislative augmentation to fund the administrative costs of the California Advisory Committee on Salmon and Steelhead Trout. I believe that pending legislation (AB 1589, Hauser) is a more appropriate mechanism to fund these administrative costs. This legislation would require the Department to allocate to the Committee its administrative cost for programs funded from Proposition 99 funds.

I am deleting the $200,000 legislative augmentation for the Urban Fishing Enhancement program. While I support the positive impact this type of program could provide to urban youth, I do not believe additional funding is necessary. I have already provided $59,000 for the Department of Fish and Game to implement this new program.

I am deleting the $625,000 legislative augmentation to implement a new Mussel Watch Program designed to conduct an extensive evaluation and data collection effort that identifies the level of damage to fish and wildlife from various toxic chemicals. At this time, I do not have sufficient information to justify the expenditure of these funds over and above those already provided in the Budget for very similar activities.

I am deleting the $800,000 legislative augmentation for the development of the Mokelumne Environmental Awareness Area located at the Comanche Lake storage facility on the upper Mokelumne River. I believe this facility should more appropriately be funded by the East Bay Municipal Utilities District that manages and operates the storage facility.

I am deleting the $70,000 legislative augmentation to fund the completion of a library inventory of petroleum products. I do not believe that this project meets the criteria for use of Proposition 99 funds that are to be used for the protection and enhancement of fish, waterfowl and wildlife habitat areas.

I am deleting the $128,000 legislative augmentation for the Department to conduct a study on alternatives to depredation for Black Bears who damage redwood trees.

This study is unnecessary as a similar evaluation has already been conducted that identified alternatives to killing bears who eat the redwood trees when they emerge from hibernation.

I am deleting Provision 1 to conform to this action.

I am also deleting the $500,000 legislative augmentation that would provide eight additional staff for the purpose of increasing the number of timber harvest plan reviews the Department of Fish and Game conducts every year. This augmentation is not consistent with the way in which this program is currently administered, whereby funding is provided to the Department of Fish and Game as reimbursements from the California Department of Forestry and Fire Protection. In addition, I have no basis upon which to approve this augmentation, as sufficiently detailed workload information has not been provided to justify this augmentation.

Item 3600-001-786—For support of Department of Fish and Game. I reduce this item from $4,935,000 to $4,000,000

I am deleting the $935,000 legislative augmentation to construct a fish ladder at the Healdsburg Dam on the Russian River in Sonoma County because I do not believe that the Legislature's proposal requires the County to assume sufficient financial responsibility for the impact of its dam. Further, the legislative action does not address the County's responsibility for ongoing operation and maintenance costs.

Item 3600-301-786—For capital outlay, Department of Fish and Game. I delete this item.

I am deleting $350,000 for preliminary plans for an Experimental Native Trout and Wild Steelhead Hatchery. This project should be submitted during the budget development process so that the proper level of funding and well-defined scope may be determined.

Item 3640-001-447—For support of Wildlife Conservation Board. I delete Provisions 1 and 2.

I am deleting Provision 1 because this language is unnecessarily restrictive. It would require the Wildlife Conservation Board to acquire a 480 acre parcel at the Big Creek Reserve. This would restrict the Board's authority to consider other alternatives which may prove to be beneficial and less costly to the State. I believe that requiring a specific acquisition interferes with the Board's ability to negotiate the best price and would invariably result in increased costs to the State.

I am deleting Provision 2 because this language is also unnecessarily restrictive. It would require the Board to restore trout habitat at Malibu Creek This would restrict the Board's traditional authority to consider other alternatives which may prove to be a higher priority for the expenditure of limited funds.

Item 3640-301-235—For capital outlay, Wildlife Conservation Board. I reduce this item from $6,100,000 to $5,500,000 by deleting·

(4) 80.10.134-Creighton Ranch Preserve-Acquisition ($600,000).

I am deleting the $600,000 legislative augmentation for Creighton Ranch Preserve-Acquisition. This project should be submitted for consideration during the budget development process for review and evaluation in the context of statewide priorities for the Board and this fund source.

Item 3680-101-036—For local assistance, Department of Boating and Waterways. I reduce this item from $2,250,000 to $1,000,000 by deleting:

(b) San Francisco Fisherman's Wharf, Hyde Street Marina Project ($1,250,000).

I am deleting the $1,250,000 legislative augmentation for the San Francisco Fisherman's Wharf, Hyde Street Marina Project, because funding for this project should not be a State responsibility. This is a cost which should properly be borne by the Port of San Francisco.

Item 3680-101-516—For local assistance, Department of Boating and Waterways. I reduce this item from $30,666,000 to $30,641,000 by reducing:

(c) Boating safety and enforcement from $3,225,000 to $3,200,000.

I am reducing this item by $25,000 to eliminate a legislative augmentation for

boating enforcement patrol at Turlock Lake. It is my understanding that the County of Stanislaus has not submitted to the Department of Boating and Waterways the necessary application to be considered for boating enforcement financial assistance from the State as required by existing law.

Item 3720-001-001—For support of California Coastal Commission. I reduce this item from $6,469,000 to $5,818,000 by adding:

Unallocated Reduction −$651,000.

I am deleting the $651,000 legislative augmentation to restore the California Coastal Commission's unallocated reduction. I do not believe that this General Fund augmentation is of sufficiently high priority to justify the use of limited state resources and is inconsistent with the need to protect vital programs and to provide for a prudent reserve for economic uncertainties.

Item 3760-301-235—For capital outlay, State Coastal Conservancy. I delete this item and Provision 1.

I am deleting this item because these projects should be submitted for consideration during the budget development process for review and evaluation in the context of statewide priorities for the Conservancy and this fund source.

I am deleting Provision 1 to conform to this action.

Item 3760-303-140—For capital outlay, State Coastal Conservancy. I delete this item.

I am deleting the $15,000 legislative augmentation for the expansion of the Fishing Fleet exhibit. This project should be submitted for consideration during the budget development process for consideration of funding in the context of statewide needs and priorities for the Conservancy.

Item 3790-001-001—For support of Department of Parks and Recreation. I revise this item from $83,344,000 to $83,124,000 by reducing:

(a) 100000-Personal Services from $108,457,000 to $108,264,000,

(b) 300000-Operating Expenses and Equipment from $50,010,000 to $49,856,000,

(c) 400001-Special Item of Expense—Rehabilition of Camping Facilities from $300,000 to $200,000,

(dx) Amount payable from Special Account for Capital Outlay (Item 3790-001-036) from −$3,010,000 to −$3,000,000,

(g) Amount payable from the State Parks and Recreation Fund (Item 3790-001-392) from −$48,148,000 to −$47,951,000,

and by deleting:

(dy) Amount payable from the Environmental License Plate Fund (Item 3790-001-140) (−$20,000),

and by deleting Provision 1.

I am deleting the $220,000 legislative augmentation and 4.5 personnel years to increase staff at Olompali State Historical Park. I believe an increase in staff at this park is premature because the entrance road to and from the park has not been completed.

I am deleting Provision 1, which restricts the right of the City of Santa Monica to evict the current concessionaire from 415 Pacific Coast Highway, because it contravenes the City's authority as a State agent to expedite development of the site for the purpose of increasing public access.

I am revising this item to conform to the actions taken in Items 3790-001-036, 3790-001-140, and 3790-001-392.

Item 3790-001-036—For support of Department of Parks and Recreation. I reduce this item from $3,010,000 to $3,000,000.

I am deleting the $10,000 legislative augmentation for a study at Napa-Solano Skyline Project. The need for these funds has not been justified through the budget development process.

Item 3790-001-140—For support of Department of Parks and Recreation. I delete this item.

I am deleting the $20,000 legisaltive augmentation for the North Central California Heritage, Openspace, and Trails Mapping Project. Funds were appropriated for this purpose in 1979 and have continued to be available through the 1988–89 fiscal year. There has been sufficient opportunity and resources available for this project for ten years and the project has still not been completed. I do not believe another appropriation for this project has been justified.

Item 3790-001-235—For support of Department of Parks and Recreation. I delete this item and Provision 1.

I am deleting Provision 1 as a technical correction to the Budget Bill in order to conform to legisaltive action related to a proposed feasibility study for acquisition of the Town of Locke in Sacramento County.

Item 3790-001-392—For support of Department of Parks and Recreation. I reduce this item from $48,148,000 to $47,951,000.

I am deleting the $100,000 legislative augmentation for the Inmate Labor Program rehabilitation of camp facilities. I have included $200,000 in the base budget of the department for this program and I believe there is adequate funding to address the highest priority needs for this program.

I am deleting the legislative augmentation of $50,000 and 2.2 personnel years to provide additional lifeguards in the Pajaro Coast District along the Central California Coast and the $47,000 and 1.4 personnel years to increase staff at Mitchell Caverns State Preserve I believe the need for additional staff at State recreational facilities should be justified through the budget development process.

Item 3790-101-036—For local assistance, Department of Parks and Recreation. I delete this item and Provision 1.

I am deleting the $5,371,000 legislative augmentation because these projects should be submitted through the budget development process and compete for other funding sources which are available for local park projects. I believe the Special Account for Capital Outlay (SAFCO) should be made available for higher statewide priorities for which alternative funding sources are not available. It is my intention to retain the reserve in SAFCO which results from this and other actions on this fund to meet the State's more urgent capital needs

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 $505,000 to $300,000 by deleting:

(3) 50.20.140.903-Youth Science Institute, Los Gatos Discovery Center-renovation and development ($150,000),

(4) 50.20.140 905-City of Santa Barbara, Santa Barbara Zoological Gardens ($55,000).

I am deleting the legislative augmentations of $150,000 for Youth Science Institute, Los Gatos Discovery Center-renovation and development, and $55,000 for City of Santa Barbara, Santa Barbara Zoological Gardens because neither project successfully completed the statutory review process for funding from the Environmental License Plate Fund.

These projects should be submitted for consideration during the budget development process so they can be reviewed and evaluated in the context of competing needs for this funding source.

Item 3790-101-236—For local assistance, Department of Parks and Recreation. I delete this item.

I am deleting the $1,500,000 legislative augmentation which is consistent with my actions taken in other items of appropriation from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund. I believe the allocation of funds from this account should be made by separate legislation after a comprehensive review of competing needs.

Item 3790-101-786—For local assistance, Department of Parks and Recreation. I reduce this item from $123,042,000 to $122,967,000 by reducing:

(11) 50.20.786.707-Apple Valley Recreation and Park District-Papago Park Development Project from $176,000 to $101,000.

I am reducing this item by $75,000 by reducing the local assistance grant for Apple Valley Recreation and Park District-Papago Park Development Project to $101,000, the amount the district is entitled to under the per capita grant allocation formula.

Item 3790-102-235—For local assistance, Department of Parks and Recreation. I delete this item and Provisions 1, 2, 3 and 4.

I am deleting this item because these projects should be submitted through the budget development process so they can be prioritized against other similar local park projects. I proposed to transfer $7,500,000 annually from the Proposition 99, Public Resources Account to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program in order to allocate these limited funds on an established formula basis. The Legislature, instead, chose to fund 23 individual local assistance projects for a total expenditure of $8,622,000. I believe the allocation of these funds on a statewide formula basis is a more equitable use of the funds.

I am deleting Provisions 1, 2, 3 and 4 to conform to this action

Item 3790-102-733—For local assistance, Department of Parks and Recreation. I delete this item and Provisions 1, 2, 3, 4, and 5.

I am deleting the $2,800,000 legislative augmentation for two local assistance grants from the State Beach, Park, Recreational, Historical Facilities Fund of 1974. These projects should be submitted for consideration during the budget development process so they can be reviewed and evaluated in the context of competing needs for this fund source.

I am deleting Provisions 1, 2, 3, 4 and 5 to conform to this action.

Item 3790-301-036—For capital outlay, Department of Parks and Recreation. I delete this item.

I am deleting this item because these projects should be submitted through the budget development process so they can be reviewed and evaluated in the context of competing needs among state parks from other available funding sources. I believe the Special Account for Capital Outlay should be available for higher statewide priorities for which alternative funding sources are limited or not available

Item 3790-301-235—For capital outlay, Department of Parks and Recreation. I reduce this item from $8,837,000 to $4,362,000 by deleting:

(4) 90.CO.400-Wilder Ranch SP—Gray Whale Ranch—Acquisition ($2,195,000),

(5) 90.FU.105-California Citrus State Historic Park-Immediate Public Use Facilities—Preliminary plans, working drawings, and construction ($500,000),

(6) 90.H4.110-Mt. San Jacinto State Park-Trainway Station—Stabilize Foundation ($60,000),

(7) 90.6X.501-Napa-Solano Skyline Project: Acquisition ($820,000), and

(8) 90.8D.400-Donner Memorial SP: Expansion ($900,000).

I am deleting these projects because they should be submitted for consideration through the budget development process so they can be reviewed and evaluated in the context of competing needs among State Parks and from other available fund sources.

Item 3790-301-236—For capital outlay, Department of Parks and Recreation. I delete this item.

I am deleting the $4,255,000 legislative augmentation which is consistent with my actions taken in other items of appropriation from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund. I believe the allocation of funds from this account should be made by separate legislation after a comprehensive review of competing needs.

Item 3790-301-263—For capital outlay, Department of Parks and Recreation. I reduce this item from $7,337,000 to $6,537,000 by deleting:

(3.5) 90.EH.106-Hungry Valley SVRA: Quail Canyon OHV Fair-Preliminary plans, working drawings, and preliminary site preparation ($800,000).

I am deleting the $800,000 legislative augmentation for the Hungry Valley SVRA: Quail Canyon OHV Fair-Preliminary plans, working drawings, and preliminary site preparation. This project should be submitted for consideration during the budget development process so that a proper level of funding and a well-defined scope may be determined.

Item 3790-301-392—For capital outlay, Department of Parks and Recreation. I reduce this item from $755,000 to $95,000 by deleting:

(2) 90.AC.605-Old Sacramento SHP: Museum of Railroad Technology-preliminary plans and agency retained items ($660,000).

I am deleting funding for the preliminary plans and agency retained items for the Museum of Railroad Technology at Old Sacramento SHP. I believe that this proposed project should not proceed until the priority, scope, cost and funding source have been determined.

Item 3790-301-721—For capital outlay, Department of Parks and Recreation. I reduce this item from $5,727,000 to $3,029,000 by deleting:

(2) 90.5X.105—Marconi Property-Construction and site improvements ($425,000),

(5) 90.CS.401—South Monterey Bay Dunes, Del Monte Dunes, Ponderosa Property-Acquisition ($2,273,000),

and by deleting Provision 2.

I am deleting the legislative augmentations of $425,000 for the Marconi Property-Construction and site improvement; and $2,273,000 for South Monterey Bay Dunes, Del Monte Dunes, Ponderosa Property-Acquisition.

These projects should be submitted through the budget development process so they can be reviewed and evaluated in the context of competing needs for this funding source. In addition, $300,000 for the Marconi Property project planning is proposed for reappropriation in 1989-90. I believe it is premature to appropriate additional funds for construction of this project until the project planning has been completed.

I am deleting Provision 2 to conform to this action.

Item 3790-301-722—For capital outlay, Department of Parks and Recreation. I reduce this item from $10,034,000 to $7,899,000 by reducing:

(10.5) 90.94.601-Stanford House SHP: Historic Preservation—Preliminary plans and working drawings from $495,000 to $160,000

and by deleting:

(6.5) 90.CO.400-Henry W. Coe SP: Redfern property-Acquisition ($1,800,000).

I am reducing this item by the $335,000 legislative augmentation for the Stanford House SHP: Historic Preservation-Preliminary plans and working drawings. I have proposed $160,000 for preliminary plans for this project. I believe an appropriation for working drawings is premature and should be considered during the budget development process so that the proper level of funding for the working drawing phase may be determined.

I am deleting the $1,800,000 legislative augmentation for Henry W. Coe SP: Redfern property-Acquisition. This project should be submitted for consideration during the budget development process so it can be reviewed and evaluated in the context of competing needs for this fund source.

Item 3790-301-786—For capital outlay, Department of Parks and Recreation. I reduce this item from $16,465,000 to $9,016,000 by deleting:

(14) 90.EC.101-Kenneth Hahn SRA—Preliminary Plans, Working Drawings, and Construction ($3,510,000),

(15) 90.8L.105-New State Indian Museum—Preliminary Plans, Working Drawings, and Construction ($1,000,000),

(16) 90.IJ.400-Old Town San Diego SHP—Bohannon Pottery Village—Acquisition ($2,733,000), and

(19) 90.RS.115-Sno-Park Program—Minor Capital Outlay ($206,000).

I am deleting the legislative augmentations of $3,510,000 for Kenneth Hahn

SR—Preliminary Plans, Working Drawings, and Construction; $1,000,000 for New State Indian Museum—Preliminary Plans, Working Drawings, and Construction; and $206,000 for Sno-Park Program—Minor Capital Outlay. These projects should be considered through the budget development process so that the proper level of funding and a well-defined scope may be determined.

I am deleting the legislative augmentation of $2,733,000 for Old Town San Diego SHP—Bohannon Pottery Village—Acquisition. I proposed funding for this project from the State Beach, Park, Recreation, and Historical Facilities Fund of 1974 because, as an acquisition project, this was a more appropriate funding source.

Item 3790-490—Reappropriation, Department of Parks and Recreation. I revise this item by deleting:

036—Special Account for Capital Outlay:

(3) Section 1, Chapter 1548, Statutes of 1984, as reappropriated by Item 3790-490-036(4), Budget Act of 1988, John Marsh Home-restoration, provided that the amount reappropriated shall not exceed $500,000,

(4) Item 3790-301-036 (12.2), Budget Act of 1985, as reappropriated by Item 3790-490-036(6), Budget Act of 1988, 90.HO.400, Rancho Buena Vista-acquisition; provided that the funds shall be expended for acquisition of the Sunset Del Mar property adjacent to Torrey Pines State Reserve, and

722—Parklands Fund of 1984:

(29) Item 3790-301-722 (20.2), Budget Act of 1985, as reappropriated by Item 3790-490-722(14) Budget Act of 1988, 90.5N.500.851-Mount Diablo SP-Communications tower study, provided that the department shall have the ability to consider the problems of consolidation in a broad and inclusive manner.

I am deleting the reappropriation of Section 1, Chapter 1548, Statutes of 1984, as reappropriated by Item 3790-490-036(4), Budget Act of 1988, John Marsh Home-restoration, provided that the amount reappropriated shall not exceed $500,000, because the funds proposed for reappropriation are insufficient to complete the project. The project should be resubmitted for consideration during the budget development process in order to determine the appropriate scope and funding level.

I am deleting the reappropriation of Item 3790-301-036 (12.2), Budget Act of 1985, as reappropriated by 3790-490-036(6), Budget Act of 1988, 90.HO.400-Rancho Buena Vista-acquisition; provided that the funds shall be expended for acquisition of Sunset Del Mar property adjacent to Torrey Pines State Reserve because I believe this new project should be submitted through the budget development process so it can be considered in the context of competing needs among state parks.

I am deleting the reappropriation of Item 3790-301-722 (20.2), Budget Act of 1985, as reappropriated by Item 3790-490-722(14), Budget Act of 1988, 90.5N.500.851-Mount Diablo SP-communications tower study because the initial information from a professional consultant indicates that tower consolidation is not feasible because of legal and ownership constraints. Further studies would not be an effective use of state funds.

Item 3810-301-236—For capital outlay, Santa Monica Mountains Conservancy. I delete this item and Provision 1.

I am deleting the $500,000 legislative augmentation which is consistent with my actions on other items of appropriation from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund. I believe the allocation of funds from this account should be made by separate legislation after a comprehensive review of competing needs.

I am deleting Provision 1 to conform to this action.

Item 3810-301-722—For capital outlay, Santa Monica Mountains Conservancy. I delete this item and Provision 1.

While these may be meritorious acquisition projects, I am deleting this item because there are insufficient funds available in the Parklands Fund at this time to fund these projects.

I am deleting Provision 1 to conform to this action.

Item 3860-001-001—For support of Department of Water Resources. I revise this item by deleting Provision 2.

I am deleting Provision 2 which would require the Department to provide notification to the Legislature 30 days prior to the expenditure of funds under the continuous appropriation authorized by Water Code Section 12937(b) (4). I am deleting this provision because it unduly restricts the Executive Branch in managing the program and I do not believe it is appropriate to place in the Budget Act restrictions which are inconsistent with powers granted to the Department by the voters when they approved the Burns-Porter Act of 1960.

Item 3860-101-235—For local assistance, Department of Water Resources. I delete this item.

I am deleting the $60,000 legislative augmentation for studies of the recreational benefits of the Terminus, Lake Success, and Kaweah reservoirs because I do not believe that these studies qualify for funding from the Cigarette and Tobacco Tax Products Surtax Fund, Public Resources Account, established by Proposition 99.

Item 3940-001-001—For support of State Water Resources Control Board. I revise this item by reducing:

(a) 10-Water Quality from $71,100,000 to $68,512,000,

and by deleting:

(fx) Amount payable from Special Account for Capital Outlay (Item 3940-001-036) (−$258,000),

(fz) Amount payable from California Water Fund (Item 3940-001-144) (−$2,255,000),

(gx) Amount payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund (Item 3940-001-236) (−$75,000),

and by deleting Provisions 1 and 2 to conform to this action.

I am deleting the $258,000 legislative augmentation, payable from the Special Account for Capital Outlay, for oversight of cleanups of underground tanks in the Silicon Valley. While the proposed project may be meritorious, it is not of sufficient statewide priority to justify the use of limited tidelands oil revenues.

I am deleting the $2,255,000 legislative augmentation, payable from the California Water Fund, for four programs: solid waste assessment, reports on drinking water contamination, South San Francisco Bay waste allocation model and landfill liner regulations. These programs are not of sufficiently high priority to justify the use of limited state resources.

I am deleting the $75,000 legislative augmentation, payable from the Unallocated Account, Cigarette and Tobacco Products Surtax Fund, to provide additional staffing for the San Diego Interagency Panel. This proposal is not of sufficient statewide priority to justify the use of limited funds from the Unallocated Account.

I am deleting Provisions 1 and 2 to conform to this action.

Item 3940-001-036—For support of the State Water Resources Control Board I delete this item.

I am deleting this item to conform to the action I have taken in Item 3940-001-001.

Item 3940-001-144—For support of the State Water Resources Control Board. I delete this item.

I am deleting this item to conform to the action I have taken in Item 3940-001-001.

Item 3940-001-236—For support of the State Water Resources Control Board. I delete this item.

I am deleting this item to conform to the action I have taken in Item 3940-001-001.

Item 3940-101-235—For local assistance, State Water Resources Control Board I delete this item.

Funding for this local assistance project at Lake Merced should be submitted through the budget development process so that it may be reviewed and evaluated in the context of competing needs for this fund source.

Item 4100-001-890—For support of the State Council on Developmental Disabilities. I reduce this item from $5,501,000 to $5,462,000 by reducing: (c) 30-Allocation to Area Boards from $2,417,000 to $2,378,000.

I am reducing this item by $39,000 thereby eliminating the salary savings reduction proposed by the Legislature for the Area Boards on Developmental Disabilities. This action conforms to the reduction taken in Item 4110-001-001.

Item 4110-001-001—For support of Area Boards on Developmental Disabilities. I revise this item by reducing:

(a) 10-Area Board Services from $2,417,000 to $2,378,000, and

(b) Reimbursements from −$2,417,000 to −$2,378,000.

I am deleting the legislative augmentation of $39,000 and 0.9 personnel years to provide a reduction in salary savings. The salary savings rate reflected in the current budget is consistent with the historical salary savings rate for this agency As there are many variables which impact a department's salary savings rate, I believe it is more appropriate to deal with salary savings issues during the development of the annual financial plan.

Item 4120-101-001—For local assistance, Emergency Medical Services Authority. I reduce this item from $3,191,000 to $2,857,000 and delete Provision 2.

I am deleting the $334,000 legislative augmentation that would have provided additional State support for specified local emergency medical service regions as insufficient evidence has been presented to justify the need for added State funding

I am sustaining language added to Item 4120-001-001 in Provisions 2 and 3 that is intended to assist underfunded regions maintain a basic level of program with available local and State funding.

I am deleting Provision 2 to conform to this action.

Item 4170-101-001—For local assistance, Department of Aging. I reduce this item from $36,273,000 to $32,973,000 by reducing:

(c) 30-Supportive Services and Centers (for match) from $27,979,000 to $27,679,000,

(d) 40-Special Projects from $33,592,000 to $30,592,000, and by deleting Provisions 5 and 7.

I am deleting the $300,000 legislative augmentation to expand services provided by the long-term care Ombudsman program. The Ombudsman program is currently meeting the statutory requirement related to investigations of elder abuse. While I appreciate the efforts of this program and the fact that additional resources would be used to expand the number of volunteers, I believe that an increase is not supportable at this time.

I am deleting the $300,000 legislative augmentation to expand the Linkages program. The recent evaluation of the Linkages program which recommended that low income individuals be served on a priority basis and that a sliding fee schedule be implemented will assist in expanding existing resources to serve additional needy clients. Consequently, considering the many demands for limited state resources, I believe that a further increase is not supportable at this time.

I am deleting the $100,000 legislative augmentation to provide resources to maintain a 40 client to one case manager ratio in the Multipurpose Senior Services Program (MSSP). I have provided $21,900,000 ($10,900,000 General Fund) for support of the 22 MSSP sites which is sufficient to ensure that all 22 MSSP sites maintain adequate staffing to client ratios for MSSP case management services. Consequently, I do not consider this augmentation necessary to maintain the proposed ratio.

I am deleting Provision 5 to conform to this action.

I am reducing this item from $1,200,000 to $600,000 for Alzheimer Day Care Resource Centers (ADCRC).

I am sustaining $600,000 to establish ten additional ADCRC's which will increase

the number of centers from 26 to 36. This level of funding will provide an increase of 32.6 percent over 1988–89.

I am deleting the $2,000,000 legislative augmentation to expand respite care services or to subsidize the participation of low-income clients in ADCRC. By funding an increase from 26 to 36 centers I am providing this program a 32.6 percent increase over the last fiscal year. I believe these additional resources should be prioritized to provide participation of needy low-income individuals. In addition, I have supported efforts to broaden the availability of respite care services through technical assistance, education and coordination of available resources in the Department of Aging. Given my efforts in this area, I do not believe a further increase is appropriate at this time.

I am deleting Provision 7 to conform to this action

Item 4200-101-001—For local assistance, Department of Alcohol and Drug Programs. I reduce this item from $85,421,000 to $73,421,000 by reducing:

(b) 20-Drug Program from $113,432,000 to $101,432,000,

and by deleting Provision 10.

I am deleting the legislative augmentation of $12,000,000 for intravenous drug user (IVDU) treatment. My proposed Budget includes $18,400,000 for IVDU treatment, an increase of $7,200,000 over the 1988–89 level (a 60 percent increase). This increase is attributable to the fact that the 1988 Federal Anti-Drug Act requires that 50 percent of the Federal Fiscal Year (FFY) 1989 Substance Abuse Supplement funds be targeted to IVDU. In FFY 1990, this requirement will apply to the entire Drug Program share of the Federal Alcohol and Drug Abuse and Mental Health Administration block grant, resulting in a further augmentation of IVDU treatment funding of approximately $7,500,000. Therefore, I believe it would be inappropriate to allocate additional limited State resources for this purpose.

I am deleting Provision 10 to conform to this action.

Item 4200-101-890—For local assistance, Department of Alcohol and Drug Programs.

I am deleting Provisions 7, 8, and 9.

I am deleting Provision 7 because it provides for the use of federal funds in a manner that conflicts with federal law. Provision 7 requires the Department of Alcohol and Drug Programs to work with the Department of Social Services to provide child care in conjunction with treatment services, and to use up to $500,000 in federal funds for this purpose. According to the Federal Alcohol and Drug Abuse and Mental Health Administration, child care services may only be funded if they are incidental to the provision of alcohol and drug abuse services, and requiring an expenditure of up to $500,000 would make such services more than incidental However, I recognize the necessity of providing child care services for some individuals in treatment.

I am, therefore, directing the department to ensure that its contractors provide such services in a cost effective manner when needed and to the extent permitted by federal law.

I am deleting Provision 8 because it is unnecessarily restrictive. This language would require the department to spend $8,946,000 to fund perinatal substance abuse projects in eight counties. The Budget which I submitted proposed to fund five pilot projects in four counties at a cost of $4,946,000. The Legislature has proposed to nearly double the size of the project before the first pilot is initiated, much less evaluated. This augmentation is consequently premature. Furthermore, this language would require the department to redirect $4,000,000, or 40 percent, of the funds set aside to provide for the unmet substance abuse treatment needs of all counties in order to fund perinatal projects in only four counties. Given the fact that the perinatal pilots have not yet begun, it is inappropriate to restrict the department's ability to carry out its responsibilities for addressing all of California's substance abuse needs.

This action conforms to the action I have taken in Items 4260-113-890 and 5180-151-001.

I am deleting Provision 9 to conform to my action in deleting Provision 8. Provision

9 would redirect $63,000 from the Department's budget for unmet needs in order to fund a position to handle the workload associated with expanding the number of counties participating in the perinatal substance abuse program. Since I am vetoing the program expansion, there will be no need for additional staff. This action conforms to the action I have taken in Items 4260-113-890 and 5180-001-001.

Item 4260-001-001—For support of Department of Health Services. I reduce this item from $160,537,639 to $155,867,639 by reducing:

(a) 100000-Personal Services from $192,809,237 to $190,194,237,

(b) 300000-Operating Expenses and Equipment from $156,889,416 to $154,236,416,

(r) Amount payable from the Federal Trust Fund (Item 4260-001-890) from −$115,803,014 to −$115,205,014,

and by deleting Provisions 6, 10, 11, 13, 15, 17 and 18.

I am deleting the legislative augmentation of $400,000 and 6.6 personnel years for restoration of Local Program Development activities of the Department of Health Services. My proposed Budget eliminated these positions and an associated $400,000 because this discretionary program was determined to be of lesser priority than other higher priority departmental programs. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting the $1,213,000 legislative augmentation to reduce departmental salary savings to 9.6 percent, by reducing this Item by $655,000 and taking a corresponding action in Item 4260-001-890 by reducing $558,000 in federal funds. As there are many variables which impact a department's salary savings rate, I believe it is more appropriate to deal with salary savings issues during the budget development process.

I am deleting the $200,000 legislative augmentation to establish and maintain an asbestos registry program. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 6 to conform to this action.

I am reducing this item by $1,000 and deleting Provision 10 which would require the Department to develop a report for the Legislature and to revise and expand the composition of the California AIDS Leadership Committee. This language is an infringement on the Executive Branch's authority and dictates the composition of an administratively established advisory committee. The selection of members to the committee is more appropriately the responsibility of the Director of the Department of Health Services. The organization of the Committee should be determined by the Director in a manner which best meets the needs of the Department and the overall goals and objectives of the program.

Although no funding was provided for the work load associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved on vetoing language contained in Provision 10 of this item.

I am deleting the $1,000,000 legislative augmentation for continuation of the AIDS Vaccine Research and Development Program. This augmentation is duplicative and unnecessary. Assembly Bill 2156 would appropriate $1,911,000 from the AIDS Vaccine Research and Development Grant Fund to the Department for the purpose of continuing the program. AB 2156 proposes the appropriate funding source for the program and should be used as the vehicle for continued authorization.

I am deleting Provision 11 to conform to this action.

I am reducing this item by $17,000 and making a corresponding reduction in Item 4260-001-890 by reducing $40,000 in federal funds to reflect deletion of one Nurse Consultant position to perform utilization control in three counties formerly served by the Redwood Health Foundation. Staffing standards for this purpose were jointly established by the Department of Health Services and the Department of Finance in 1985. These staffing standards for Medi-Cal field offices are based on the staff needed to maintain the statutory five day average turnaround time in relationship to TAR volume. The workload analysis based on these staffing standards indicates that a total of seven additional positions are required to perform prior authorization functions previously performed by the Redwood Health Foundation. With the phase-out of

contract management responsibility for the Redwood Health Foundation contract, a position will be available to redirect for the increased utilization review activities. Consequently, six new positions are needed, whereas the Budget Bill provides seven new positions. Consequently, I am deleting one position and the corresponding funds to reflect the established staffing standards.

I am reducing this item by $1,000 and deletmg Provision 13 which would increase the workload for the Department of Health Services by requiring the Department, along with the Department of Social Services, to work with counties and to submit a report to the Legislature on activities to reduce county error rates in determining Medi-Cal eligibility. The Department of Health Services, as required by the federal government, currently monitors and has procedures to limit county error rates. These procedures include a corrective actions program, as well as the authority to sanction counties when necessary.

Failure by the State to maintain rates below federal standards could result in the disallowance of federal financial participation. Therefore, this language is unnecessary and would increase departmental costs for preparation of the required report by at least $1,000. In addition, this language would be difficult to implement because it does not differentiate between case error rates and dollar error rates. I am taking corresponding action by deleting Provision 8 in Item 5180-101-001, for local assistance, Department of Social Services.

Therefore, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 13 of this item which would require the Department to submit a report on activities to reduce county error rates.

I am reducing this item by $1,000 and deleting Provision 15 which requires that the Department of Health Services report to the Legislature by March 1, 1990 on: 1) its efforts to maximize Medi-Cal recoveries; 2) a comparison of recoveries with those of other states, and 3) an assessment of what, if any, additional resources would be necessary to increase recoveries by 10 percent. Because of the Department's past and current efforts to promote cost avoidance, it is anticipated that a leveling-off of third party liability recoveries will occur. The projected combined total of recovery and cost avoidance is $73,000,000 for 1989–90 Over the last three years, recoveries have increased by more than 50 percent. Therefore, while a 10 percent increase in recoveries is possible, I am opposed to budget language which would establish an arbitrary target. This language would not assist the Department in increasing recoveries, and creates additional costs related to preparing the report of at least $1,000.

Although no funding was provided for the workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 15 of this item.

I am deleting the legislative augmentation of $400,000 and 12.3 personnel years that would have provided funding for additional sanitarians for local community health services. The 1989–90 Governor's Budget provides $2,900,000 General Fund and 41 personnel years to provide local public health services to counties with populations less than 40,000.

I am deleting Provision 17 to conform to this action.

I am deleting the legislative augmentation of $1,000,000 which would have required the Department of Health Services to expand and establish AIDS prevention programs in county jails pursuant to Chapter 1301, Statutes of 1988. Chapter 1301 requires county sheriffs, the California Department of Corrections, and the California Youth Authority to provide inmates and wards with information about behavior that places a person at high-risk for contracting the Human Immunodeficiency Virus (HIV) and about the prevention of the transmission of AIDS. The statute also requires sheriffs, probation officers, the California Department of Corrections, and the California Youth Authority to provide those persons with information regarding AIDS testing and related services. The statute provided no funding for its implementation and specified that implementation would be contingent upon annual

Budget Act appropriations for the program.

I am deleting Provision 18 to conform to this action.

The revised 1989–90 Governor's Budget proposes $128,545,000 for AIDS-related program activities statewide. This represents a 32.3 percent increase over the 1988–89 AIDS Budget. Included in the 1989–90 Budget is funding specifically for information and education activities. These funds are available for the education of inmates, wards, and employees of these institutions and have been allocated by the Office of AIDS based upon need. This level of funding and method of allocation is appropriate.

I am reducing this item by $995,000 and 15.1 personnel years to conform to the action I have taken in reducing the augmentation for the Office of Family Planning in Item 4260-111-001.

Item 4260-001-890—For support of Department of Health Services. I reduce this item from $115,803,014 to $115,205,014.

I am reducing this item by $40,000 to reflect the deletion of one Nurse Consultant position (0.9 personnel year) to perform utilization control functions in three counties formerly served by the Redwood Health Foundation to conform to my action on this issue in Item 4260-001-001.

I am reducing this item by $558,000 to reflect the deletion of a legislative augmentation for a reduced salary savings rate of 9 6 percent to conform to the action I have taken in Item 4260-001-001.

Item 4260-101-001—For local assistance, Department of Health Services, Medical Assistance Program. I reduce this item from $3,348,999,000 to $3,313,024,000 by reducing:

(a) 50.11-Benefits (Medical Care and Services) from $6,570,648,000 to $6,498,460,000,

(c) 50.50-Fiscal Intermediary Management from $53,368,000 to $53,367,000,

(d) Amount payable from the Federal Trust Fund (Item 4260-101-890) from −$3,454,414,000 to −$3,418,200,000,

and by deleting Provisions 20, 22 and 23.

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 for prescription drug expenditures. The Budget I submitted included savings of $40,000,000 ($20,000,000 in this item and $20,000,000 in federal funds in Item 4260-101-890) in Medi-Cal prescription drug expenditures to reflect a program of negotiated rebates from drug manufacturers based on the volume of drugs sold to the Medi-Cal program annually. Currently, the Medi-Cal program does not receive discounts or rebates of any kind from manufacturers, despite the fact that Medi-Cal spends in excess of $500 million annually for prescription drugs. This is one of the fastest growing areas of the Medi-Cal Budget, exceeding the rate of growth for all other benefits, the number of prescriptions approved, and the number of beneficiaries using prescription drugs. The federal government has questioned the absence of discounts or rebates in Medi-Cal reimbursements for drug ingredients. Most other health programs receive discounts substantially below the price Medi-Cal pays for the same product, including the Medicaid program in the State of Kansas, the State Department of General Services, the federal Veterans Administration, the Department of Defense, Los Angeles County and many private providers.

This augmentation would have restored half the savings proposed. I am deleting the $10,000,000 augmentation in this item and $10,000,000 in federal funds in Item 4260-101-890 to reflect the level of savings originally proposed. I believe these savings are appropriate, based on the savings which other health programs have achieved in the prescription drug area, and I will continue to support legislation to achieve this program modification.

I am reducing this item by $2,098,000 and taking a corresponding action in Item 4260-101-890 by reducing $2,176,000 in federal funds to reflect implementation of my proposal to estimate pharmacists' actual acquisition costs for drug ingredients more accurately The Budget I submitted included savings of $40,000,000 ($20,000,000 in

this item and $20,000,000 in federal funds in Item 4260-101-890) to reflect a re-estimate of pharmacy acquisition costs for prescription drugs. This proposal did not modify the current Medi-Cal dispensing fee. Currently, the Medi-Cal program reimburses pharmacies for drug ingredient costs at the average wholesale price (AWP), which is essentially the list price for the drug, unless another price screen (such as the federal allowable cost, the State maximum allowable ingredient cost or the direct price) requires a lower payment. AWP, which is used for about 30 percent of Medi-Cal purchases, however, is substantially above the pharmacy acquisition cost and has been questioned as a pricing standard by the federal government. Recent field studies, which have been completed by the Department of Health Services, indicate that pharmacy actual acquisition costs are 12 percent less than AWP.

This augmentation would have restored three-fourths of the savings proposed. The Department of Health Services' field studies indicate that, based on a reimbursement level of AWP minus 12 percent, an additional $4,274,000 ($2,098,000 General Fund, and $2,176,000 federal funds) can be saved. Therefore, I am reducing this item by $2,098,000 and taking corresponding action by reducing Item 4260-101-890 by $2,176,000. Combined with legislative action, this brings the total savings from this issue to $14,274,000 ($7,098,000 General Fund, and $7,176,000 federal funds).

I am reducing this item by $20,000,000 and taking a corresponding action in Item 4260-101-890 by reducing $20,000,000 in federal funds to reflect deletion of the legislative augmentation to provide discretionary rate increases to disproportionate hospitals for outpatient services. This item already contains a $5,000,000 augmentation and a corresponding $5,000,000 in federal funds for outpatient rate increases to disproportionate hospitals, effective the second quarter of the 1988–89 Fiscal Year. The impact of this augmentation should be evaluated before other rate increases are made. An additional augmentation would be premature and would restrict the State's ability to fund other vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 22 to conform to this action.

I am reducing this item by $2,715,000 and taking a corresponding action in Item 4260-101-890 by reducing $2,871,000 in federal funds, while retaining an augmentation of $2,716,000 in this item and $2,872,000 in Item 4260-101-890 to provide a discretionary five percent increase in dental rates. While the Medi-Cal program has made several systems enhancements for its dental providers recently, these providers have not received a rate increase since the 1985-86 Fiscal Year. I believe this is a priority area which should receive the consideration necessary to maintain access consistent with the need to fund other vital programs and provide a prudent reserve for economic uncertainties. The Budget Bill contains funding for a 10 percent increase in dental rates. I believe an increase of this size is unnecessary, in light of recent systems enhancements including the acceleration of claims payments, the addition of four new toll-free lines, and improved access to patients' history information necessary for billing In addition, an augmentation of this size would limit the State's ability to fund other vital programs and to maintain an adequate General Fund reserve for economic uncertainties. Therefore, I am deleting half the legislative augmentation, while sustaining funds to provide a discretionary five percent increase in dental rates.

I am reducing this item by $750,000 and taking a corresponding action in Item 4260-101-890 by reducing $750,000 in federal funds to reflect deletion of the legislative augmentation to provide case management services for human immunodeficiency virus (HIV) positive persons. This augmentation could not be expended, since both State legislation and federal approval of a State Plan amendment would be required prior to program implementation. Although California is a national leader in funding for AIDS treatment and research, much of the emphasis in this augmentation is on social services and is outside the scope of the Medi-Cal program, which is restricted to coverage of those procedures which are medically necessary. In many cases HIV positive persons are asymptomatic and do not qualify for Medi-Cal services, including case management.

I am reducing this item by $411,000 and taking a corresponding action in Item 4260-101-890 by reducing $417,000 in federal funds to reflect deletion of the legislative augmentation to provide a discretionary five percent rate increase for non-emergency medical transportation providers. Medi-Cal beneficiaries who need non-emergency medical transportation services are able to obtain them at current reimbursement rates, and there is insufficient data to suggest that there is an access problem in this area. I have authorized rate increases for maternity care, long-term care, and other high priority health care services related to access, federal requirements or State statutory requirements. Additional rate increases such as this would restrict the State's ability to fund other important programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 20 which prohibits the Department of Health Services from reducing the dispensing fee for drugs because this language is unnecessarily restrictive. The Department of Health Services does not have plans to reduce the dispensing fee. In fact, the current dispensing fee is an integral component of my Drug Cost Containment program. The Department currently has an administrative process for setting this fee. Therefore, I believe it is unnecessary and inappropriate to restrict the fee-setting process in the Budget Act.

I am reducing this item by $1,000 and deleting Provision 23 which requires the Department of Health Services to continue to develop and maintain an educational program regarding Medi-Cal reimbursements for a sole practitioner or for practices located in rural or medically underserved areas. In addition, the Department of Health Services would be required to report to the Legislature on the status of this program. The Department already addresses the need for provider education by providing on-site specialized training and assistance for individuals and groups, continuing an on-going relationship with provider associations, updating provider manuals, and providing toll-free telephone lines. Therefore, I am opposed to this provision because it creates redundant responsibilities and additional costs. Information about these activities, which are part of the on-going work of the Department, can be obtained without the formal requirement for a report to the Legislature.

Although no funding was provided for the additional workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 23 of this item.

Item 4260-101-890—For local assistance, Department of Health Services. I reduce this item from $3,454,414,000 to $3,418,200,000.

I am deleting the $10,000,000 legislative augmentation for prescription drugs, related to my proposal to obtain volume discounts from manufacturers, to correspond to my action on this issue in Item 4260-101-001.

I am reducing the $15,000,000 legislative augmentation for prescription drugs by $2,176,000, related to my proposal to reimburse pharmacies for drug ingredients at their actual acquisition costs, to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $20,000,000 legislative augmentation to provide discretionary rate increases for disproportionate hospital outpatient services to correspond to my action on this issue in Item 4260-101-001.

I am reducing the $5,743,000 legislative augmentation by $2,871,000 to provide a discretionary rate increase in dental rates to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $750,000 legislative augmentation to provide case management services for human immunodeficiency virus (HIV) infected persons to correspond to my action on this issue in Item 4260-101-001.

I am deleting the $417,000 legislative augmentation to provide a discretionary five percent rate increase for non-emergency medical transportation providers to correspond to my action on this issue in Item 4260-101-001.

Item 4260-111-001—For local assistance, Department of Health Services. I reduce this item from $1,291,314,354 to $1,061,959,354 by reducing:

(a) 11-Preventive Medical Services from $9,454,000 to $9,124,000,
(b) 15-AIDS from $107,287,000 to $48,858,000,
(c) 20-Family Health Services from $150,590,000 to $116,434,000,
(d) 40-Rural and Community Health from $1,023,983,354 to $887,543,354,
and by deleting Provisions 1, 2(b), 2(e), 2(f), 2(g), 2(h), 2(i), 2(j), 2(l), 3(e), 3(g) (1), 3(g) (2), 3(h), 4(e), 4(f) and 4(g),
and by revising Provisions 2(d) and 2(k).

I am deleting the $330,000 legislative augmentation for the Dental Disease Prevention Program. This augmentation represents a discretionary cost-of-living adjustment which I am unable to support and would create inequities among other important programs that are not being provided cost-of-living adjustments due to budgetary constraints.

I am deleting Provision 1 to conform to this action.

I am reducing this item by $1,000 and deleting Provision 2(b) which would require the Department, by January 1, 1990, to project the cost of treating human immunodeficiency virus (HIV) infected children. The language further requires that to the extent costs are less than the $1,100,000 budgeted for treating HIV infected children, the Department shall reallocate the funds for noninstitutionalized treatment services for persons with AIDS or AIDS-related complex. This language was included in the 1988 Budget Act with a due date for submission of this data by January 1, 1989, which the Department was unable to meet. The due date has proven to be unworkable, because the Department is experiencing a nine to twelve-month lag in receiving the data from the counties who receive funding under this program. Therefore, the data are untimely and any information provided to the Legislature would be based on prior-year expenditures. Consequently, the Department would be unable to reallocate these funds to noninstitutionalized services.

Additionally, I am supporting the reappropriation of unexpended 1988–89 AIDS local assistance funding. In doing so, additional funds will be available in the budget year for noninstitutionalized treatment services.

Although no funding was provided for the workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 2(b) of this item.

I am sustaining $3,500,000 of the $40,000,000 legislative augmentation for Early Intervention Services.

I am also sustaining $635,000 of the $12,000,000 legislative augmentation for Targeted Case Management activities. I have committed to increasing AIDS funding in these two areas in recognition of the importance early intervention and targeted case management play in the overall AIDS effort.

I am revising Provisions 2(d) and 2(k) to conform to this action.

"(d) Of the amount appropriated in this item, ~~$40,000,000~~ *$3,500,000* shall be allocated for early AIDS intervention including AZT, aerosol pentamidine, and other medications approved for treatment of HIV, and medical, behavioral, and psychosocial services."

"(k) Of the amount appropriated in this item, ~~$12,000,000~~ *$635,000* shall be allocated for targeted case management, home health, hospice, and residential care."

My 1989–90 Budget provides $78,967,000 in General Fund for AIDS programs, statewide. This represents a 10 percent increase over the 1988–89 AIDS Budget. When all funding sources are considered, my 1989–90 Budget provides $128,545,000 for AIDS programs, a 32.3 percent increase over the 1988–89 AIDS Budget.

I am deleting the $10,000,000 legislative augmentation for increased testing, counseling, and outreach activities. Because of the need to protect vital programs and to maintain a prudent reserve for economic uncertainties, I have deleted this augmentation. However, as indicated previously, under my Administration, the AIDS budget has and continues to experience significant growth.

I am deleting Provision 2(e) to conform to this action

I am deleting the $200,000 legislative augmentation for operating expenses of an AIDS hospice facility in South Central Los Angeles. This augmentation is inconsistent with the need to protect vital programs and to maintain a prudent reserve for economic uncertainties. Included in the 1989–90 Budget is funding specifically for Home and Community Based Care Pilot Projects. These funds are allocated through a Request for Proposal (RFP) process in which all entities compete for available funding. I believe this is the most appropriate method of allocation of these funds and do not support augmentations for individual entities outside the RFP process.

I am deleting Provision 2(f) to conform to this action.

I am deleting the $111,000 legislative augmentation for the establishment of an AIDS education and prevention contract for Sonoma County. This augmentation is inconsistent with the need to protect vital programs and to maintain a prudent reserve for economic uncertainties. Included in the 1989–90 Budget is funding specifically for education and prevention contract activities. These funds are allocated through a Request for Proposal (RFP) process in which all entities compete for available funding. I believe this is the most appropriate method of allocation for these funds and do not support augmentations for individual entities outside the RFP process.

I am deleting Provision 2(g) to conform to this action.

I am deleting Provision 2(h) which would require the Department of Health Services to redirect $13,800 from funds allocated for the Alternative Test Site program to instead fund an AIDS pilot care project for the Community Care Management Corporation of Ukiah. I believe this language is inappropriate because it redirects funding from a critical program of anonymous testing to provide special consideration and funding to an entity which can compete for funding under another appropriate program. My 1989–90 Budget provides funding specifically for pilot care treatment projects under which this corporation may compete. Therefore, I do not support any redirections of funding from this critical program of anonymous testing.

I am deleting the $250,000 legislative augmentation for operating expenses for an AIDS hospice facility on the grounds of Metropolitan State Hospital. This augmentation is inconsistent with the need to protect vital programs and to maintain a prudent reserve for economic uncertainties. Included in the budget is funding specifically for Home and Community Based Care Pilot Projects, which include hospice facilities. These funds are allocated through a Request for Proposal (RFP) process in which all entities compete for available funding. I believe this is the most appropriate method of allocation for these funds and do not support augmentations for individual entities outside the RFP process.

I am deleting Provision 2(i) to conform to this action.

I am reducing this item by $1,000 and deleting Provision 2(j) which would require the Department, by March 31, 1990, to distribute a brochure for providers which outlines the alternatives available for HIV testing, including instructions on how to order and interpret tests. This language is unnecessary as the Department already provides training and education for health professionals with respect to AIDS. The Department is also currently in the process of developing a brochure specifically for physicians regarding AIDS. Although no funding was provided for the workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 2(j) of this item.

I am reducing this item by $1,000 and deleting Provision 2(l) which would require the Department to expand AIDS outreach and testing to high-risk populations and encourage counties to expand testing in Sexually Transmitted Disease Clinics, drug treatment centers, primary care, and family planning clinics. This language is unnecessary. The Department currently provides testing and outreach to high-risk populations in the Alternative Test Sites, Sexually Transmitted Disease Clinics and drug treatment centers. Although no funding was provided for the workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 2(l) of this item.

I am deleting the $1,000,000 legislative augmentation for increased family planning-based AIDS prevention services This augmentation is inconsistent with the need to protect vital programs and to maintain a prudent reserve for economic uncertainties. Included in my 1989–90 Budget is funding specifically for education and prevention activities. These funds are available on a competitive basis to various contractors throughout the State, and family planning contractors are eligible to compete for these prevention and education grants.

I am reducing the $36,230,000 legislative augmentation for the Office of Family Planning by $24,150,000 by reducing this item by $23,155,000 and making a corresponding reduction in Item 4260-001-001 of $995,000 and 15.1 personnel years. Inasmuch as the budget adopted by the Legislature did not contain a sufficient amount for a prudent reserve, this reduction and other actions were necessary to protect vital programs and to provide for a reserve for economic uncertainties.

I am deleting the $4,300,000 legislative augmentation for the Adolescent Family Life Program. The Governor's Budget already proposes $6,600,000 in State and federal funds for this program I am therefore vetoing this augmentation because of the need to maintain a prudent reserve for economic uncertainties.

I am deleting the $500,000 legislative augmentation that would have provided additional funding for the Genetically Handicapped Persons Program (GHPP) specifically for Marfan Syndrome and Skeletal Dysplasia. The Department can currently add specific conditions to the Genetically Handicapped Persons Program and does so with the advice of the GHPP Advisory Committee. That Committee is presently developing criteria for consideration of new conditions. It is, therefore, premature to add any conditions at this time.

I am reducing this item by $3,200,000 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 the 1989–90 Budget, the Department of Health Services learned that additional federal funds would be available in 1989–90 for MCH services. I am reducing the MCH General Fund budget by $3,200,000 to reflect the availability of these additional federal funds.

I am deleting the $2,000,000 legislative augmentation for the California Children's Services (CCS) program for an anticipated increase in county claims beyond that contained in the Department of Health Services' May Revision estimate. As is the current practice, to the extent that claims do materialize in excess of the amount budgeted for that purpose, the Department will identify those increases in its subsequent caseload estimate updates.

I am reducing this item by $1,000 and deleting Provision 3(e) which requires the Department of Health Services to revise its regulations for the Child Health and Disability Program (CHDP) to require the program to begin services to low-income children up to age six to the extent funds are available. This language would place a new program requirement on the Department without providing additional resources. Although no funding was provided for the workload associated with this provision, I am reducing $1,000 from this item to reflect savings that will be achieved based on vetoing language contained in Provision 3(e) of this item.

I am deleting Provision 3(g) (1) which would require the expenditure of $274,000 for the purpose of an evaluation of perinatal substance abuse pilot projects. There are sufficient federal funds available for this purpose in Item 4260-113-890.

I am deleting Provision 3(g) (2) which would require the expenditure of $200,000 for a contract for the development of a statewide perinatal plan to meet the "Surgeon General's Objectives for the Year 2000 on Infant Mortality". The Maternal and Child Health Program funds appropriated in this item are committed in part for transitional costs associated with Chapter 980, Statutes of 1988, which will incorporate eligible clients up to 185 percent of the federal poverty level into the Medi-Cal program for perinatal services. Further, these funds support the provision of perinatal services to eligible clients up to 200 percent of the federal poverty level which are not covered under Medi-Cal.

I am deleting Provision 3(h) which requires the Department of Health Services to report to the Joint Legislative Budget Committee in conjunction with the submission of the Governor's Budget, the level of federal MCH funds available, and submit an expenditure plan for any funding in excess of budgeted funds. This provision is unnecessary because the information regarding the level of federal MCH funds for both the current year and budget year is currently provided as part of my annual Budget. In addition, I believe the language in this provision is unduly restrictive in requiring an expenditure plan no later than 30 days after submission of the Governor's Budget and in requiring the Department of Finance to submit a Section 28 notification letter no later than 60 days after submission of the plan to the Legislature. This language would limit the Administration's ability to examine timeframes and other factors which might be taken into consideration in the development of an expenditure plan for any additional federal MCH funds.

I am deleting the $100,000,000 legislative augmentation that would have provided funding to restore a reduction proposed in the Governor's Budget for the Medically Indigent Services Program (MISP) due to claiming of State Legalization Impact Assistance Grant (SLIAG) funding. I am reducing this augmentation because the basis for the original reduction is still valid, which is that newly legalized persons (NLPs) are recipients who continue to access the local health care system; however, SLIAG can now be claimed instead of General Fund.

In addition, I am reducing $26,597,000 which will be for appropriation pursuant to legislation to allocate the funds back to the 26 MISP counties based on an "equity formula". This funding pool will be available to compensate for inequities between the MISP allocation formula and county SLIAG reimbursement percentages.

I am, however, sustaining a $258,734,000 General Fund legislative augmentation for the MISP program. The Budget also provides $208,866,000 in SLIAG for the MISP program.

I am deleting the $1,000,000 legislative augmentation to restore a General Fund reduction for Primary Care Health Clinics. The Governor's Budget proposed reducing this program to capture savings due to the ability to claim SLIAG funds for services previously paid from General Fund resources. I am vetoing this augmentation because the basis for the original reduction is still valid, which is that newly legalized persons are continuing to access the local health care system. Therefore, SLIAG moneys are appropriately being claimed in lieu of the General Fund.

I am deleting the $184,000 legislative augmentation to fund a discretionary beneficiary cost-of-living adjustment (COLA) increase for the County Medical Services Program. Funding of a discretionary COLA would create inequities among other important programs that are not being provided COLA's due to budgetary constraints. I am, however, sustaining a $5,220,000 General Fund legislative augmentation for the CMSP to reflect estimated caseload increases.

I am deleting Provision 4(e) which would require the Department to make $50,000 available for a management assistance grant to the Hupa Health Association to conduct a health care needs assessment. I believe this language would result in preferential treatment for one geographic area. Furthermore, it has not been demonstrated that this area has a greater need for such a grant than other areas within the State.

I am deleting the $500,000 legislative augmentation that would have provided additional funding for the Medically Indigent Services Program in Alameda County due to the closure of Maxicare clinics. Because Maxicare was a provider, not a funding source, the existing funding sources are unimpaired by Maxicare's closing. Individuals who were previously treated at Maxicare under Medi-Cal will continue to be covered under Medi-Cal, at other facilities.

I am deleting Provision 4(f) to conform to this action.

I am deleting the $8,159,000 legislative augmentation provided for the Rural and Community Health Program. This augmentation was made by the Legislature to increase funds available to health care clinics. I am vetoing this augmentation

because of the need to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 4(g) to conform to this action.

Item 4260-113-890—For local assistance, Department of Health Services. I am deleting Provisions 1(b), 1(j), and 1(n) and revising Provisions 1(a), 1(c), 1(g), 1(h), 1(m) and 1(o).

Provision 1(b) would have provided $1,000,000 for the provision of information, education, and referral services about sexually transmitted diseases to individuals seeking services through programs administered by the Maternal and Child Health (MCH) Branch. I am deleting this provision to make funds available to support existing base MCH programs which the Legislature funded instead from the General Fund. I have reduced $3,200,000 in Item 4260-111-001 to conform to this action.

Provision 1(j) would have provided for a study to determine outcome measures suitable to evaluate pediatric critical care systems. I am deleting this provision to make funds available to support existing base MCH programs.

Provision 1(n) would have provided $90,000 to develop a brochure on the risks and benefits of a caesarean delivery versus a vaginal delivery. I am deleting this provision to make funds available for base MCH programs.

I am revising the language in Provision 1(a) to reduce the amount for various Sudden Infant Death Syndrome (SIDS) projects to $800,000, which the Department of Health Services advises me is sufficient for the purposes of this provision.

"a. ~~$1,000,000~~ *$800,000* for various Sudden Infant Death Syndrome projects including development of a SIDS autopsy protocol, support services and training for county health officials, public health nurses and law enforcement, family intervention services, parent advisory groups and data assessment."

I am revising the language in Provision 1(c) to provide funds for new and innovative projects to reduce the rate of black infant mortality which the language would have otherwise restricted.

"c. $1,440,000 for new and innovative projects to reduce the rate of black infant mortality in California. Of this amount, $140,000 may be used to establish one position and support a Black Infant Mortality Committee ; ~~and $650,000 shall be used for outreach in Los Angeles housing projects~~."

I am revising the language in Provision 1(g) to reduce the amount for expansion of the High-Risk Infant Followup program to $1,161,000, which the Department of Health Services advises me is sufficient for the purposes of this provision.

"g. ~~$1,500,000~~ *$1,161,000* to expand the High-Risk Infant Followup program."

I am revising the language in Provision 1(h). This provision would have provided $740,000 for the Diabetes in Pregnancy Program. I am reducing the amount provided for in this provision to $221,000 thereby making $519,000 available to support the existing base MCH program.

"h. ~~$740,000~~ *$221,000* for the Diabetes in Pregnancy Program, of which ~~$360,000~~ *$105,000* shall be used ~~to establish three new regions, with priority given to those targeting black infant mortality; $105,000~~ to replace SPRANS funds for program evaluation; $100,000 to fund growth in the existing eight regional programs; ~~$35,000 for program education materials; $10,000 for California Diabetes and Pregnancy Program state liaison activities; $80,000 for affiliate development materials and training;~~ and ~~$50,000~~ *$16,000* for ~~affiliate~~ administrative support."

I am revising the language in Provision 1(m) which would have required the implementation of nine perinatal substance abuse pilot projects. While I am supportive of efforts in this area, I believe the five pilot projects in four counties I proposed in the Budget will give us an opportunity to identify the most effective and cost efficient means of addressing this critical concern. This action conforms to the actions taken in the Departments of Alcohol and Drug Programs and Social Services. My revision will provide for a four county perinatal substance abuse pilot program as

originally proposed and make available funds to support existing base MCH programs.

"m. ~~$2,760,000~~ *$1,843,000* for implementation of ~~nine~~ *five* perinatal substance abuse pilot projects in Los Angeles, ~~San Francisco, Kern,~~ Sacramento, ~~Orange,~~ San Diego, *and* Alameda ~~, and Santa Clara~~ counties."

I am revising the language in Provision 1(o) which would have required the establishment of a Black Infant Mortality Leadership Committee with members appointed by myself, the Speaker of the Assembly and the Senate Rules Committee. This language is unnecessary because the Department of Health Services is currently in the process of administratively establishing a Black Infant Mortality Leadership Committee. Furthermore, this language unnecessarily interferes with the responsibility of the Director of the Department of Health Services in organizing the Department, including the establishment of advisory committees, as he deems appropriate.

I am sustaining that portion of the provision which identifies $140,000 for support of the Black Infant Mortality Leadership Committee, as requested in a Department of Finance Letter.

"o. ~~It is the intent of the Legislature that additional activities be undertaken by the department to reduce the abnormally high mortality rate among black infants.~~

~~There shall be established in the department a Black Infant Mortality Leadership Committee. The following members shall be appointed by and serve at the pleasure of the Governor: the Director of Health Services (or designee); the Director of Maternal and Child Health; the Director of Alcohol and Drug Abuse (or designee); the Director of Social Services (or designee); a California County Supervisor (or designee); two local public health officers (or their designees); and a health care professional. The following members shall be appointed by and serve at the pleasure of the Speaker of the Assembly: a member of the State Assembly (or designee); two members of the Black Community Coalition; a consumer or member of a consumer advisory group; a member of the religious community; a health care professional; a pediatrician; and an obstetrician\gynecologist. The following members shall be appointed by and serve at the pleasure of the Senate Rules Committee: a member of the State Senate (or designee); two members of the Black Community Coalition; a consumer or member of a consumer advisory group; a member of the religious community; a health care professional; a pediatrician; and an obstetrician\gynecologist. The Superintendent of Public Instruction (or designee) shall also be a member of the committee.~~

~~The Black Infant Mortality Leadership Committee shall meet as frequently as necessary but no less than six times a year in order to conduct its business. It shall provide advice to and shall be consulted by the department on the establishment of policies, procedures, and programs designed to eliminate the disparity between the black and non/black populations in infant mortality. On or before January 1, 1991, the committee shall develop and present to the Legislature and Governor information which evaluates current programs, assesses current and ongoing needs, contains legislative, programmatic, and funding strategies, and make specific program recommendations regarding the elimination of the disparity between the black and non/black populations in infant mortality.~~

Of the funds appropriated in this item, $140,000 shall be used to support a Black Infant Mortality Leadership Committee ~~and its efforts in producing the information~~."

Item 4260-121-001—For local assistance, Department of Health Services, Chronic Diseases (Alzheimer's Program). I reduce this item from $8,564,000 to $3,564,000, and delete Provisions 1 and 2.

I am deleting the following legislative augmentations: $500,000 to provide start up

funds for two new diagnostic and treatment centers; $330,000 to supplement the funding for the three new centers established in the 1988–89 budget to provide a funding level of $350,000 per center; $150,000 for departmental administrative costs for monitoring and evaluating centers; $300,000 for innovative projects; and $3,720,000 for Alzheimer's research. While I am supportive of efforts in this area, I am unable to support these augmentations due to the need to provide for a prudent reserve for economic uncertainties. This program has received substantial funding increases under my Administration. The program was established in FY 1984–85 with a funding level of $1,000,000 and has increased to $3,564,000. This represents a 256 percent growth in the program's budget.

I am deleting Provisions 1 and 2 to conform to this action.

Item 4260-493—Reappropriation, Department of Health Services.

I am revising Provision 1 of this item to delete the second paragraph. This paragraph would require subjective judgements to initiate its effect and may restrict the Executive Branch's long-term ability to manage the program.

"1. (a) The funds appropriated in this item shall be available only for purposes of preliminary plans and a value engineering study for the expansion and remodeling of the Berkeley Public Health Laboratory. The Director of Health Services shall notify the chairs of the Joint Legislative Budget Committee and the fiscal committees of each house on or before November 1, 1989, of the department's progress in developing the preliminary plans and value engineering study, including a schedule for their completion. If the preliminary plans and value engineering study will not be completed by February 1, 1990, the director shall specify the reasons why and how he or she intends to expedite their completion.

~~(b) In the event that the department continues to develop plans to move positions from this or any other Berkeley/area location to Sacramento in a manner which undermines the effectiveness of or slows the progress of, existing programs, this authorization shall be rescinded and the funds shall revert to the General Fund.~~"

Item 4300-003-001—For support of Department of Developmental Services, for Developmental Centers. I reduce this item from $38,217,000 to $31,440,000 by reducing:

(a) 20-Developmental Centers Program from $527,143,000 to $520,059,000, and

(b) Reimbursements from −$482,710,000 to −$482,403,000.

I am reducing this item by $6,777,000 to reflect the following actions:

I am reducing this item by $3,239,000 General Fund, the scheduled reimbursements by $307,000, and 320 9 personnel years to continue the contracting proposal for housekeeping services at the developmental centers. The Legislature augmented this item by $5,080,000 ($4,640,000 General Fund and $440,000 in reimbursements) and 320.9 personnel years to discontinue contracting and hire civil service employees to perform janitorial duties. I have taken the opportunity to review the Legislature's action on the contracting-out proposal which would have allowed the Department of Developmental Services to realize cost savings related to housekeeping services at the developmental centers. In reviewing the basis for the Legislature's action, I have determined that this proposal continues to be an appropriate opportunity to contract out. I am, therefore, eliminating the 320.9 personnel years and $3,546,000 of the funds added by the Legislature and will use the remaining funds to contract for these services.

I am reducing this item by $800,000 for recurring maintenance for developmental centers The Legislature augmented this item by $800,000 General Fund and made a corresponding reduction to the Outer Continental Shelf Land Act Section 8(g) Revenue Funds. Due to this funding shift, I can no longer support this augmentation. The proposed use of Outer Continental Shelf Land Act Section 8(g) Revenue Funds for this purpose would have allowed General Funds to be used to fund other high priority areas. In light of the $4,000,000 augmentation which I approved to fund

increased developmental center facilities operations and maintenance costs for 1989–90, I believe that the $800,000 augmentation can be deleted without adversely impacting the developmental centers.

I am reducing this item by $2,738,000 and 40.1 personnel years. The Legislature augmented this item by $6,799,000 and 99 6 personnel years to reduce developmental center salary savings. This augmentation would have reduced the salary savings rate from 7.2 percent to 5.7 percent. Given the numerous significant changes in accreditation and certification standards, I believe that some reduction of the salary savings rate is appropriate. However, given the General Fund need in other high priority areas and in order to provide for a prudent reserve for economic uncertainties, I am reducing this augmentation to $4,061,000 and 59.5 personnel years in order for the department to address its staffing and coverage needs These resources will assist the Department in meeting the more stringent accreditation standards.

Item 4300-101-001—For local assistance, Department of Developmental Services, for Regional Centers. I reduce this item from $529,624,000 to $498,107,000 by reducing:

(a) 10.10.010-Operations from $149,103,000 to $148,603,000, and

(b) 10.10.020-Purchase of services from $409,134,000 to $378,117,000.

I am reducing this item by $31,517,000 to reflect the following actions·

I am reducing $23,417,000 which would have provided a 4 6 percent discretionary cost-of-living adjustment for regional center service providers. This augmentation would provide preferential treatment for one provider type. While I am supportive of this program, I am unable to provide discretionary cost-of-living adjustments. This action would create inequities among other important programs that are not being provided cost-of-living adjustments due to budgetary constraints.

I am reducing $7,600,000 which would have provided for increased funding for "other services" due to a revision of the methodology for projecting costs. There is no evidence that a methodology change is necessary or that the methodology change proposed is the most appropriate method of projecting costs. Projections using the existing methodology indicate that the regional centers are fully funded.

I am reducing $500,000 which would have provided funding for regional center facility rent increases. This augmentation is inconsistent with current policy which is to provide $2,000 per regional center position added due to caseload increases. Regional centers are currently reimbursed for allowable operations costs through this item.

Item 4440-001-001—For support of Department of Mental Health. I delete Provision 4.

I am deleting Provision 4 because it conflicts with the provisions of Chapter 1494, Statutes of 1988 Chapter 1494, Statutes of 1988, appropriated $100,000 to have the Department of Mental Health assess the long-term care needs of the mentally ill. I signed this legislation with the intent of meeting the legitimate concerns of the California Senior Legislature, among others. I believe it would be inappropriate to change the intent of the legislation after it has been enacted and signed into law. Furthermore, it is questionable whether the department could effectively comply with the mandate of both Chapter 1494 and Provision 4 within the limited resources made available by the bill.

Item 4440-011-001—For support of the State Hospitals, Department of Mental Health. I reduce this item from $340,931,000 to $331,724,000 by reducing:

(a) 20.10-Lanterman-Petris-Short Act from $211,052,000 to $205,403,000,

(b) 20.20-Penal Code and Judicially Committed from $131,669,000 to $128,111,000, and by deleting Provision 7.

I am deleting the $100,000 General Fund legislative augmentation for the design, development and implementation of a unit-dose pharmacy system at Atascadero State Hospital. While there may be merit to the implementation of such a system, I

do not believe that this project is of sufficiently high priority to justify the use of limited State resources.

I am deleting Provision 7 to conform to this action.

I am deleting $8,800,000 and 221.4 personnel years which were added for the purpose of reducing the State hospital salary savings rate. In my Budget I proposed to add 164.3 personnel years costing $6,310,000 in Cigarette and Tobacco Products Surtax funds for program maintenance at the State hospitals. The Legislature reduced this proposal to 155.1 personnel years costing $5,585,000, and shifted funding to the General Fund. I have accepted these legislative changes, including the shift of funding to the General Fund. However, in view of limited General Fund resources, I cannot approve this additional legislative augmentation. This action is necessary to protect other vital programs and to provide for a prudent reserve for economic uncertainties.

I am also reducing $307,000 of a $440,000 legislative augmentation for the Department of Mental Health's share of the housekeeping cost increase for Developmental Centers. This action is consistent with my action in Item 4300-003-001.

Item 4440-101-001—For local assistance, Department of Mental Health. I reduce this item from $624,276,000 to $508,276,000 by reducing:

(b) 10.25-Community Services—other treatment from $607,279,000 to $541,279,000,
(c) 10.40-Adult System of Care Pilots from $32,000,000 to $8,000,000,
(f) 10.65-Residential Care Services from $26,557,000 to $16,557,000,
(g) 10.75-Homeless Mentally Disabled from $29,539,000 to $19,539,000,
(h) 10.85-AIDS from $7,500,000 to $1,500,000,

and by deleting Provisions 12, 13, 14 and 15.

I am reducing $116,000,000 in legislative augmentations for local mental health programs. These augmentations include $50,000,000 for noncategorical local assistance, $24,000,000 to expand the Adult System of Care Pilots, $15,000,000 to expand the AB 377 children's mental health program, $10,000,000 each for the Residential Care and Homeless Mentally Disabled programs, $6,000,000 for AIDS mental health care, and $1,000,000 for various studies.

My proposed Budget provided substantial augmentations for local mental health programs, including $8,000,000 for the Adult System of Care Pilots, $25,000,000 in Cigarette and Tobacco Products Surtax funds for noncategorical local assistance, and $5,239,000 for an additional 233 beds in Institutions for Mental Disease. The Legislature agreed to the increases I proposed, but made several very substantial augmentations above my proposals. As I have stated before, I support funding for local mental health programs. Nevertheless, I must delete the legislative augmentations noted above to protect other equally vital programs and to provide for a prudent reserve for economic uncertainties.

I am also deleting Provision 12, which would require the Department of Mental Health to obtain legislative approval prior to implementing any plan to redistribute Short-Doyle local assistance monies. Provision 12 would interfere with the department's ability to manage its local assistance operations on a day-to-day basis. Those operations frequently require small redistributions to be made for specific purposes and with the agreement of the counties involved. This language is unduly restrictive and interferes with the Executive Branch's authority to administer programs.

I am deleting Provision 13, which is intended to allocate $37,500,000 of the noncategorical legislative augmentation included in this item. Since I have deleted the augmentation, I am deleting the allocation language as a conforming action.

I am deleting Provision 14, which is intended to allocate $12,500,000 of the noncategorical legislative augmentation included in this item. Since I have deleted the $12,500,000 augmentation, I am deleting the allocation language as a conforming action.

I am deleting Provision 15, which consists of a statement of legislative intent to the effect that future augmentations of local Short-Doyle mental health funds shall be distributed in the manner set forth in Provision 14. I believe it is inappropriate to

establish policy for future years in a Budget Act which will not be effective in those years. Moreover, since I have deleted Provision 14, I am deleting Provision 15 as a conforming action.

Item 4440-101-236—For local assistance, Department of Mental Health. I delete Provision 1.

I am deleting Provision 1, which specifies the method of distributing the funds appropriated by this item, because it conflicts with existing law Welfare and Institutions Code Section 5600 specifies that new monies made available for Short-Doyle mental health programs shall be allocated "in such a manner that progress toward equity is reasonably assured . . ." Specifically, Section 5600 requires that the allocation reflect more than what is generally referred to as each local program's "poverty-population" share, and take into account not only the poverty-population formula but the relative resources of all programs. This language provides that the allocations are to be calculated based on the poverty-population formula, with the exception that the allocations for counties whose current resource level is 11 percent or more above the statewide average would be redistributed to those furthest under the statewide average. By relying on the poverty-population formula, and by arbitrarily redistributing resources only for counties 11 percent or more above the statewide average, this language fails to make adequate progress toward equity, as required by existing law. I am directing the Department of Mental Health, in consultation with the Conference of Local Mental Health Directors, to allocate the funds in a manner consistent with the intent of existing law.

Item 4440-111-001—For local assistance, Department of Mental Health, for services to brain damaged adults. I reduce this item from $7,257,000 to $5,257,000, and delete Provision 1.

I am deleting the $2,000,000 legislative augmentation to expand the Brain Damaged Adults program. During 1988–89, the Brain Damaged Adults program received an augmentation of $900,000, or more than a 20 percent increase above the 1987–88 funding level. Additionally, for 1989–90 I am approving the reappropriation of $150,000 of unspent monies for this program. I signed Chapter 1658, Statutes of 1984, which initiated the Brain Damaged Adults program, and I continue to support it. In view of the recent funding increase which the program has received, and the need to protect other equally vital programs, I am vetoing this augmentation to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 1 to conform to this action.

Item 4440-131-001—For local assistance, Department of Mental Health, for services to special education pupils. I reduce this item from $20,616,000 to $15,116,000 by reducing:

(a) 10.80-Assessments, treatment and case management of special education pupils pursuant to Chapter 1747 of the Statutes of 1984 and Chapter 1274 of the Statutes of 1985 from $21,291,000 to $15,791,000.

I am deleting the $5,500,000 legislative augmentation to expand the Special Education Pupils program. This program is intended to serve children with serious emotional disorders who require mental health treatment in order to benefit from their education. My Budget proposed to augment noncategorical local assistance funding for the Department of Mental Health by $25,000,000. Under existing law, one-half of the funds must be used to provide services for children. In light of this funding increase, I believe it would be inconsistent with the need to protect other vital programs and to provide for a prudent reserve for economic uncertainties to allocate additional limited State resources for this purpose.

Item 5160-101-001—For local assistance, Department of Rehabilitation. I reduce this item from $73,887,000 to $73,777,000 by reducing:

(c) 30-Support of Community Facilities from $5,311,000 to $5,201,000.

I am reducing this item by $110,000 to reflect the following actions:

I am reducing $8,000 of the $85,000 legislative augmentation of "match" funds for

the three new Independent Living Centers established in 1987–88. In order to assure sufficient incentive match funds for the new centers without adversely impacting existing centers, I am sustaining part of this increase. The legislative augmentation would provide for $28,300 per center. To maintain equity with the current level of match funds ($25,600 per center), I am reducing this item by $8,000.

I am deleting the $102,000 legislative augmentation which provides for a two percent discretionary cost-of-living adjustment for Independent Living Centers. While I am supportive of this program, I am unable to provide discretionary cost-of-living adjustments. This action would create inequities among other important programs that are not being provided cost-of-living adjustments due to budgetary constraints

Item 5180-001-001—For support of Department of Social Services. I reduce this item from $86,840,783 to $86,427,300 by reducing·

(b) 20-Social Services Programs from $30,395,483 to $29,982,000.

I am deleting the legislative augmentation of $63,483 and 0.9 personnel years to expand the Substance Exposed Infants Demonstration Projects. My proposed budget provided $90,000 in this item to fund support activities related to the five pilot projects in four counties (located in South Central Los Angeles (two projects), Alameda, Sacramento and San Diego) for the care of substance exposed infants. Since I am vetoing the program expansion, there will be no need for additional staff.

This action conforms to the actions I have taken in Items 4260-113-890 and 4200-101-890.

I am also deleting the legislative augmentation of $350,000 and 4.4 personnel years for the Child Welfare Services Case Management System. While I believe there may be benefits in developing a case management system, I am concerned about dedicating initial development resources to a project which will require significant future investment of resources without full consideration of the project as part of the budget development process.

Item 5180-101-001—For local assistance, Department of Social Services. I reduce this item from $2,472,435,000 to $2,450,834,000 by reducing:

(a) 10.04.005-Aid to Families with Dependent Children from $4,754,795,000 to $4,727,933,000,

(e) Amount payable from the Federal Trust Fund (Item 5180-101-890) from −$2,383,104,000 to −$2,377,843,000,

and by deleting Provisions 7, 8 and 9.

I am deleting $13,800,000 from this item and $3,361,000 in the Federal Trust Fund Item (5180-101-890) which the Legislature augmented to provide funding for a new method of setting rates for foster care group homes. I believe that in the absence of enabling legislation to change the current rate setting methodology and until the issue of State and county foster care sharing ratios has been agreed upon, it is premature to set aside state resources for this purpose.

I am deleting Provision 7 to conform to this action.

I am further deleting $7,800,000 from this item and $1,900,000 in the Federal Trust Fund Item (5180-101-890) which the Legislature augmented to provide foster family homes a $200 per child increase in the annual clothing allowance. It is my understanding that counties currently have the discretion to determine the amount provided for a clothing allowance and that these allowances range from $50 to approximately $300. Without prejudice to the appropriateness of this increase, I am vetoing this augmentation due to the need to fund other vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 9 to conform to this action.

I am reducing this item by $1,000 and deleting Provision 8, which would require the Departments of Social Services and Health Services, to work with counties to reduce Aid to Families with Dependent Children (AFDC) error rates and produce a report for the Legislature. These Departments currently work with counties to reduce the error rates in eligibility determination. Although no funding was provided for this

report and administrative workload, I am reducing $1,000 to reflect savings that will be achieved based upon vetoing language contained in Provision 8 of this item.

Item 5180-101-036—For local assistance, Department of Social Services, Ventura County Children's Crisis Center. I delete this item and Provision 1.

I am deleting the $2,000,000 legislative augmentation for the construction of the Ventura County Children's Crisis Center. While I am supportive of efforts to address the needs of abused, neglected and exploited children, typically county children's crisis centers have been locally funded. Therefore, I believe it would establish an inappropriate precedent to provide funding for a local capital construction project of this nature.

I am deleting Provision 1 to conform to this action.

Item 5180-101-890—For local assistance, Department of Social Services. I am reducing this item from $2,383,104,000 to $2,377,843,000.

This action reduces the amount payable from this item to Item 5180-101-001 and conforms to the actions taken in Item 5180-101-001.

Item 5180-151-001—For local assistance, Department of Social Services. I reduce this item from $863,852,693 to $822,871,176 by reducing:

(a) 20.30-Other County Social Services from $463,699,517 to $453,718,000,
  (1) 20.30.010-Child Welfare Services Grant from $384,863,517 to $383,827,000,
  (2) 20.30.030-County Services Block Grant from $78,836,000 to $69,891,000,
(b) 20.35-Specialized Adult Services from $610,944,000 to $609,944,000,
  (3) 20.35.250-Access Assistance for the Deaf from $4,442,000 to $3,442,000,
(c) 20.40-Employment Services from $220,406,736 to $190,406,736,

and by deleting Provision 10.

I am deleting the $836,517 legislative augmentation to expand the Substance Exposed Infants demonstration projects. The Budget which I submitted proposed $1,066,000 to fund respite, recruitment and training activities related to the five pilot projects in four counties (located in: South Central Los Angeles (2 projects), Alameda, Sacramento and San Diego) for the care of substance exposed infants. The Legislature has proposed to nearly double the size of the projects before the first pilot is initiated, much less evaluated. Therefore, this augmentation is premature. This action conforms to my action on Items 4260-113-890 and 4200-101-890.

I am deleting the $200,000 legislative augmentation to supplement Child Welfare Services to Indian Children. Currently, children on reservations are under the protection and services of federal and state child welfare laws. Since the Child Welfare Services program is funded based on caseload need, to set aside funds for a particular program or group rather than budgeting according to the needs of the entire program would create duplication and set an unnecessary precedent.

I am deleting the $1,000,000 legislative augmentation to expand the Deaf Access Assistance program. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting Provision 10 to conform to this action.

I am deleting the $8,500,000 legislative augmentation to expand the Adult Protective Services (APS) program While I am supportive of the efforts to ensure the health and safety of elderly Californians, I believe that we should postpone any augmentations for a statewide expansion of the APS program at this time due to the need to provide for other vital programs and to provide for a prudent reserve for economic uncertainties.

I am deleting the $445,000 legislative augmentation to expand the County Services Block Grant program. This augmentation would provide funding for this program above the estimate of caseload expenditures.

I am deleting $30,000,000 from this item to reflect the impact of legislation (Chapter 77, Statutes of 1989) which I have signed to conform State law with the federal Job Opportunities and Basic Skills (JOBS) training program. The effect of this law change will provide increased federal funds for the Greater Avenues for Inde-

pendence (GAIN) program. These increased federal funds will allow the Department to reduce $30,000,000 in General Fund without a change in the total level of funding available for the GAIN program.

Item 5180-155-001—For local assistance, Department of Social Services. I delete Provision 1.

I am deleting Provision 1 because it would prohibit Los Angeles County from contracting out case management services of the Greater Avenues for Independence (GAIN) program. The federal government, which provides specific guidelines for contracted services, has reviewed this contract and the county procedures and has found them to be in compliance with these requirements. In addition, this provision would restrict the State's authority to consider operational alternatives which may prove to be beneficial and less costly. 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 $242,814,000 to $234,774,000 by reducing:

(a) 10.04.005-Aid to Families with Dependent Children (for transfer to Item 5180-101-001) from $223,721,000 to $211,941,000,

(e) 20-Social Services Program (for transfer to Item 5180-151-001) from $2,593,000 to $2,453,000,

(f) Amount payable from the Federal Trust Fund (Item 5180-181-890) from −$137,806,000 to −$133,926,000,

and by deleting Provision 1.

I am deleting $7,900,000 from this item and $3,880,000 in the Federal Trust Fund Item (5180-101-890) which the Legislature augmented to provide a discretionary 5.06 percent cost-of-living adjustment to foster family homes. While I am supportive of the efforts provided by Foster Parents, I am unable to provide discretionary cost-of-living adjustments This action would create inequities among other important programs that are not being provided cost-of-living adjustments due to budgetary constraints.

I am deleting Provision 1 to conform to this action.

I am also deleting the $140,000 legislative augmentation to the Deaf Access Assistance program to provide a discretionary 4.0 percent cost-of-living adjustment (COLA). I am unable to provide this discretionary COLA adjustments. This action would create inequities among other important programs that are not being provided a COLA adjustments due to budgetary constraints.

Item 5180-181-890—For local assistance, Department of Social Services. I reduce this item from $137,806,000 to $133,926,000.

I am reducing this item by $3,880,000 for a discretionary 5.06 percent cost-of-living adjustment for foster family homes. This action reduces the amount payable from this item to Item 5180-181-001. This action conforms to the action taken in Item 5180-181-001.

Item 5460-301-747—For capital outlay, Department of the Youth Authority. I reduce this item from $2,477,000 to $2,390,000 by reducing:

(7) 60.90.010-Minor Projects from $1,364,000 to $1,277,000.

Statutory authority for a visitor services program expired January 1, 1989. Therefore, the purchase of a trailer at the Northern California Youth Center is unnecessary.

Item 5770-001-001—For support of the Robert Presley Institute of Corrections Research and Training Institute. I reduce this item from $566,000 to $416,000.

I am deleting the $150,000 legislative augmentation for the Robert Presley Institute to fund a sociological study on the community impact of Pelican Bay State Prison in Del Norte County. I do not believe this study is of sufficiently high priority nor do I believe that the need for this particular level of funding has been adequately demonstrated to justify the use of limited state resources.

Item 6110-001-001—For support of Department of Education. I reduce this item from $50,667,000 to $49,114,000 by reducing:

(a) 10-Instruction from $40,314,000 to $39,382,000,
(b) 20-Instructional Support from $36,311,000 to $35,665,000,
(c) 30-Special Programs from $14,728,000 to $14,503,000,
and by deleting:
(j) Reimbursements-Special Schools Study (−$250,000),
and by deleting Provisions 14, 16, 17, and 18.

I am deleting the legislative augmentation of $507,000 and the associated 4.7 personnel years for the C-LERN pilot project. This project addresses high-risk youth and is currently funded from private and local resources. The project, however, has not been evaluated. Therefore, State funding for expansion would be premature at this time.

I am deleting the $75,000 legislative augmentation to conduct a survey of the experience, education, compensation and tenure of center-base child care teachers. I do not believe that this project is of sufficiently high priority to justify the use of limited state resources.

I am deleting Provision 14 to conform to this action.

I am deleting the legislative augmentation of $75,000 and the associated 1.4 personnel years to support the College Preparation Model program to conform with my veto of local assistance funding for this program in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 16 to conform to this action.

I am deleting the $140,000 legislative augmentation for support of a proposed California Planning Commission for Educational Technology. Long-range planning for coordinated use of educational technology should be possible without the creation of a new commission.

I am deleting Provision 17 to conform to this action

I am deleting the $431,000 legislative augmentation for implementation of anticipated recommendations of the Upper Elementary Grades Task Force. Since these recommendations are not expected to be completed until January, 1990, there is no basis for a decision to implement them and no basis for estimating the cost of implementation.

I am deleting the $75,000 legislative augmentation for costs of participating in the 1990 National Assessment of Education Progress (NAEP) pilot 8th grade math test. This augmentation would be outside of Proposition 98. I do not believe that this project is of sufficiently high priority to justify the use of limited state resources.

I am deleting the $100,000 legislative augmentation to prepare a statewide class size reduction plan. This augmentation is unnecessary because I have proposed a statewide class size reduction program based on previous legislative proposals and have sponsored legislation to implement the program in 1989–90.

I am deleting Provision 18 to conform to this action.

I am deleting the $150,000 legislative augmentation for the state operations of the pregnant/parenting teenagers project. I do not believe the state operations portion of this project is of sufficiently high priority to justify the use of limited state resources.

I am deleting reimbursement expenditure authority in this item to conform to actions taken in Item 6110-006-001 relating to the study of the cost-effectiveness of the State Special Schools.

Item 6110-006-001—For support of Department of Education as allocated by the Department of Education to the State Special Schools. I reduce this item from $41,770,000 to $41,520,000 by reducing:
(a) 10.60.040-Instruction from $45,733,000 to $45,483,000,
and by deleting Provision 3

I am reducing this item by $250,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 3 to conform to this action.

Item 6110-101-001—For local assistance, Department of Education, School Apportionments I reduce this item from $9,005,705,000 to $9,005,615,000 by reducing:

(a) Program 10.10.001.001—School Apportionments, District Revenue Limit, for the purposes of Section 42238 of the Education Code from $8,853,471,000 to $8,853,381,000,

and by deleting Provisions 19 and 20.

I am reducing this item by $90,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 20 to conform to this action.

I am deleting Provision 19 because this provision would set a precedent for districts to attempt to recoup foregone interest from overstating local revenues. I believe any changes to the apportionment process should address equitable treatment of all districts and the State.

Item 6110-106-001—For local assistance, Department of Education, County Offices of Education School Apportionment I reduce this item from $119,708,000 to $119,573,000, and delete Provisions 14 and 16.

I am reducing this item by $135,000 ($35,000 for the Shasta County Literary Festival and $100,000 for a school-base funding allocation model task force) in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provisions 14 and 16 to conform to this action.

Item 6110-116-001—For local assistance, Department of Education, School Improvement Program. I reduce this item from $251,081,000 to $248,081,000 by reducing:

(a) 20.60.030.010-For the purpose of making allowances for Kindergarten and grades 1 to 6, inclusive from $214,012,000 to $211,012,000.

I am reducing this item by $3,000,000 in order to finance the agreement reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-119-001—For local assistance, Department of Education, Supplementary Program Services. I reduce this item from $5,135,000 to $4,237,000 by reducing:

(a) 20.40.060-Instructional Support—Foster Youth Services from $1,719,000 to $821,000,

and by deleting Provision 3.

I am reducing this item by $898,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 3 to conform to this action.

Item 6110-120-001—For local assistance, Department of Education, Pupil Dropout Prevention. I reduce this item from $12,250,000 to $8,350,000, revise the language in this item, and delete Provisions 2 and 4.

I am reducing this item by $3,900,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provisions 2 and 4 to conform to this action.

I am revising language in this item to conform to this action.

"6110-120-001—For local assistance, Department of Education, Program 20.40.100—Pupil Dropout Prevention Program, High Risk Youth Liaison and Field Services for purposes of Article 6 (commencing with Section 52890) and ~~Article 7 (commencing with Section 52900) of, Chapter 12 of Part 28 of,~~ Article 7 (commencing with Section 54720) of Chapter 9 of Part 29 of ; ~~and Chapter 3.5 (commencing with Section 58550) of Part 31 of~~ the Education Code."

Item 6110-126-001—For local assistance, Department of Education, Miller-Unruh Reading Program. I reduce this item from $20,441,000 to $19,869,000 and delete Provision 3.

I am reducing this item by $572,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 3 to conform to this action.

Item 6110-131-001—For local assistance, Department of Education, Native American Indian Education. I reduce this item from $385,000 to $365,000.

I am reducing this item by $20,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-151-001—For local assistance, Department of Education, American Indian Education Centers. I reduce this item from $1,872,000 to $861,000.

I am reducing this item by $1,011,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-156-001—For local assistance, Department of Education, Adult Education. I reduce this item from $259,887,000 to $259,650,000 and delete Provision 7

I am reducing this item by $237,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

I am deleting Provision 7 to conform to this action.

Item 6110-161-001—For local assistance, Department of Education, Special Education Programs for Exceptional Children. I reduce this item from $1,204,724,000 to $1,203,824,000.

I am reducing $900,000 from this item to reflect a reduction in General Fund need. This reduction is based on vetoing augmentations from federal fund carryover in Item 6110-161-890. The carryover, by statute, will be used for local entitlements which are a General Fund offset.

Item 6110-161-890—For local assistance, Department of Education, Special Education Programs for Exceptional Children. I reduce this item from $171,551,000 to $170,651,000 by reducing:

(b) 10 60.050.020-PL 94-142, direct and indirect instructional services approved in the State Plan from $12,167,000 to $11,267,000,

and by revising Provision 8 and deleting Provisions 9 and 10.

I am deleting the $900,000 legislative augmentations for expansion of special education federal discretionary programs (Cross Cultural, Second Language Institutes, Timpany Center). The augmentations were made from federal carryover funds which, by statute, are to be used for local entitlements.

I am revising Provision 8 and deleting Provisions 9 and 10 to conform to this action.

"8. Of the funds appropriated in Schedule (b) of this item, ~~$600,000 $200,000~~ shall be used for research and training in cross-cultural assessments."

Additionally, I am revising Provision 6 to delete the unduly restrictive legislative intent language. The staff development funds for local level programs are provided so that specific training needs at the local level may be met. Specific training programs should not be designated.

"6. Of the funds appropriated in Schedule (b) of this item, up to $3,618,000 may be used for a personnel development program. This program will include state sponsored staff development, ~~including parent training,~~ local inservice components, bilingual, student study team, and core curriculum components Of this amount, a minimum of $2,500,000 shall be allocated directly to special education local plan areas. The local inservice programs shall include a parent training component. ~~It is the intent of the Legislature that a component be provided to train members of the Individualized Education Program Team, including, but not limited to, resource specialists, school psychologists, and school nurses, in assisting regular classroom teachers in the recognition of signs of learning disabilities in pupils, and in providing teaching strategies for for those pupils.~~

~~Such training, however, is not meant to be an alternative to nor a supplanting of the legal entitlement to due process access to special education assessments or services.~~ All programs are to include evaluation components."

Item 6110-171-178—For local assistance, Department of Education, Driver Training. I reduce this item from ($21,646,000) to ($21,236,000).

I am deleting the $410,000 legislative augmentation to expand the Driver Training Program. The augmentation was made from the Driver Training Penalty Assessment Fund. Funds remaining in the Driver Training Penalty Assessment Fund at the end of the fiscal year are transferred to the General Fund. Therefore, this augmentation would reduce General Fund revenues. My action will allow the limited state resources to be used to protect vital programs.

Item 6110-181-001—For local assistance, Department of Education, Educational Technology. I delete this item.

I am deleting this $13,570,000 legislative augmentation in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-191-001—For local assistance, Department of Education, Staff Development. I reduce this item from $75,378,000 to $74,253,000 by reducing:

(d) 20.60.120-California International Studies from $1,055,000 to $880,000, and

(g) 20.60.050 002-Beginning Teacher Support and Assessment Study from $2,668,000 to $1,718,000,

and by revising Provision 6.

I am reducing this item by $1,125,000 ($175,000 for the California International Studies Project and $950,000 for the Beginning Teacher Support and Assessment Study) in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989

I am revising Provision 6 relating to the California International Studies Project to conform to this action:

"6. Notwithstanding any other provision of law, the amount appropriated in category (d) of this item shall be the maximum amount allocated for the purposes of Chapter 3.7—California International Studies Project (commencing with Section 44780) of Part 25 of the Education Code ~~Of the amount appropriated in category (d), $175,000 shall be reserved for foreign language staff development. These funds shall be allocated to the California International Studies Project only if federal funds are not available for this purpose.~~"

Item 6110-194-001—For local assistance, Department of Education, College Admissions Test Preparation Pilot Projects. I delete this item.

I am deleting this $900,000 legislative augmentation in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-196-001—For local assistance, Department of Education, Local Education Agency Child Development. I reduce this item from $331,490,000 to $330,340,000 by reducing

(b) 3.10.020-Child Care Services from $294,227,000 to $293,077,000,

(8) 30.10.020.008-Resource and referral from $8,497,000 to $7,597,000,

(10) 30.10.020.010-Protective services from $1,319,000 to $1,069,000.

I am reducing this item by $1,150,000 in order to finance the agreement reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6110-224-001—For local assistance, Department of Education. I reduce this item from $36,950,000 to $36,000,000 by deleting:

(ax) 10.10.951—Lodi Unified School District one-time secondary year-round school incentive payments $950,000.

I am reducing this item by $950,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

Item 6120-211-001—For local assistance, Department of Education, California State Library. I reduce this item from $15,148,000 to $14,048,000.

I am deleting the $1,100,000 legislative augmentation for the California Literacy Campaign. The State's current policy is to provide financial assistance to local literacy programs for a five-year establishment period. These programs are expected to be

self-supporting after the fifth year of operation. Therefore, I believe it would be inappropriate to indefinitely extend State funding to those local programs in their sixth and subsequent years of operation. This action is necessary to protect vital programs and to provide for a prudent reserve for economic uncertainties.

Item 6120-221-001—For local assistance, Department of Education, California State Library. I reduce this item from $21,556,000 to $20,600,000

I am deleting the $956,000 legislative augmentation for the Public Library Foundation Program. While I am supportive of efforts in this area, I do not believe this program is of sufficiently high priority to justify the use of limited State resources. This action is necessary to protect vital programs and to maintain a prudent reserve for economic uncertainties.

Item 6440-001-001—For support of University of California. I reduce this item from $1,966,297,000 to $1,964,499,000 by deleting:

(i) Animal Research Alternatives ($428,000),

(j) Alzheimer and Geriatrics Program ($1,000,000),

(k) Human Corps Program ($70,000),

(m) Aquaculture and Fisheries research ($300,000),

I am deleting the $428,000 legislative augmentation for Animal Research Alternatives. The University of California has $179,000,000 available from the General Fund for research purposes to support high priority programs.

I am deleting the $1,000,000 legislative augmentation for the Alzheimer and Geriatrics Program. I do not believe this program is of sufficiently high priority to justify the use of limited State resources. Even with this reduction, during my administration, I have increased the statewide Alzheimer's disease budget from $121,000 to $9,743,000; an increase of $9,622,000.

I am deleting the $70,000 legislative augmentation for the Human Corps Program. When I signed the enabling legislation in 1987 for this program, the University of California's administrative structure and ongoing student volunteer community services activities were sufficient to implement and continue this program. I believe that the program should be continued without an augmentation in light of the limited State resources and competing priorities.

I am deleting the $300,000 legislative augmentation for Aquaculture and Fisheries Research. The University of California has partially implemented and operated the program within its existing resources. I believe that the program should be continued without an augmentation in light of the limited State resources and competing priorities.

Item 6440-001-234—For support of the University of California. I reduce this item from $42,038,000 to $40,923,000.

I am reducing this item by $1,115,000 in order to maintain a five percent reserve in the Research Account, Cigarette and Tobacco Products Surtax Fund.

Item 6440-011-001—For support of University of California. I reduce this item from $52,807,000 to $52,563,000 and revise Provision 5.

I am revising Provision 5 to conform to this action:

"5. Of the funds appropriated in this item, ~~$12,105,000~~ *$11,861,000* shall be available to the University of California for faculty, nonfaculty and annuitants benefits. The funds are sufficient to maintain faculty and nonfaculty benefits at the same rate of increase as for civil service and related employees."

This reduction conforms to the actions taken in Items 9800-001-001, 9800-001-494, and 9800-001-988 and Control Sections 4.00 and 4.20.

Item 6600-011-001—For support of Hastings College of the Law. I reduce this item from $416,000 to $415,000 and revise Provision 5.

I am revising Provision 5 to conform to this action:

"5. Of the funds appropriated in this item, ~~$106,000~~ *$105,000* shall be available to the Directors of Hastings College of the Law for faculty and nonfaculty benefits. The funds are sufficient to maintain faculty and nonfaculty benefits at

the same rate of increase as for civil service and related employees."

This reduction conforms to the actions taken in Items 9800-001-001, 9800-001-494, and 9800-001-988 and Control Sections 4.00 and 4.20.

Item 6610-001-001—For support of Trustees of the California State University and the California State University. I reduce this item from $1,580,130,000 to $1,579,960,000 by reducing:

(d) 05-Student Service from $158,015,000 to $157,845,000.

I am deleting the legislative augmentation of $170,000 to fund administrative costs of the California State University's Human Corps Program. When I signed the enabling legislation for this program in 1987, California State University's administrative structure and ongoing student volunteer community service activities were sufficient to implement and continue this program. I believe this program has operated successfully without additional State resources.

As a result of my actions, the total budget for the California State University will be $166,916,000 higher than in the 1988-89 fiscal year, which is a 9.0 percent increase.

Item 6610-031-001—For support of Trustees of the California State University and the California State University. I reduce this item from $53,119,000 to $52,901,000 by reducing:

(d) 97.20-Benefit Maintenance from $14,634,000 to $14,416,000.

This reduction conforms to the actions taken in Items 9800-001-001, 9800-001-494 and 9800-001-988, and in Control Sections 4.00 and 4.20.

Item 6610-301-660—For capital outlay, State Public Works Board. I reduce this item from $81,226,000 to $76,513,000 by deleting:

San Diego State University:

(7) 06.80.109—Working drawings and construction, Chemistry/Geology Building addition—Chilled Water System expansion ($4,713,000)

I am reducing this item to defer the construction of this project. This legislative augmentation should be considered in the budget development process in the context of competing needs from general obligation bond funds.

Subsequent to this reduction the budget will still provide $186,621,000 for the California State University capital outlay program which is $78,708,000 or 73 percent higher than last year's program.

Item 6610-301-785—For capital outlay, Trustees of the California State University and the California State University. I reduce this item from $66,671,000 to $66,513,000 by deleting:

California State Polytechnic University, San Luis Obispo:

(42) 06.96.101-Preliminary planning, Dairy Science Building II ($158,000).

I am reducing this item because preliminary planning for the Dairy Science Building II is not of sufficiently high priority on the California State University's priority list to warrant inclusion in this year's budget.

Subsequent to this reduction the budget will still provide $186,621,000 for the California State University capital outlay program which is $78,708,000 or 73 percent higher than last year's program.

Item 6870-001-001—For support of Board of Governors of the California Community Colleges. I reduce this item from $14,968,000 to $14,780,000 by reducing:

(b) 20-Special Services and Operations from $14,965,609 to $14,777,609.

I am deleting the legislative augmentation of $188,000 and 0.9 personnel years for support of Economic Development Resources Programs The Budget Act already includes a $120,000 augmentation for this purpose. Furthermore, existing resources can be redirected within the Agency if the Chancellor determines that there is an increased need Even with the reduction, the support budget for the Chancellor's Office will receive a $1,764,000 (13.6 percent) budget increase over last year.

Item 6870-101-001—For local assistance, Board of Governors of the California Community Colleges I reduce this item from $1,548,715,000 to $1,464,143,000 by reducing:

(a) 10-Apportionments from $1,393,933,000 to $1,323,933,000,

(f) 20.10.070-Matriculation from $35,870,000 to $21,870,000,

(k) 20.30.030-Vocational Education Special Projects from $5,318,000 to $4,746,000, and by deleting Provision 20.

I am deleting the $70,000,000 legislative augmentation which would implement "Phase I" reforms pursuant to Chapter 973, Statutes of 1988, the major reform bill for the California Community Colleges While I support the augmentation and the reforms, an agreement between the Administration and the Legislature provides for the $70,000,000 to be appropriated in legislation which includes funding required under Proposition 98 for K–12 Education and Community Colleges.

I am deleting Provision 20 to conform to this action.

I am deleting the $14,000,000 legislative augmentation for full implementation of the Matriculation Program in 1989–90. While I support this augmentation, an agreement between the Administration and the Legislature provides for the $14,000,000 to be appropriated in legislation which includes funding required under Proposition 98 for K–12 Education and Community Colleges.

I am deleting the $572,000 legislative augmentation for expansion of local Economic Development Resource programs. Legislation implementing Proposition 98 includes a $70,000,000 augmentation for Community College reforms and expansion of local programs pursuant to Chapter 973, Statutes of 1988. A significant portion of these funds is available to Community College districts for initiation or expansion of Economic Development Resource programs.

Item 6870-311-660—For capital outlay, State Public Works Board. I delete this item.

I am deleting the $4,186,000 legislative augmentation because the projects were not of sufficiently high priority on the Chancellor's priority list to warrant inclusion in the Governor's Budget given competing needs for available resources

Even with this deletion and the similar deletion of Item 6870-311-785, the budget will still provide $109,853,000 for the California Community Colleges' Capital Outlay program. This represents an increase of 56 percent over the level of funding provided in last year's budget.

Item 6870-311-785—For capital outlay, Board of Governors of the California Community Colleges. I delete this item.

I am deleting the $1,135,000 legislative augmentation because the projects were not of sufficiently high priority on the Chancellor's priority list to warrant inclusion in the Governor's Budget given competing needs for available resources.

Even with this deletion, and a similar deletion of Item 6870-311-660, the budget will still provide $109,853,000 for the California Community Colleges' Capital Outlay program. This represents an increase of 56 percent over the level of funding provided in last year's budget.

Item 8100-001-001—For support of Office of Criminal Justice Planning. I revise this item by reducing:

(c) 50-Local Project Awards from $9,089,000 to $9,039,000, and

(f) Amount payable from Victim/Witness Assistance Fund (Item 8100-001-425) from −$1,885,000 to −$1,835,000.

I am revising this item to conform to the reduction taken in Item 8100-001-425.

Item 8100-001-425—For support of Office of Criminal Justice Planning. I reduce this item from $1,885,000 to $1,835,000 and delete Provision 1

I am deleting the $50,000 legislative augmentation for development of a curriculum for health care professionals who examine victims of sexual assault. An augmentation for this activity is not necessary because the Office of Criminal Justice Planning currently makes videotaped versions of its original training sessions on this subject available to health care service providers upon request Further,

I am already supporting a $450,000 increase from the Victim/Witness Assistance Fund to address workload increases in both the Victim/Witness Assistance and Sexual Assault Victims' Services Programs, which brings total State funding for these

programs to $11,915,000. I believe that this is the maximum which should be authorized from the Victim/Witness Assistance Fund in order to provide reserves at a prudent level to meet program needs in 1989–90 and in subsequent years.

I am deleting Provision 1 to conform to this action.

Item 8100-101-241—For local assistance, Office of Criminal Justice Planning. I reduce this item from $916,000 to $908,000 and delete Provision 2.

I am deleting the $8,000 legislative augmentation for a study of post partum depression as a legal defense because there is insufficient evidence of the existence of a statewide problem which would justify funding for this project.

I am deleting Provision 2 to conform to this action

Item 8100-101-425—For local assistance, Office of Criminal Justice Planning. I reduce this item from $13,270,000 to $12,770,000 by reducing:

(b) 50.21.020-Rape Crisis Program from $3,496,500 to $2,996,500.

I am deleting the $500,000 legislative augmentation for the Rape Crisis Center Program because I am concerned that this expenditure may jeopardize the maintenance of a prudent reserve in the Victim/Witness Assistance Fund and would inequitably increase funding for the Rape Crisis Center Program. I am already supporting a $450,000 increase from the Victim/Witness Assistance Fund for workload increases in both the Rape Crises Center Program and Victim/Witness Assistance Program which brings total State funding for these programs to $11,915,000. I believe that this is the maximum which should be authorized from the Victim/Witness Assistance Fund in order to provide fund reserves at a prudent level to meet program needs in 1989–90 and in subsequent years.

Item 8260-101-001—For local assistance, California Arts Council. I reduce this item from $13,000,000 to $12,000,000 by reducing:

(a) 10-Artists in Residence from $2,332,000 to $2,082,000,

(b) 20-Organizational Grants from $7,880,000 to $7,380,000,

(c) 25-Performing Arts Touring/Presenting Program from $737,000 to $667,000, and

(d) 40-Statewide Projects from $2,051,000 to $1,871,000.

I am reducing the $5,000,000 legislative augmentation of this item by $1,000,000. Even with this reduction, however, the effect of my action is to support an additional $4,000,000 above the level included in the January 10 Governor's Budget. I believe that this is an appropriate level of support for this worthwhile program in the current fiscal environment.

Item 8350-001-001—For support of Department of Industrial Relations. I delete Provisions 3 and 4.

I am deleting Provision 3 which would prohibit the expenditure of funds for support of the Industrial Welfare Commission because it is an infringement on the separation of powers in that it usurps Executive branch authority to effectively administer State government.

I am deleting Provision 4 which would prohibit the expenditure of funds in this item for the salary of the Labor Commissioner until specified information is printed in the Governor's Budget. I believe this is an infringement on the separation of powers in that it usurps Executive branch ability to effectively administer State government

Item 8350-490—Reappropriation, Department of Industrial Relations. I delete this item.

I am deleting the Legislature's reappropriation of 1988-89 Budget Act funds appropriated for support of Program 30 in Item 8350-001-001. The Budget Act of 1988 does not include an appropriation for Program 30 due to the Legislature's action providing a lump sum appropriation for the Department of Industrial Relations. In addition to the fact that this reappropriation is technically incorrect, I believe the funding appropriated in Item 8350-001-001 is sufficient to provide for support of the workers' compensation program.

Item 8550-001-191—For support of California Horse Racing Board. I reduce this item from $7,146,000 to $7,141,000 by reducing:

(b) 300000-Operating Expenses and Equipment from $5,073,000 to $5,068,000,

and by deleting Provisions 1, 2, and 3.

I am deleting the $5,000 legislative augmentation for the Auditor General to audit contract bidding procedures for awarding laboratory drug testing contracts. It is my understanding that the California Horse Racing Board is following appropriate bidding procedures in the awarding of laboratory drug testing contracts, therefore, an audit is unnecessary.

I am deleting Provision 1 to conform to this action.

I am deleting Provision 2 which would require the Equine Medical Director to report directly to the California Horse Racing Board instead of to the Executive Secretary of the Board. I believe that this language places an inappropriate control on the operation of the California Horse Racing Board, and constitutes an infringement upon the separation of powers in that it usurps Executive branch authority to effectively administer state government.

I am deleting Provision 3 which would prohibit funds in this item from being encumbered until the order of the State Personnel Board on Case No. 22821 has been executed The cited case has no relevance to the budgetary process, and could result in unwarranted disruptions to the operations of the California Horse Racing Board. Furthermore, I believe this language is an infringement upon the separation of powers in that it usurps Executive branch authority to effectively administer state government.

Item 8570-001-001—For support of Department of Food and Agriculture. I reduce this item from $75,733,000 to $75,708,000 by reducing:

(d) 30-Agricultural Marketing Services from $5,011,000 to $4,986,000.

I am deleting the $25,000 legislative augmentation for the farmers market nutrition pilot project. The legislation that would establish this program has not yet been enacted. I do not believe it is proper to appropriate limited General Fund resources in anticipation that such a program will be created.

Item 8570-101-001—For local assistance, Department of Food and Agriculture. I revise this item by reducing:

(d) 60-Financial and Administrative Assistance to local fairs from $4,692,750 to $4,690,000,

and by deleting:

(ex) Payable from the Special Account for Capital Outlay (−$2,750).

I am deleting the $2,750 legislative augmentation, payable from Item 8570-101-036, for improvements at the 24th District Agricultural Association (Kings District Fair). Projects of this nature should be submitted to the Department of Food and Agriculture to be evaluated and prioritized along with all other fair and exposition needs, and are more appropriately funded by the Fair and Exposition Fund.

Item 8570-101-036—For local assistance, Department of Food and Agriculture. I delete this item.

I delete this item to conform to the action I have taken in Item 8570-101-001.

Item 8660-001-412—For support of Public Utilities Commission. I revise this item by reducing:

(a) 100000-Personal Services from $51,745,044 to $51,701,044,

(b) 300000-Operating Expenses and Equipment from $18,945,956 to $18,934,956,

(g) Amount payable from the Public Utilities Commission Utilities Reimbursement Account, General Fund (Item 8660-001-462) from −$40,930,000 to −$40,875,000,

and by deleting Provisions 3 and 4.

I am deleting the $55,000 legislative augmentation to fund a temporary field office in San Diego for the first six months of fiscal 1990–91. The need for additional funding during fiscal 1990-91 should be identified as part of the budget development process.

I am deleting Provision 3 to conform to this action.

I am deleting Provision 4 which would require the Public Utilities Commission to collect up to $500,000 in reimbursements for contract expenses "to promote public education, understanding, and participation" pertaining to the proposed merger of San Diego Gas and Electric with Southern California Edison. This provision unduly interferes with Executive Branch Authority and is unnecessary, as the Division of Ratepayer Advocates currently protects the public interest at Public Utilities Commission proceedings. It would also be inappropriate for a government entity to collect funds for the type of informational activities specified in this provision.

Item 8660-001-462—For support of Public Utilities Commission. I reduce this item from $40,930,000 to $40,875,000.

I am reducing this item to conform to the action I have taken in Item 8660-001-412.

Item 8700-001-214—For support of State Board of Control. I delete Provision 1.

I am deleting Provision 1 which would prohibit the Victim's Program from considering the Medically Indigent Adult Program as a reimbursement source for the purpose of determining pecuniary loss. This language is not consistent with existing law and state policy which does not provide for the use of Restitution Funds for reimbursement to public hospitals for their costs in treating victims of crime who are also medically indigent. Providing reimbursement to those public hospitals, which already receive state funding for health care services to the medically indigent, would be contrary to the state's current policy of using the Restitution Fund as the "payor of last resort". In addition, the costs associated with this language could be significant and jeopardize the fund's solvency, thereby negatively affecting my commitment to compensate victims of crime. Lastly, I believe that this language represents a substantive change of law which can only be included within a different single subject bill, rather than the Budget Act.

Item 8780-001-001—For support of Commission on California State Government Organization and Economy. I reduce this item from $678,000 to $528,000 by reducing:

(a) 10-Commission on California State Government Organization and Economy from $680,000 to $530,000.

I am deleting the $150,000 legislative augmentation for a study on the effects of growth control on housing and urban development. As I indicated in my message accompanying my deletion of a similar amount last year, Chapter 1423, Statutes of 1988, the Commission has the staff and the authority to perform such a study; therefore, no augmentation is provided. I would also note that the State Senate Urban Growth Policy Project has already been established by Senate Resolution to perform a study of housing and growth management.

Item 9100-101-001—For local assistance, Tax Relief. I revise Provision 6.

I am revising the language in Provision 6 to remove the portion that directs the Renters' Tax Credit to be provided to renters claiming head-of-household filing status and whose primary income is public assistance. Inasmuch as existing law restricts the Renters' Tax Credit for persons receiving public assistance, the language represents a substantive change of law which can only be included within a different single subject bill, rather than the Budget Act.

"6. Schedule (f) is for transfer by the State Controller, as needed, to the Tax Relief and Refund Account, General Fund for the purpose of providing credits and refunds to renters as required by Section 17053.5 of the Revenue and Taxation Code, Franchise Tax Board. ~~It is the intent of the Legislature that the credits and refunds shall be provided to all qualified renters, inclusive of those renters claiming the head-of-household filing status whose primary source of income is public assistance.~~"

Item 9800-001-001—For augmentation for Employee Compensation. I reduce this item from $152,575,000 to $151,916,000 by reducing:

(a) 10.01-Civil Service Employees—Represented from $116,573,550 to $116,067,000

(b) 10.02-Civil Service Employees—Nonrepresented from $26,241,650 to $26,132,000

(c) 10.03-Exempt/Excluded and Other Employees from $2,902,900 to $2,888,000

(d) 10.05-Judiciary from $3,369,450 to $3,356,000 and

(e) 10. 06-Legislative Employees from $3,487,450 to $3,473,000

I am deleting the $659,000 legislative augmentation to provide subsidized health benefit contribution funding for active civil service employees enrolled in the PERSCARE health program.

The national trend of increasing health care costs is an issue of significant concern to public as well as private sector employers, employees and health care providers in this State. Solutions to this complex issue will require a concerted effort by all parties involved. However, the Legislature's action to subsidize PERSCARE health rates is inequitable and would alter natural market decisions about the choice of health care providers. Under the Legislature's proposal both the State and non-PERSCARE members would be required to pay higher health benefit contributions to artificially suppress PERSCARE rates. Moreover, the Legislature's proposal would act as a disincentive to cost containment activities within the PERSCARE program. This action is consistent with Government Code provisions for establishing employer contributions.

To conform to this action,

I am also amending Budget Act Items 9800-001-494 and 9800-001-988 and Control Sections 4.00 and 4.20.

Although I am making a reduction in this and other budget act items involving health benefit funding for active civil service employees, the budget will provide over $65,000,000 (all funds) for the funding of employer health benefit contributions. Furthermore, the budget will provide over $262,000,000 to fund active civil service employee health, dental, vision, salary and special equity benefit adjustment funding increases

Item 9800-001-494—For augmentation for Employee Compensation. I reduce this item from $63,183,000 to $62,857,000 by reducing:

(a) 10.01-Civil Service Employees—Represented from $50,449,400 to $50,223,000

(b) 10.02-Civil Service Employees—Nonrepresented from $11,415,760 to $11,377,000

(c) 10.03-Exempt/Excluded and Other Employees from $1,317,840 to $1,257,000.

I am reducing this item to conform to the reductions taken in Items 9800-001-001 and 9800-001-988 and the revisions to Control Sections 4.00 and 4.20.

Item 9800-001-988—For augmentation for Employee Compensation. I reduce this item from $47,469,000 to $47,231,000 by reducing:

(a) 10.01-Civil Service Employees—Represented from $37,904,000 to $37,737,000

(b) 10.02-Civil Service Employees—Nonrepresented from $8,562,500 to $8,502,000

(c) 10.03-Exempt/Excluded and Other Employees from $1,002,500 to $992,000.

I am reducing this item to conform to the reductions taken in Items 9800-001-001 and 9800-001-494 and the revisions to Control Sections 4.00 and 4.20.

SEC. 4.00—Health Benefits Contribution.

I am revising this Section to conform to the reductions taken in Items 9800-001-001, 9800-001-494 and 9800-000-988 and revision to Control Section 4.20.

"Notwithstanding any other provisions of law, the employer's contributions for the 1989–90 fiscal year, which are chargeable to an appropriation made in this act, with respect to each state officer and employee or an annuitant who was in such employment or office, including an academic position with a California State University or College, or is a survivor of such person, or is an annuitant-, shall be ~~$129~~ *$136* for basic and related major medical plans with respect to employees or annuitants enrolled for self alone, or ~~$241~~ *$255* for an employee or annuitant so enrolled for self and one family member, or ~~$309~~ *$322* for an employee or annuitant so enrolled for self and two or more family members, or, if less, the amount

necessary to pay the cost of such person's enrollment, including the enrollment of such person's family members, in a health benefits plan or plans."

SEC. 4.20—Contribution to Public Employees' Contingency Reserve Fund.

I am revising this Section to conform to the reductions taken in Items 9800-001-001, 9800-001-494 and 9800-001-988 and revisions to Control Section 4.00.

"(a) Notwithstanding any other provisions of law, the employer's contributions to the Public Employees' Contingency Reserve Fund, as required by Section 22826 of the Government Code, shall be ~~3.0~~ *0.5* percent of the gross health insurance premiums paid by the employer and employee for administrative expenses ~~and the reserve portion of the Public Employees' Contingency Reserve Fund~~."

SEC. 5.10—Restitution Fund. I delete this Control Section

I am deleting Control Section 5.10 as this language is unnecessarily restrictive. It would limit the Administration's flexibility to provide additional options to fund programs, other than the claims payment program, which could also benefit victims of crime. This veto does not reduce my long standing commitment to ensure that the first priority for the use of the Restitution Fund is for the payment of victims' claims.

SEC. 9.00—Supplemental Report on Conference Committee. I delete this Control Section.

I am deleting Section 9.00 which requires the Legislative Analyst to transmit copies of the Supplemental Report of the Committee on Conference on the Budget Bill to all agencies This report reflects both the intent and the actions of the Legislature in enacting the Budget Act of 1989. I believe that inclusion of this section in the Budget Act unduly restricts the Executive Branch and implies Gubernatorial concurrence on all statements of legislative intent or requests for studies or other actions.

SEC. 12.31—For local assistance, Department of Education, Proposition 98 Reserve. I reduce this Control Section from $250,000,000 to $230,000,000

I am reducing this Control Section by $20,000,000 in order to finance the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

SEC 22.50—Cigarette and Tobacco Products Surtax Fund. I delete this Control Section.

There are numerous legislative proposals that would appropriate the various accounts of the Cigarette and Tobacco Products Surtax Fund. I believe it is more appropriate to provide for the appropriation of Proposition 99 funds through legislation where the merits of each proposal can be thoroughly explored rather than in a budget control section. In addition, the control section is overly prescriptive in prohibiting the use of Proposition 99 funds if funding for the Medically Indigent Services Program is reduced below fiscal year 1988–89 levels. A requirement such as this does not take into account any other mitigating factors that should be considered in allocating State funds, nor does it recognize economies that may be derived because of the availability of other funding sources such as State Legalization Impact Assistance Grant funds provided by the federal government.

Finally, the funding levels reflected in the control section are not based upon revised revenue projections. Given the uncertainty of this new revenue source, any subsequent legislation should be based upon the updated revenues and allow for a five percent reserve in each account.

SEC. 24.50—For local assistance, Department of Education, child care-Proposition 98 language. I delete this Control Section.

I am deleting this Control Section in order to conform to the agreements reached with the Legislature relating to Chapters 82, 83 and 92, Statutes of 1989.

The actions I have taken on Senate Bill 165 will also permit me to set aside sufficient funds to support legislation to address the following priorities and obligations:

General Fund

- Commerce—restoration to fully fund the Tourism Program ($1,900,000).
- Forestry—restoration of the funds proposed for emergency fire suppression ($40,000,000).
- Health Services—to provide the funds for one additional Medi-Cal Checkwrite ($31,700,000).
- Health Services—implementation of an equitable county funding proposal for the Medically Indigent Services Program ($26,597,000).
- Health Services Toxics Division—provision of needed funding as part of an overall plan relating to the Toxic Program ($10,000,000).
- Corrections—restoration of funding to the level required to meet the estimated increases in inmate population ($28,700,000).
- Criminal Justice Planning—to return responsibility for the Campaign Against Marijuana Planting program from the Department of Justice to the Office of Criminal Justice Planning ($2,750,000).
- Industrial Relations—restoration of the funding necessary to operate the Industrial Welfare Commission ($431,000).

Other Funds

- Commerce—additional funding for the Competitive Technology Program ($3,000,000)
- Commerce—restoration of funding for the Rural Infrastructure Program ($2,000,000)
- Transportation—restoration of funding to meet priority needs for the Transit Capital Improvement Program ($10,000,000).

With the above deletions, revisions and reductions, I hereby approve Senate Bill No. 165.

GEORGE DEUKMEJIAN, Governor

2 I am deleting the $100,000 appropriation contained in Section 2 of Assembly Bill No 722

This bill would delete the sunset date for the Mobilehome Ombudsman and appropriate $100,000 for the purposes of paying the costs of the duties ombudsman for the last 6 months of the 1989–90 fiscal year

The appropriation in this bill duplicates the appropriation in SB 81 (Craven, Chapter 189/89) and, therefore, is unnecessary

With this deletion, I approve Assembly Bill No 722

GEORGE DEUKMEJIAN, Governor

3 I am deleting the appropriation contained in Section 6 of Assembly Bill No 633 for $99,000 from the General Fund.

In addition to several non-controversial changes to the Election Code, this bill appropriates $99,000 to the Secretary of State for the purpose of funding the provisions of Chapter 235 of this year (AB 986) regarding ballot box security measures

At the time AB 986 was signed, it was indicated to me that the Secretary of State would absorb this year's fiscal costs If additional resources are needed in the upcoming year, those costs can be addressed in the annual budget bill.

With this deletion, I am signing Assembly Bill No. 633

GEORGE DEUKMEJIAN, Governor

4 I am deleting the $53,000 appropriation in Section 3[2] of Assembly Bill No 2142.

This bill would enact the Visually Impaired Voters Assistance Act of 1989, and would require the Secretary of State to create a Visually Impaired Voter Assistance Advisory Board with specified membership and duties.

The 1989–90 Budget appropriated $869,000 to the Secretary of State for election purposes, which includes voter outreach Thus, sufficient funds are available to the Secretary of State to carry out the provisions of this bill.

The demands placed on budget resources require all of us to set priorities. With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year This amount is more than adequate to provide the necessary essential services provided for the State Government It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided

With this deletion, I approve Assembly Bill No 2142

GEORGE DEUKMEJIAN, Governor

5 I am deleting the $119,500 appropriation contained in Section 3 of Assembly Bill No 2240

This bill would make the California Mathematics Diagnostic Testing Program (MDTP) independent from the California Academic Partnership Program (CAPP), establish an advisory committee for the MDTP, and appropriate $119,500 from the General Fund for the purposes of the program

The demands placed on budget resources require all of us to set priorities With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91. 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. 2240

GEORGE DEUKMEJIAN, Governor

6 I am deleting the $90,000 appropriation contained in Section 2 of Assembly Bill No. 1566.

I am concerned that the $30,000 appropriation contained in this bill from the Health Education Account of the Cigarette and Tabacco Products Surtax Fund would deplete the reserve of that fund. I believe we should maintain a prudent reserve in the fund to ensure that programs entitled to those monies receive them.

The $30,000 appropriation from the federal Drug-Free Schools and Communities Act of 1986 and the $30,000 appropriation from the federal Anti-Drug Abuse Act of 1988 would come from the share of monies set aside in those funds for distribution to the Superintendent of Public Instruction (SPI) for anti-drug education programs These appropriations would limit the flexibility of the SPI to allocate those monies for programs he deems important If the SPI program proposed in this legislation is a priority he can currently fund it from this source

With this deletion, I approve Assembly Bill No 1566

GEORGE DEUKMEJIAN, Governor

7 I am reducing the appropriation contained in Assembly Bill No 2156.

I am signing AB 2156 which I believe is the appropriate vehicle to provide additional funding from the AIDS Vaccine Research and Development Grant Fund for continued research to find a cure for AIDS However, there are only sufficient funds available in that Fund to support an appropriation of $1,798,000. Therefore I am reducing the appropriation in Section 2 from $1,911,000 to $1,798,000 and am deleting the $50,000 appropriation in Section 3 I believe that the appropriation of $1,798,000 will provide for the continued operation of the program being administered by the Department of Health Services

With this reduction, I approve Assembly Bill No 2156.

GEORGE DEUKMEJIAN, Governor

8 I am reducing the appropriation in Section 1 of Assembly Bill No 214 from $250,307,143 82 to $224,077,428 82 by reducing the General Fund appropriation in Section 1 (1) for Item 9840-001-001 from $230,562,143 82 to $204,332,428.82. This reduction of $26,229,715 is as follows

Department of Forestry $1,389,000

The bill includes $25,889,000 for emergency fire suppression but the Department of Forestry estimates an augmentation of $24,500,000 is sufficient

Department of Education $24,840,715

The bill includes $134,960,000 for deficiencies in K-12 education Based on revised revenue estimates, the Department of Finance estimates that $110,119,285 is remaining for allocation to meet the Proposition 98 funding guarantee I am also reducing the amount in Section 2 utilized for the purposes of Section 8 of Article XVI of the California Constitution, to conform with the amount I have vetoed in Section 1 of this act.

In taking this action, I recognize that Chapters 82 and 83, Statutes of 1989, which I signed earlier this year, provide a mechanism to ensure that K-14 education agencies receive the full guaranteed funding level enacted by Proposition 98. This mechanism requires full reconciliation of revenues and appropriations to be jointly certified by the superintendent of Public Instruction, the Chancellor of the Communitiy Colleges, and the Director of Finance Any amounts required to fulfill the funding guarantee will be allocated automatically by the State Controller

I am also reducing Section 2 from $134,960,000 to $110,119,285 to conform to my action in Section 1.

I am also deleting Section 3 which states that any balances remaining after the annual recertification of the second principal apportionment for the 1988–89 fiscal year for school districts and county offices of education shall be allocated by the Superintendent of Public Instruction to fund any remaining deficiencies of this act. Under current law, the Superintendent has authorization to allocate remaining balances for specific purposes, which include any deficiencies in specific apportionments.

With these deletions, I approve Assembly Bill No. 214

GEORGE DEUKMEJIAN, Governor

9 I am reducing the $10,000,000 appropriation contained in Section 1 of Assembly Bill No 284 to $5,000,000

This bill would appropriate $10 million to the State Controller to increase subventions to local taxing entities under the Williamson Act Open Space Subvention Program.

The demands placed on budget resources require all of us to set priorities. A $5 million augmentation to the existing $14 6 million appropriated in the 1989–90 Budget Act provides a significant commitment to preserving our state's agricultural resources We must also fund other top priority programs and continue a prudent reserve for an economic uncertainties Thus, it would be inappropriate to provide a $10 million augmentation to this single program

With this reduction, I approve Assembly Bill No. 284

GEORGE DEUKMEJIAN, Governor

10 I am deleting the $120,000 appropriation contained in Section 4 of Senate Bill No. 1484.

This bill would require the Department of Social Services to establish a two-year demonstration project in Santa Barbara County for the purpose of conducting centralized intake and assessments for recipients in need of adult protective services. It also appropriates $120,000 from the General Fund in years 1990–91 and 1991–92 to establish this demonstration project.

Since the funding in this bill was not to be appropriated until next year, it is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91 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 1484

GEORGE DEUKMEJIAN, Governor

11 I am deleting the $50,000 appropriation contained in Section 9 of Senate Bill No 1563

This bill would make substantial changes to the provisions authorizing local education agencies (LEAs) to conduct independent study programs Among the major changes, this bill would require LEAs to adopt more rigorous standards for independent study programs and would reduce funding for adult independent study students to the statewide adult education revenue limit over two years. It also appropriates $50,000 to the Department of Education for administrative costs and $50,000 to the Legislative analyst for a study.

The Department of Education has resources available that were used to implement the existing independent study program regulations and guidelines. Therefore, I believe that the Department also can implement the provisions of this bill without additional funding and consider the appropriation unnecessary

With this deletion, I approve Senate Bill No 1563

GEORGE DEUKMEJIAN, Governor

12 I am deleting the $150,000 General Fund appropriation contained in Section 8 of Senate Bill No 594

This bill would modify the instructional materials adoption process for grades one through eight, requiring adoption of materials in each subject area every two years instead of every seven.

I believe the duties imposed upon the Superintendent of Public Instruction by this legislation can be accomplished from within existing resources.

With this deletion, I approve Senate Bill No 594

GEORGE DEUKMEJIAN, Governor

13 I am deleting the $60,000 appropriation contained in Section 2 of Assembly Bill No 1169

This bill would require the Department of Education to contract with a nonprofit agency to establish a model program to recruit and train in-home day providers for infants in Los Angeles, Orange, and Butte Counties.

The demands placed on budget resources require all of us to set priorities. With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year. 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91 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 1169.

GEORGE DEUKMEJIAN, Governor

14 I am deleting the $50,000 appropriation contained in Section 4 of Assembly Bill No. 1562.

This bill would require the Superintendent of Public Instruction (SPI) to report on the number and type of school and school district reports required or requested by the federal government, the State, county offices of education or governing boards of school districts. The intent would be to identify and eliminate insignificant reports. This bill appropriates $50,000 to the Superintendent to carry out the provisions of this bill

The costs associated with this bill are minor and should be absorbed by the Department of Education The demands placed on budget resources require all of us to set priorities With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year. 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.

With this deletion, I approve Assembly Bill No. 1562.

GEORGE DEUKMEJIAN, Governor

15 I am reducing the $125,000 appropriation contained in Section 2 of Senate Bill No. 410 to $85,000 by deleting the $40,000 appropriation for cost associated with conducting the survey and preparing the reports for programs administered by the State Department of Education.

This bill would require the Superintendent of Public Instruction to submit two reports that together are intended to cover all programs directed at high-risk pupils and specialized program participants. One report would focus on programs available in each county, and the other would focus on programs administered by the State Department of Education. $85,000 would be designated for the report and associated survey on programs operated and administered by the counties. The remaining $40,000 would be designated for the report on programs administered by the State Department of Education.

I believe that the Department can complete the report on the programs that it administers within existing resources

With this reduction, I approve Senate Bill No. 410

GEORGE DEUKMEJIAN, Governor

16 I am deleting the $1,250,000 General Fund appropriation contained in Section 3 of Senate Bill No. 276.

This bill would establish, as a California Medical Assistance (Medi-Cal) Program benefit, the services provided by facilities licensed as congregate living health facilities to individuals diagnosed as having acquired immune deficiency syndrome.

A change in federal law will be required before the provisions of this bill can become operative Therefore, the appropriation in this bill is premature and unwarranted until federal financial participation is assured

With this deletion, I approve Senate Bill No. 276.

GEORGE DEUKMEJIAN, Governor

17 I am deleting the $5,589,750 appropriation for rail operations contained in Section 3 (a) (2) of Senate Bill No 1391

This bill would allow passenger ferries and terminals to be eligible for funding from the transit capital improvement program and would make an appropriation from the Transportation Planning and Development account for transit capital projects and operations.

This appropriation is contained in Assembly Bill No. 1640. I am taking this action at the request of the author so that the intent of both bills can be implemented

With this appropriation, I approve Senate Bill No 1391

GEORGE DEUKMEJIAN, Governor

18 I am deleting the $500,000 appropriation contained in Section 3 of Assembly Bill No 241

This bill would appropriate $500,000 to the Controller for allocation as a grant to the Board of Trustees of the California Museum of Latino History, Art, and Culture, for the development of preliminary plans for this museum and for administrative costs of the board of trustees.

I will be signing AB 1580, which appropriates $300,000 for the California Museum of Latino History. Thus, the appropriation in this bill is duplicative and unnecessary as the provisions of this bill are funded by the enactment of AB 1580.

With this deletion, I approve Assembly Bill No. 241

GEORGE DEUKMEJIAN, Governor

19 I am deleting the $50,000 appropriation contained in Section 3 and the $70,000 appropriation contained in Section 4 of Senate Bill No. 156

This bill would establish a two-year, Associate of Arts teacher assistant degree program within the California Community Colleges to train teacher assistants for grades 1-6, and requires the Commission on Teacher Credentialing to establish an examination and certification process for teacher assistants.

The appropriations contained in this bill are for the 1990–91 Fiscal Year. Appropriating funds for a future fiscal year is contrary to state fiscal practices where costs are funded on an annual basis. It would be more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91.

With this deletion, I approve Senate Bill No 156.

GEORGE DEUKMEJIAN, Governor

20 I am reducing the appropriation contained in Section 6, Item 2240-001-001 of Senate Bill No 480 from $6,522,000 to $6,521,000 by reducing: (d) 50.01—Administration from $7,974,000 to $7,973,000, and by deleting Provision 1

This bill would make various programmatic changes to the Rental Housing Construction Program to ensure that the program is managed in a sound, efficient and effective manner. This bill would additionally establish, on a permanent basis, 9 5 positions that are currently authorized on a limited-term basis via the 1989 Budget Act for administration of the Department of Housing and Community Development's bond-financed programs.

For purposes of establishing these positions on a permanent basis, the bill displays the Department's Budget Act Support Item 2240-001-001. However, the bill fails to reflect the item as it appeared in the final, enacted budget. Therefore, to ensure conformity and consistency with my earlier actions on the 1989 Budget Act, I am reducing Item 2240-001-001 by $1,000 and deleting Provision 1 which links the salary of the Public Affairs Manager to the Department's submission of a plan to the Legislature related to improving the sensitivity of various department personnel to the issue of the homelessness My Administration, including the Department of Housing and Community Development, is aware of the needs of homeless Californians and is attempting to provide needed services to the homeless in a systematic and compassionate manner.

With this reduction, I approve Senate Bill No. 480

GEORGE DEUKMEJIAN, Governor

21 I am deleting the $25,000 appropriation contained in Section 3 of Senate Bill No. 726.

This bill, an urgency measure, would amend personal income tax law to continue the state low-income housing tax credits beyond 1990, contingent upon continuation of the federal low-income housing tax credits and require the Legislative Analyst to report to the Legislature concerning the effectiveness of the tax credits The bill appropriates $25,000 to the Joint Legislative Budget Committee to conduct the evaluation.

It is not necessary to appropriate money from the General Fund to conduct this evaluation. The Joint Legislative Budget Committee and the Legislative Analyst have sufficient resources to carry out the provisions of this bill.

With this deletion, I approve Senate Bill No 726

GEORGE DEUKMEJIAN, Governor

22 I object to the following appropriations contained in Assembly Bill No 179

I am eliminating funding for three claims related to relocation costs for the following individuals Eugene Hill, Marshal Wilkerson and Mark Loken I understand that these claims do to qualify for reimbursement pursuant to Department of Personnel Administration policy and regulations governing the state government relocation process for its employees To accomplish the actions indicated above, I am reducing the following amounts in AB 179

Section 1 (y) (24) by $6,175 45 (from $7,143.06 to $967 61),

Section 1 (y) (58) by $677.35 (from $128,990.22 to $128,312 87), and

By eliminating:

Section 1 (y) (42)

With these deletions and reductions, I approve Assembly Bill No 179

GEORGE DEUKMEJIAN, Governor

23 I am deleting the $140,000 appropriation contained in Section 4 of Assembly Bill No. 219.

This bill would require the Department to expand the existing Childhood Lead Poisoning Prevention Program to implement pilot lead screening projects for high-risk populations of children, for children of occupationally-exposed workers, and to educate health care providers about lead and advise medical practitioners to annually screen high risk children who are 1-5 years of age

The demands placed on budget resources require all of us to set priorities With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year. 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91 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. 219

GEORGE DEUKMEJIAN, Governor

24 I am deleting the $400,000 appropriation contained in Section 4 of Assembly Bill No. 2065

This bill would appropriate $400,000 from the General Fund to direct the Office of Criminal Justice Planning to contract with a private nonprofit agency for the purpose of field testing a substance abuse prevention curriculum model which would utilize athletes as role models

The demands placed on budget resources require all of us to set priorities With legislation I will be signing and the budget enacted in July 1989, more than $50 billion in state funds will be appropriated this fiscal year 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

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990–91 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 2065

GEORGE DEUKMEJIAN, Governor

25 I am deleting the $100,000 appropriation contained in Section 7 of Senate Bill No 271

This bill would add to the Department of Education several duties in regards to administration of the School Crime Reporting program

It is not necessary to provide additional resources to the Department of Education to implement this bill The Department has sufficient resources to carry out the provisions of this Act

With this deletion, I approve Senate Bill No. 271

GEORGE DEUKMEJIAN, Governor

26 I am reducing the General Fund appropriation contained in Section 2 (a) of Senate Bill No. 1309 from $1,500,000 to $100,000. This bill would provide for California's participation in the 1990 World Exposition in Osaka, Japan

I have removed funding from this bill in excess of $100,000 to maintain consistency with Senate Bill 92, which appropriates $100,000 to support state participation in the World Exposition 92 in Seville, Spain This bill and SB 92 provide for similar activities and levels of commitment by the State in these expositions

With these reduction, I approve Senate Bill No 1309

GEORGE DEUKMEJIAN, Governor

27 I am deleting the $20,000 appropriation contained in Section 1 of Senate Bill No. 1615

This bill would appropriate $20,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation (DPR) to study the potential for forming a partnership between public agencies and private entities for acquiring the Town of Locke and managing it as a working unit of the State Park System. It would require DPR to review its 1979 feasibility study on this issue to determine what changes should be made to the Department's original recommendations

The appropriation in this bill is unnecessary I have signed AB 1580, which includes funding for this study from the State Park Recreation Fund

With this deletion, I approve Senate Bill No 1615

GEORGE DEUKMEJIAN, Governor

28 I am reducing the appropriation contained in Section 25 of Senate Bill No. 1623 from $4,800,000 to $800,000

This bill would establish an administrative license suspension process for persons found driving under the influence of alcohol and drugs

I believe this bill would enhance traffic safety by facilitating the suspension of licenses for DUI offenders; however, I am reducing the $4 8 million appropriation for the costs of the Department of Motor Vehicles to $800,000 This will provide adequate funding to meet the department's one-time implementation costs in 1989–90 Ongoing administrative costs will not begin until 1990–91 and can be addressed during the development of the 1990–91 Budget

With this reduction, I approve Senate Bill No 1623

GEORGE DEUKMEJIAN, Governor

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1989

1989–90 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

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3	14	156	21	323	827
4	1094	157	1416	324	828
9	15	158	544	326	167
12	2	162	357	327	1128
15	1	165	110	330	360
19	1043	169	272	331	402
21	823	179	1454	332	930
23	5	181	1209	335	73
27	824	183	95	337	96
28	926	184	886	341	668
32	927	186	1033	347	74
34	7	188	597	349	1234
39	625	198	83	350	829
40	626	199	273	352	201
41	1032	200	1005	355	137
45	38	210	1432	357	19
46	355	212	42	358	145
47	667	214	1086	359	1007
48	1348	219	1455	361	216
50	1004	224	1433	370	1394
52	8	226	200	377	415
53	1349	227	279	382	58
58	141	229	373	385	1252
59	542	233	414	387	830
60	1168	238	191	393	416
63	199	241	1233	394	1308
68	1393	247	472	398	202
71	249	251	899	399	59
73	928	252	10	400	1188
75	1331	257	401	401	1129
82	181	259	900	402	97
86	356	260	121	405	22
89	250	265	1006	406	183
91	94	276	892	407	203
93	543	277	39	409	52
95	13	278	901	412	1189
97	1125	280	449	415	1008
102	511	284	1087	416	831
103	372	286	182	418	1309
104	596	288	136	419	545
112	471	289	43	420	168
114	1224	307	1127	427	1235
123	1184	310	358	431	280
124	1126	313	51	433	832
126	213	314	825	434	146
128	9	316	28	435	546
130	12	317	826	438	188
134	1098	319	359	440	319
137	929	320	138	444	715
152	481	321	1210	446	1042

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
450	1253	592	548	726	644
456	627	593	902	735	637
457	473	594	903	736	904
460	361	599	514	739	173
464	1190	601	418	740	487
467	147	602	540	743	670
470	251	607	31	747	219
471	106	612	151	751	1395
472	1130	613	549	757	450
474	494	614	935	761	517
476	833	617	1351	762	1177
477	169	619	365	766	1311
480	281	620	347	768	836
482	362	622	32	769	518
483	282	625	152	770	733
488	1009	627	153	774	519
489	834	628	701	781	350
494	374	629	784	782	1312
496	1010	631	304	783	603
498	363	632	551	784	604
499	1332	633	638	785	283
501	931	636	366	789	275
503	148	639	419	791	112
504	1341	641	119	793	139
506	873	642	515	794	497
508	214	647	1461	796	1131
509	98	648	600	801	520
511	932	650	1236	802	1352
512	598	652	1192	804	937
514	1011	653	111	805	351
517	547	654	835	810	756
518	170	656	1310	811	905
526	1012	658	253	814	965
532	1055	660	61	815	837
533	1013	669	254	816	906
543	700	674	1034	817	1254
544	964	676	601	818	605
551	252	677	1100	821	628
553	417	680	107	822	552
556	54	682	420	823	838
558	1191	688	936	829	367
559	669	689	1014	830	1045
560	755	691	154	833	966
564	512	692	1015	840	521
566	1044	694	602	841	368
567	599	696	274	851	1434
568	149	697	643	854	938
571	204	703	1035	855	1170
575	150	704	234	858	888
577	364	705	516	861	839
579	60	706	1036	862	967
580	933	708	348	865	968
581	75	712	76	871	451
583	934	714	349	877	1396
584	171	717	1169	882	553
588	1350	722	320	886	907
589	513	724	550	888	809
591	1099	725	1056	889	887

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
890	1255	1037	871	1200	215
894	1016	1040	757	1201	1354
898	1211	1041	498	1203	875
900	734	1042	305	1204	176
904	1313	1045	1046	1206	184
905	1017	1050	559	1207	1102
908	641	1051	816	1212	819
920	735	1052	560	1214	646
922	140	1059	1398	1215	1057
923	192	1064	156	1216	377
924	33	1066	64	1222	423
928	554	1067	1335	1226	194
929	810	1068	422	1227	647
931	811	1074	561	1228	971
932	555	1076	1018	1232	16
935	1353	1081	874	1237	424
936	120	1083	889	1238	499
939	1095	1087	92	1241	66
940	812	1089	352	1242	1058
941	403	1091	1019	1246	1256
946	99	1092	736	1247	67
951	1314	1097	454	1248	563
952	37	1098	939	1249	425
953	375	1101	541	1250	68
960	1315	1104	193	1257	237
966	62	1107	940	1263	1059
967	1132	1117	157	1274	1193
972	1097	1120	817	1275	159
973	108	1121	1333	1278	1225
977	63	1122	941	1280	1060
980	421	1127	240	1281	607
982	556	1128	818	1283	524
983	969	1131	942	1284	177
986	235	1133	474	1287	426
987	172	1139	217	1291	1061
988	813	1146	1336	1296	1103
989	814	1147	562	1299	1257
992	970	1149	332	1302	1258
995	522	1150	645	1305	1093
998	331	1153	369	1306	1092
999	277	1155	205	1307	285
1001	1342	1158	175	1308	1091
1004	523	1159	943	1310	1133
1008	1316	1164	158	1320	648
1009	80	1168	455	1321	286
1010	72	1169	1185	1326	160
1011	815	1170	456	1327	1259
1012	452	1175	65	1329	427
1018	453	1180	1101	1331	1178
1020	776	1183	671	1340	1179
1021	557	1187	944	1344	525
1022	174	1188	606	1357	378
1025	1317	1190	255	1364	475
1029	1237	1191	284	1366	405
1030	1397	1193	404	1368	178
1031	1238	1196	908	1369	737
1032	155	1197	376	1372	672
1034	558	1199	236	1373	1343

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1398	973
1402	1239
1408	1260
1413	642
1415	238
1417	526
1418	162
1419	406
1423	500
1426	100
1427	527
1429	501
1431	528
1432	673
1435	186
1436	379
1440	482
1442	716
1444	333
1446	483
1448	1194
1450	1195
1451	565
1455	488
1456	820
1457	502
1459	945
1460	195
1461	1196
1463	1227
1464	1356
1470	1334
1474	503
1476	1240
1482	429
1484	1261
1488	946
1499	101
1501	674
1503	1318
1504	1167
1505	702
1510	649
1516	1062
1519	241
1523	1212
1529	1104
1533	1063
1536	457
1538	738
1541	1037
1542	1399
1543	947
1544	566
1546	1064
1549	529
1553	430
1554	675
1555	187
1558	1134
1562	1186
1563	530
1564	948
1566	1051
1567	739
1570	1226
1573	676
1580	1241
1582	740
1584	1344
1585	1319
1587	1320
1589	1400
1590	53
1591	567
1600	949
1601	821
1614	568
1617	1065
1624	1020
1625	1197
1630	741
1640	1228
1643	531
1652	1242
1654	822
1657	532
1662	1435
1667	1135
1673	742
1682	1401
1686	840
1688	950
1690	1021
1692	743
1695	1198
1708	276
1710	504
1713	569
1717	1229
1727	1243
1729	1022
1730	489
1731	431
1736	1321
1744	677
1745	703
1750	1262
1751	841
1756	179
1759	785
1760	758
1761	609
1764	1263
1779	1213
1785	1322
1786	533
1787	1136
1792	744
1798	629
1800	610
1802	1137
1804	534
1808	1023
1812	380
1819	570
1823	381
1828	1323
1829	611
1831	1066
1835	505
1836	759
1838	612
1839	753
1842	490
1843	974
1847	1436
1849	206
1854	678
1859	1357
1863	842
1864	1462
1866	613
1868	1024
1870	1358
1872	1264
1873	843
1875	477
1878	571
1879	909
1890	951
1892	207
1895	952
1900	1067
1901	1466
1904	1359
1905	1105
1906	1265
1907	1266
1909	1138
1910	1360
1912	760
1914	745
1915	1267
1923	910
1929	876
1937	650

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1951	975
1954	180
1955	1068
1956	746
1957	382
1959	846
1962	877
1963	1268
1965	163
1968	1025
1970	847
1973	1106
1978	1139
1985	572
1987	256
1993	1324
1997	208
1998	1069
2000	1215
2003	334
2008	1107
2027	257
2031	432
2035	1269
2039	353
2041	1361
2042	41
2045	1270
2052	383
2060	848
2061	651
2065	1456
2069	573
2070	1047
2073	491
2075	1244
2079	849
2080	1140
2088	953
2089	850
2095	574
2096	384
2097	1216
2098	1141
2099	385
2109	614
2113	704
2117	747
2118	851
2119	652
2122	1070
2127	239
2128	1271
2132	1325
2133	370
2135	1026
2139	852
2142	774
2143	1027
2144	679
2150	853
2153	575
2155	1071
2156	1052
2157	854
2159	1362
2160	1199
2161	1200
2162	855
2164	1028
2167	407
2169	748
2171	77
2178	749
2179	386
2184	630
2185	1245
2212	1402
2218	109
2219	506
2222	615
2233	1180
2240	872
2250	535
2251	1246
2258	1048
2262	857
2266	856
2267	631
2268	1437
2272	653
2275	387
2279	1363
2294	69
2295	1247
2299	1217
2300	1049
2303	576
2304	388
2307	433
2313	750
2314	976
2320	536
2322	1142
2323	434
2327	1143
2342	577
2344	578
2346	1248
2347	1050
2350	616
2351	858
2352	859
2355	1029
2356	751
2360	218
2363	752
2367	1249
2372	1230
2380	507
2385	1250
2386	632
2403	977
2406	1072
2409	633
2414	458
2416	508
2425	786
2435	1144
2444	1251
2448	1326
2462	579
2469	705
2477	1183
2483	278
2484	435
2493	617
2494	878
2500	510
2501	509
2514	1030
2523	580
2525	1438
2526	1031
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SENATE BILLS

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10	706	130	197	254	221
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16	680	135	312	256	45
18	50	139	1439	262	437
19	70	142	1306	266	48
20	766	143	337	267	1276
21	309	148	143	268	1277
24	142	149	338	269	1410
27	1364	151	768	270	291
30	4	156	1345	271	1457
37	1365	160	1368	272	25
41	1073	161	1108	273	322
42	1366	164	47	275	683
44	1272	165	93	276	1221
45	55	167	894	278	84
47	893	171	321	279	29
48	389	172	1274	280	1463
50	6	174	1406	286	1337
51	113	175	198	290	438
52	484	176	232	291	439
53	390	177	1201	292	18
55	271	182	408	293	978
58	310	186	778	294	779
59	23	190	1307	296	684
61	1219	191	78	297	124
63	24	192	1440	299	1442
64	85	198	1369	300	105
66	230	200	1305	304	1076
68	242	201	915	305	895
70	46	202	1172	309	1370
71	1074	203	1407	310	635
74	391	204	243	317	440
75	34	206	1408	320	1077
76	40	210	259	325	685
77	1404	216	478	333	717
81	189	217	220	335	686
82	436	218	1220	337	896
87	634	219	86	342	313
89	1171	220	1441	343	1371
91	122	221	1409	349	754
92	231	223	681	350	1292
96	1273	225	260	353	1165
97	767	226	787	354	581
98	82	227	1291	355	130
100	1405	228	654	358	49
101	1075	230	81	360	339
107	1367	232	261	362	323
109	35	234	44	363	769
111	17	235	788	364	1293
112	619	236	1327	365	289
113	777	238	682	367	409
114	258	244	165	370	1294
117	20	246	582	380	314
119	620	249	129	381	860

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390	292	541	394	680	1148
391	11	543	263	683	270
393	233	544	102	685	88
394	707	550	912	686	327
395	1202	551	913	687	103
406	324	552	1444	688	91
407	1041	555	1295	689	317
408	479	556	1374	690	537
409	687	561	765	693	782
410	1187	562	246	696	861
412	262	569	308	697	443
419	293	570	780	698	225
420	441	571	395	702	954
423	133	572	229	707	1149
424	1203	573	709	710	1417
426	392	575	26	714	1081
428	761	576	326	715	461
432	1090	578	1145	716	985
439	688	579	583	717	27
440	1278	580	340	726	1347
442	762	583	335	729	585
446	1078	584	710	731	1297
447	244	586	222	735	1279
451	808	589	341	741	226
452	979	591	223	742	295
456	770	592	983	743	296
457	315	594	1181	745	1377
458	708	595	1375	748	1222
460	410	599	264	749	586
462	316	600	1146	751	118
463	980	601	1445	753	914
466	71	602	692	754	328
469	411	610	125	756	890
471	325	618	114	759	711
474	981	625	1376	763	587
475	269	628	1173	764	655
479	56	629	1079	766	290
480	1346	630	584	768	342
481	1372	632	771	771	588
485	1373	636	1411	777	1150
486	789	638	984	781	485
488	763	639	87	782	1418
490	442	642	781	783	210
491	764	643	1080	788	862
492	689	646	1296	789	656
493	166	649	772	790	986
496	1443	650	294	794	1378
500	790	657	371	797	1082
502	307	658	1412	802	1419
506	621	662	1413	803	657
509	690	666	1147	804	1280
510	691	668	460	807	658
512	393	671	224	814	1281
516	134	672	131	817	1420
529	245	675	492	818	1223
531	459	676	209	821	916
536	982	678	1414	822	1446
537	775	679	1415	824	1282

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
829	1151	956	1284	1143	1153
831	791	959	1381	1149	1205
834	792	960	1328	1152	921
837	1379	971	464	1153	956
839	718	972	211	1154	128
840	622	975	1449	1156	1428
844	793	979	623	1157	662
845	462	981	720	1159	922
849	1298	985	397	1161	923
850	396	990	919	1164	346
853	863	991	1285	1166	1115
857	1299	993	345	1170	1206
859	693	995	1329	1172	1464
862	1421	997	1303	1173	1385
868	329	1001	1382	1177	994
869	1300	1002	126	1180	299
870	1467	1004	795	1181	212
871	1301	1005	1109	1182	867
873	794	1006	990	1183	722
874	1447	1012	1110	1184	723
875	1448	1014	589	1193	1084
876	719	1016	127	1202	1038
879	1422	1018	297	1203	590
881	712	1022	991	1204	1386
883	463	1025	90	1207	797
884	636	1026	920	1208	486
885	1302	1038	1174	1209	1116
889	57	1039	227	1211	336
891	89	1040	298	1212	663
892	1423	1042	1427	1214	880
894	864	1050	1383	1215	995
896	659	1055	1204	1217	868
898	1424	1057	1384	1220	783
903	287	1062	624	1221	1339
905	1425	1067	1111	1222	869
906	917	1068	1118	1224	695
912	987	1069	955	1226	1387
914	135	1070	1112	1228	495
916	343	1073	660	1233	467
918	618	1076	911	1235	881
920	988	1077	465	1237	196
921	265	1080	318	1240	104
924	344	1089	713	1241	412
926	865	1092	992	1247	1286
928	1283	1093	1338	1248	468
930	1380	1098	993	1255	996
933	444	1102	466	1258	664
938	266	1103	1119	1259	469
939	773	1106	1113	1264	1388
942	918	1111	721	1265	448
944	694	1116	661	1275	1117
946	879	1119	1114	1276	1154
948	132	1121	639	1277	445
949	989	1122	1152	1282	1451
950	866	1123	796	1283	957
951	1083	1128	493	1287	1155
953	1426	1130	538	1290	1156
955	267	1137	1450	1292	897

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1302	798
1309	1458
1316	640
1317	799
1322	1096
1323	696
1324	302
1328	800
1330	801
1335	802
1342	300
1343	301
1344	803
1347	1157
1348	724
1350	1389
1351	1166
1354	997
1359	480
1361	1465
1363	725
1364	726
1365	727
1368	728
1377	1429
1380	804
1382	398
1388	958
1390	805
1391	1232
1394	470
1397	729
1398	1158
1403	1182
1405	730
1407	115
1408	1304
1411	697
1413	1430
1414	731
1416	446
1417	714
1422	1287
1423	608
1424	591
1425	959
1431	1452
1433	539
1440	924
1448	870
1451	1159
1453	732
1456	1160
1457	960
1458	882
1460	998
1462	399
1466	1175
1468	883
1470	330
1475	1288
1480	354
1484	1088
1491	999
1492	1390
1493	79
1497	303
1498	1289
1506	1391
1509	413
1511	806
1513	116
1517	1207
1519	884
1522	1120
1525	885
1528	1121
1530	592
1531	961
1532	1053
1539	962
1543	925
1546	593
1550	36
1555	144
1556	1208
1557	496
1558	1000
1562	1039
1563	1089
1566	1290
1568	400
1572	665
1578	594
1582	1431
1585	807
1590	1340
1593	1001
1594	1122
1596	447
1598	698
1613	1330
1615	1459
1623	1460
1625	228
1629	1040
1631	1123
1632	1002
1633	891
1650	595
1655	1161
1657	247
1659	666
1660	1054
1661	1453
1663	1085
1667	699
1670	963
1672	288
1685	268
1686	190
1694	1003
1704	1162
1706	1124
1709	1176
1711	30
1714	1163
1715	248
1716	1164
1721	1392

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4	31	36	19	71	94
5	93	37	92	72	40
6	23	39	139	73	119
7	32	40	140	74	41
9	33	41	116	75	120
10	136	44	62	76	144
11	17	48	37	77	145
12	14	51	21	80	146
13	18	52	117	81	147
14	15	54	59	82	148
15	137	55	141	83	149
17	29	56	26	85	150
19	48	57	27	87	151
21	138	58	166	88	152
22	106	59	82	89	153
23	68	61	24	91	154
25	30	62	38	93	155
26	42	65	90	94	156
27	69	66	142	96	157
28	58	67	143	97	158
30	70	68	45		
33	46	69	43		
34	39	70	118		

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AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
2	159	20	161	40	111
3	44	21	78	41	79
4	160	23	96	42	34
5	67	25	60	44	98
6	55	26	97	45	162
9	95	27	49	46	80
11	47	29	108	48	114
13	107	30	109	49	115
14	56	33	110	51	163
15	57	35	61	54	164
16	91	36	112	55	81
17	16	37	64	60	165
18	77	39	113		

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SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
3	1	20	168	44	72
4	12	21	13	45	103
5	3	23	83	47	125
6	4	24	9	48	126
7	20	25	84	49	104
8	5	26	102	50	171
9	2	28	22	51	127
10	7	32	123	56	172
11	35	34	85	57	105
13	122	35	169	60	186
14	6	37	86	62	173
15	8	38	50	63	128
16	99	39	87	66	174
17	100	41	124	67	129
18	10	42	53	69	175
19	101	43	170		

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SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
1	176	13	36	32	135
2	11	15	71	33	180
3	177	16	52	35	54
4	121	17	131	36	181
5	130	18	132	37	187
6	25	20	75	38	76
7	74	22	178	44	182
8	73	25	133	45	183
9	63	27	88	47	184
10	65	28	179	48	185
11	51	30	134		
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NEW GENERAL LAWS—1989

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2	Drinking water regulation appropriation
5	Simi Valley Unified School District
6	Developmental services regional centers
16	Cleveland Elementary School
17	Validations
26	State employees memorandum of understanding
27	State employees memorandum of understanding
30	Local planning
35	State Legalization Impact-Assistance Grant program education funding
36	State employees memorandum of understanding
38	Judgments and settlement claims against the state. appropriation
40	Correctional institutions
69	County governments budgets
93	1989-90 Budget
165	Industrial Welfare Commission appropriation
195	Public property deed City of Rio Vista
222	Big Rock Mesa landslide litigation. settlement appropriation
231	1992 World Exposition Seville, Spain
260	Judgments and settlements of claims against the state appropriation
266	Public Utilities Commission report
271	Amerasian children's services
275	Whittier Union High School District
315	Peace officers training
345	Public Utilities Commission telefacsimile communications report
434	Residential care facilities for the elderly administrators
435	Department of Transportation Feederbus Demonstration Program report
517	Shoreline erosion control
518	Correctional facilities reception center study
551	Waste water facilities loan. San Jacinto Mountains
602	Local government financing negotiated property tax revenue exchanges
618	Kings River Green Belt
619	Validations
637	Schoolsites use beyond instructional day
643	Earthquake safety· public schools
647	School facilities funding needs. prison construction
671	Local agency reorganization Calaveras and Monterey Counties
751	Ports. environmental mitigation
771	Schoolage parenting programs
775	Consumer and homemaking education
777	Validations
784	Sales and use taxes swap meets and flea markets enforcements
787	Payment of claims against the state appropriation
788	Payment of claims· state-mandated local programs
790	State property: San Diego study
844	Groundwater management· Mono County
877	Education facilities construction standards
934	Drainage water managment projects
941	Department of Motor Vehicles flexible hours
944	Transportation night deliveries and pickups study
966	Property taxation· Marin and Fresno Counties
1011	Agriculture veterinary laboratory project
1018	Local agencies
1037	Emergency teaching credential qualifications substitute teachers
1064	Attorney General: report
1087	Open-space subventions

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1186	School district reports
1187	Educational programs
1205	Highways Crow Canyon Road transportation study
1211	Technology education
1234	Domestic violence. educational program
1262	Minors
1311	Community Colleges
1321	Vehicles: chlorofluorocarbon emissions
1350	Northern California Youth Center visitor center
1392	Honey Lake Valley Groundwater Basin
1406	Medi-Cal. hospital care AIDS
1438	Oakland Unified School District emergency loan
1454	Claims against the state appropriation
1456	Public schools· alcohol and drug use
1458	1990 World Exposition· Osaka, Japan
1459	State park system Town of Locke