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and Constitutional Amendments passed by the
California Legislature

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CHAPTER 1621

An act to add and repeal Part 3.8 (commencing with Section 13899) of Division 3 of Title 2 of the Government Code, relating to federal expenditures, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Federal programs in such areas as transportation, housing, space, and defense generate a major portion of the state's employment and are vital to those areas of our economy.

(b) California received $103 billion in federal expenditures in 1988, over $40 billion more than the second place state of New York.

(c) After increasing dramatically between 1979 and 1985, new authority for defense portions of federal spending has fallen in inflation-adjusted terms for five consecutive years. The Commission on State Finance projects that defense expenditures entering California during 1990 will be down for the second consecutive year, with an anticipated inflation adjusted loss of 5 percent. Shifts in United States Department of Defense policies may further accelerate that loss. Continued slowing in defense spending will adversely affect firms in California's high-technology and aerospace industries, including aircraft manufacturing, space, electronics, and communications equipment.

(d) The impacts of these changing expenditure patterns will be felt particularly in the state's educational establishments. According to recent estimates by the Commission on State Finance, the University of California was the sixth largest recipient of Department of Defense contracts in 1988, receiving $1.3 billion in prime awards.

(e) The development of statewide policies mitigating the need for major economic adjustment and conversion efforts will require close private and public sector cooperation. To assist local governments, educational institutions, businesses, and individuals to understand and evaluate the impact of these shifting patterns on their budgeting, training needs, competitive possibilities, and job prospects, there is need to reauthorize in a modified form the current responsibility of the Commission on State Finance to develop and maintain an economic model capable of estimating the impact of federal expenditures on the state's economy and employment. The commission should continue to report semiannually to the Legislature and the Governor regarding fluctuations and related

economic effects of federal expenditures on regions and industries within the state and should:

(1) Develop strategies to maximize dissemination of Commission on State Finance federal expenditure data for the benefit of local and regional planners, state and local job training agencies, and economic development groups.

(2) Modify the content and format of the Commission on State Finance report, "Impact of Federal Expenditures on the Economy," to provide macro economic data as well as microanalysis of specific topics of governmental finance where federal spending plays a significant role, such as in infrastructure finance, transportation, education, and health and welfare.

SEC. 2. Part 3.8 (commencing with Section 13899) is added to Division 3 of Title 2 of the Government Code, to read:

PART 3.8. INFORMATION ON FEDERAL EXPENDITURES

13899. It is the intent of the Legislature that:

(a) The executive and legislative branches have access to timely and objective information on the impact of federal expenditures on the state's economy and employment.

(b) The Commission on State Finance be responsible for collecting information and analyzing the impact of changing federal expenditures on California's economy, employment, and tax revenues, as provided pursuant to this part and that this information be utilized to the maximum extent to direct state and local job training and economic development resources to areas of the state experiencing expansions or reductions in federal expenditures.

(c) The efforts of the commission encourage public-private sector collaboration and input to the maximum extent possible.

13899.1. For the purposes of this part the following terms have the following meanings:

(a) "Federal expenditures" means federal contract awards, including defense and space procurement, research and development, construction contract awards, and expenditures affecting military bases and personnel.

(b) "Economic adjustment" means community-based activities intended to strengthen local competitiveness in attracting and sustaining expanding firms and new market activity.

(c) "Committee" means Federal Spending Advisory Committee established as an advisory body to the Commission on State Finance.

(d) "Commission" means the Commission on State Finance.

13899.2. The commission shall maintain an economic model capable of estimating the impact of federal expenditures on the state's economy and employment.

13899.3. On a semiannual basis, the commission shall report to the Legislature and the Governor on the impact of federal expenditures on the state's economy and employment. The commission's report shall address all of the following:

(a) Projections of federal expenditures coming into the state and changes in these expenditures.

(b) The impact of these expenditures on the state's economic growth, employment, tax revenues, and other variables determined to be significant by the commission, for the next year compared with the previous three years. Federal spending data shall include, but not be limited to:

(1) Selected data on defense prime contract awards, including information on programs, major contractors, and distribution of awards by county.

(2) Cumulative effects of defense spending on industry output and employment.

(3) Total federal expenditures received by all states, along with state rankings.

(4) State-by-state comparisons of federal tax collections.

(5) A summary of significant federal expenditure increases or decreases affecting California military bases, installations, and active duty and retired military personnel located within the state as well as the impact of changes in these expenditures.

(c) Reporting on specific topics of governmental finance where federal spending plays a significant role. Such topics may include, but not be limited to, federal, state, and local responsibilities for funding infrastructure or education spending; a regional outlook on impacts of defense spending in light of the elimination of specific major programs; and federal, state, and local funding sources for California counties.

13899.4. The Executive Director of the Commission on State Finance shall convene a working group on federal expenditures. The purposes of the working group shall be to do all of the following:

(a) Advise the commission on priority study areas in the commission's semiannual report.

(b) Recommend strategies to maximize dissemination of Commission on State Finance study data for the benefit of state, local and regional planners, state and local job training agencies, private sector entities, and economic development groups.

(c) Recommend methods to utilize federal expenditure data generated by the commission to improve state, local, and regional economic development planning.

(d) Identify a menu of needs for the state which may be used as a data base for directing economic adjustment or diversification efforts which may become appropriate as a result of significant reductions in defense expenditures in California.

(e) Assist the commission in making recommendations, as appropriate, to the Governor and the Legislature.

13899.5. The working group shall be composed of not more than 15 members, of which one shall be the Director of Commerce or designee. The working group shall be broadly representative of the geographic, gender, and cultural diversity of the state, and shall include, but not be limited to, representatives of the following

groups:

(a) Local elected officials representing regions significantly affected by federal spending.

(b) Businesses significantly affected by federal spending.

(c) Local economic development associations.

(d) Private and public sector economists.

(e) Institutions of higher education engaged in federally supported research.

(f) Public employment training programs.

(g) Public interest groups.

(h) Labor unions.

Of the members of the working group, at least three shall be from among a list of names submitted by the Chairman of the Assembly Committee on Local Government and at least three from a list of names submitted by the Chairman of the Senate Rules Committee.

The working group shall be voluntary, and the commission shall expend no state funds for per diem, including travel expenses, for the members of the working group.

13899.6. In order to carry out the duties under this part, the commission may do all of the following:

(a) Conduct seminars and other public meetings at such times and places as the executive director deems appropriate.

(b) Accept contributions, grants, and bequests and set reasonable fees for publications, studies, or reports. The executive director may also accept federal funds as may be available to develop specialized information systems and data bases on federal expenditures in this state.

13899.7. This part shall become inoperative on July 1, 1994, and, as of January 1, 1995, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1995, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. The sum of forty-seven thousand five hundred dollars ($47,500) is hereby appropriated from the General Fund to the Commission on State Finance for expenditure to carry out the purposes of this act from January 1, 1991, to June 30, 1991.

CHAPTER 1622

An act relating to pest control, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The sum of six hundred thousand dollars ($600,000) is hereby appropriated from the General Fund to the Department

of Food and Agriculture to fund the department's laboratory in Hawaii for the production of sterile Mediterranean fruit flies.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the funds appropriated by this act to be available for current pest control operations, it is necessary that it take effect immediately.

CHAPTER 1623

An act to amend Section 56734 of, and to add and repeal Section 56728.9 of, the Education Code, relating to special education, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 56734 of the Education Code is amended to read:

56734. The support services amounts to each district and county office for the 1980–81 fiscal year shall be the amount computed pursuant to Section 56727 multiplied by the quotient computed pursuant to Section 56733, except as otherwise provided in Section 56728.9.

SEC. 2. Section 56728.9 is added to the Education Code, to read:

56728.9. (a) Notwithstanding any other provision of this article, any special education local plan area which is a single district and which is severely impacted by pupils who reside in licensed children's institutions, as defined in Section 56155.5, shall be entitled to a support services amount calculated pursuant to Section 56734, except that the quotient computed pursuant to Section 56733 shall be multiplied by 150 percent for classes in which a majority of the pupils enrolled reside in licensed children's institutions, if the special education local plan area meets all of the requirements of this section.

(b) A special education local plan area is severely impacted, for purposes of this section, if all of the following requirements are satisfied:

(1) Pupils who reside in licensed children's institutions represent more than 15 percent of the special education enrollment of the special education local plan area.

(2) Special education enrollment of pupils who reside in licensed children's institutions has increased by more than 50 percent since 1985.

(3) The special education local plan area does not enroll more than 10 percent of its pupils who do not reside in licensed children's institutions in special education programs.

(c) Any special education local plan area that is severely impacted pursuant to subdivision (b) may make the calculation adjustments provided by subdivision (a) only for those classes in which a majority of the pupils enrolled during the 1989–90 school year resided in licensed children's institutions.

(d) The calculation provided by this section is a base year calculation, based on the enrollment in classes in the 1989–90 school year, creating a limit on funding adjustments provided by this section. Special education local plan areas shall not be required to maintain the 1989–90 level of eligible classes in order to be eligible for the calculation in future years. Special education local plan areas are encouraged to place pupils who reside in licensed children's institutions in the educational environment which best meets the pupil's needs in keeping with the least restrictive environment requirements of Public Law 94-142 and the Master Plan for Special Education.

(e) The state shall not allocate any funds for the purposes of this section that are in excess of the amount expressly appropriated for the purposes of this section.

(f) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

SEC. 4. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for the purposes of Section 56728.9 of the Education Code.

CHAPTER 1624

An act to add Section 25334.7 to the Health and Safety Code, and to amend Section 3 of Chapter 1428 of the Statutes of 1985, relating to hazardous substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 25334.7 is added to the Health and Safety Code, to read:

25334.7. The State Department of Health Services shall report to the Governor and the Legislature on the progress of the cleanup of the San Gabriel Valley groundwater sites in Los Angeles County, and

on the progress of enforcement actions relating to those sites, by January 1, 1992, and annually thereafter. The report shall include, but not be limited to, all of the following:

(1) State expenditures and planned expenditures.

(2) Actions accomplished at the sites.

(3) Actions planned, including a time schedule for the accomplishment of planned actions.

The report may be prepared in cooperation with other state and federal agencies involved with the sites, and shall include a summary of the activities of those additional agencies.

SEC. 2. Section 3 of Chapter 1428 of the Statutes of 1985 is amended to read:

Sec. 3. The sum of twenty-one million four hundred thousand dollars ($21,400,000) is hereby appropriated from the contingency reserve for economic uncertainties in the General Fund, as provided in Section 12.30 of the Budget Act of 1985 (Chapter 111, Statutes of 1985), as follows:

(a) Sixteen million dollars ($16,000,000) to State Department of Health Services for expenditure at the Stringfellow Acid Pits without regard to fiscal years in accordance with the following schedule:

Schedule:

(1) To provide a permanent alternative water supply to residents in Glen Avon who now receive bottled water from the state	$ 1,600,000
(2) To conduct a comprehensive health study of former and current residents near the Stringfellow Acid Pits to identify and assess both acute and chronic health problems that may be linked to contaminants from the Stringfellow site	$ 800,000
(3) To establish a Special Stringfellow Reserve Account to be used by the department to fund special investigations and remedial or emergency actions that are necessary to fully protect the health of the residents near Stringfellow if the department determines that funds are not available from other sources including the federal Environmental Protection Agency, the responsible parties, the Hazardous Substance Account, and the Hazardous Substance Cleanup Fund	$13,600,000

(b) Three hundred thousand dollars ($300,000) to the State Department of Health Services for expenditure without regard to fiscal years for the design, purchase, and installation of activated carbon adsorption water treatment systems for the Rurban Homes and Richwood Mutual Water Companies and the expansion of the existing carbon treatment system for the Hemlock Mutual Water Company. The department shall maximize the use of federal funds and shall enter into a written agreement with the Environmental Protection Agency in which the department agrees to reimburse the agency for expenditures which exceed the agency's portion of design, purchase, and installation costs pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

Any funds remaining following the installation of water treatment systems pursuant to this subdivision shall be deposited in the subaccount for site operation and maintenance established pursuant to Section 4 of Chapter 1428 of the Statutes of 1985.

(c) One million one hundred thousand dollars ($1,100,000) to the State Department of Health Services for expenditure without regard to fiscal years for the design, purchase, and installation of a water treatment system for the Valley County Water District in Baldwin Park.

Pursuant to Section 25358.3 of the Health and Safety Code, in expending funds pursuant to this subdivision, the department shall contract with the Valley County Water District or other appropriate public agency for the design, purchase, and installation of a treatment facility to address volatile organic compound (VOC) contamination affecting the Valley County Water District's wells. The location of this treatment facility shall be consistent with the recommendations of the Environmental Protection Agency Basinwide Technical Plan for the San Gabriel Basin regarding the placement of potential operable units, and with the overall goal of minimizing the spread of the plume of contaminated groundwater which underlies the Baldwin Park area into uncontaminated areas.

Expenditures made pursuant to this subdivision shall not affect any subsequent recovery actions pursuant to Section 25360 of the Health and Safety Code.

Any funds remaining following the installation of a water treatment system at the Valley County Water District pursuant to this subdivision shall be deposited in a special account designated for subsequent actions determined to be necessary to contain and reduce groundwater contamination within the San Gabriel Basin, including costs associated with the design, purchase, and installation of treatment facilities, and operation and maintenance costs associated with those treatment facilities.

All expenditures of funds pursuant to this subdivision shall be for actions which are determined by the department to be consistent with the objectives, as defined by the Environmental Protection Agency Basinwide Technical Plan for the San Gabriel Basin, for the

containment of the plumes of contamination and the reduction of volatile organic compound (VOC) contamination in the San Gabriel Basin.

(d) Four million dollars ($4,000,000) to be transferred by the Controller to the Emergency Clean Water Grant Fund. This amount is available to the State Department of Health Services without regard to fiscal years, pursuant to Section 4030.9 of the Health and Safety Code, to take remedial action to ensure safe water supplies at public water systems where there is an imminent threat to public health due to contamination of the public water supply and for which the department determines that the situation would not otherwise be adequately addressed through an action funded by any other private, local, state, or federal agency or funding source, including the Hazardous Substance Account and the Hazardous Substance Cleanup Fund. Four hundred thousand dollars ($400,000) shall be used to design, purchase, and install water filtration systems for nitrate removal for the McFarland Mutual Water Company.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that grave threats to public health and safety and the environment caused by spreading groundwater contamination can be alleviated without further delay, it is necessary that this act take effect immediately.

CHAPTER 1625

An act to amend Section 13826.6 of, to add Section 13826.11 to, and to add and repeal Section 13826.12 of, the Penal Code, relating to gang violence.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 13826.11 is added to the Penal Code, to read:

13826.11. (a) The Legislature hereby finds and declares the following:

(1) There is a greater threat to public safety resulting from gang- and drug-related activity in and near California's inner cities.

(2) Young people, especially at-risk youth, are more vulnerable to gang- and drug-related activity during the potentially unsupervised hours between the end of school and the time their parents or guardians return home from work.

(3) Without local prevention and treatment efforts, hard drugs will continue to threaten and destroy families and communities in

and near the inner cities. Drug-related violence may then escalate dramatically in every community, and thereby burden the criminal justice system to the point that it cannot function effectively.

(4) Los Angeles currently leads the nation in the number of gang members and gang sites, the consumption of drugs, the amount of drugs confiscated, drug-related violent crimes, and has the greatest number of young people between 6 and 18 years of age who are "at risk."

(5) It is the intent of the Legislature that a pilot program, the "After School Alternative Program" (ASAP), be established and implemented within a specified Los Angeles community. This community program would utilize the public schools, businesses, and community facilities to provide supportive programs and activities to young people during the time between the end of school and the return home of their parents or guardians (from approximately 3 p.m. to 7 p.m.).

SEC. 2. Section 13826.12 is added to the Penal Code, to read:

13826.12. (a) There is hereby created within the Office of Criminal Justice Planning, a pilot program known as "After School Alternative Program" (ASAP). The establishment of the pilot program pursuant to this section shall be contingent upon the availability and receipt of federal funding for this purpose. The goal of the pilot program shall be to reduce gang activity and drug-related crime in and near the targeted schools, businesses, and community sites. This shall be accomplished by coordinating the efforts of community-based organizations, public schools, law enforcement officials, parents, and business leaders in participating communities to prevent the illicit activities of current and potential gang members and drug users by making alternative activities available. These activities may be provided at school or community sites, and may include:

(1) Recreational, arts, crafts, or academic tutorial programs.

(2) Job counseling and training, with the participation of community business representatives.

(3) Presentations by law enforcement officials, and informal get-togethers.

(4) Group and individual (as needed) drug and/or gang counseling.

(5) Community awareness presentations.

(b) A Los Angeles community may elect to participate in the pilot project established pursuant to subdivision (a) by establishing and operating an ASAP program. The community may be any designated area that contains up to two public high schools and feeder schools, as well as having active business enterprises and a viable local community-based organization. The project shall operate for a two-year period commencing on July 1, 1991. The project shall implement a program model to be developed by the Office of Criminal Justice Planning, in cooperation with local community-based organizations, school districts, and law

enforcement agencies.

(c) Each city, or city and county, that participates in the ASAP pilot project shall submit a report to the Legislature regarding the operation of its pilot program in the 1991–92 fiscal year no later than June 30, 1992, and in the 1992–93 fiscal year no later than June 30, 1993.

(d) This section shall remain operative only until June 30, 1993, and as of that date is repealed unless a later enacted statute, which is enacted before June 30, 1993, deletes or extends that date.

SEC. 3. Section 13826.6 of the Penal Code is amended to read:

13826.6. For purposes of this chapter, a "community-based" organization is defined as a nonprofit operation established to serve gang members, their families, schools, and the community with programs of community supervision and service which maintain community participation in the planning, operation and evaluation of their programs.

(a) Unless funded pursuant to subdivision (c), community-based organizations supported under the Gang Violence Suppression Program shall implement the following activities:

(1) Providing information to law enforcement agencies concerning gang related activities in the community.

(2) Providing information to school administrators and staff concerning gang related activities in the community.

(3) Provide conflict resolution by means of intervention or mediation to prevent and limit gang crisis situations.

(4) Increase witness cooperation through coordination with local law enforcement and prosecutors and by education of the community about the roles of these government agencies and the availability of witness protection services.

(b) Community-based organizations funded pursuant to subdivision (a) shall also implement at least one of the following activities:

(1) Maintaining a 24-hour public telephone message center for the receipt of information and to assist individuals seeking services from the organization.

(2) Maintaining a "rumor control" public telephone service to provide accurate and reliable information to concerned citizens.

(3) Providing technical assistance and training concerning gang related activities to school staff members, law enforcement personnel, and community members including parental groups. This training and assistance shall include coverage of how to prevent and minimize intergang confrontations.

(4) Providing recreational activities for gang members or potential gang members.

(5) Providing job training and placement services for youth.

(6) Referring gang members, as needed, to appropriate agencies for the treatment of health, psychological, and drug-related problems.

(7) Administration of the Urban Corps Program pursuant to

Section 13826.62.

(8) Mobilizing the community to share joint responsibility with local criminal justice personnel to prevent and suppress gang violence.

(c) Community-based organizations funded under the Gang Violence Suppression Program for specialized school prevention and intervention activities shall only be required to implement activities in the schools which are designed to discourage students from joining gangs and which offer or encourage students to participate in alternative programs.

CHAPTER 1626

An act to amend Section 17705.5 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 17705.5 of the Education Code is amended to read:

17705.5. (a) The total building cost portion of any state funding for any project approved under this chapter for the construction of one or more school facilities shall be reduced by the amount of the local matching share requirement computed under subdivision (b).

(b) Each school district to which funds are allocated pursuant to this chapter for the construction or reconstruction of one or more school facilities shall provide, as its share of the cost of the project, an amount equal to the product of the applicable maximum fee authorized under Section 53080 of the Government Code, or Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code, or both, times the number of square feet of new residential, commercial, and industrial construction, as appropriate, for which building permits are issued within the boundaries of the school district from the date on which the board approves the district's application for project funding under this chapter to the date upon which the notice of completion for the project is issued. Notwithstanding any other provision of this subdivision, as to any construction for which the payment of a fee, charge, or dedication is required under a contract as described in paragraph (1) of subdivision (c) of Section 65995 of the Government Code, the matching share required under this subdivision shall be deemed to be the maximum payment that may be required under that contract as a condition of the approval of that construction. The amount calculated in this subdivision is reduced by the sum of the

following:

(1) Any amounts expended by the district during the described period of time for the acquisition of interim classroom facilities pursuant to Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code from the proceeds of the fee levied by the district during that period. This amount is limited to the acquisition of interim classroom facilities necessary to temporarily house that number of pupils calculated, under state pupil loading standards, by subtracting the average daily attendance of the district based on a three-year enrollment projection from the average daily attendance of the district based on a five-year enrollment projection. Notwithstanding that limit, the board may authorize the acquisition of additional interim classroom facilities for the purposes of this paragraph to the extent it determines that acquisition to be necessary to alleviate severe classroom overcrowding. Enrollment projections for this purpose shall be made in accordance with this chapter.

(2) Any amounts expended by the district during the described period of time for the local matching share of any project funded under this chapter from the proceeds of the fee levied by the district during that period.

(3) An amount reflecting the extent to which the district is precluded from collecting those fees by reason of the levy and collection of developer fees by another school district having common territorial jurisdiction.

(4) An amount reflecting the reasonable administrative expenses incurred by the school district in calculating and collecting the fees or other requirements levied by the school district during that period. If the school district has entered into an agreement pursuant to subdivision (a) of Section 53080 of the Government Code whereby the fees or other requirements imposed are collected in whole or in part by a city or county, the amount of administrative expenses calculated under this paragraph shall include any amount paid by the school district to the city or county as reimbursement for that service. In no event shall the total amount of the administrative expenses calculated under this paragraph exceed 3 percent of the fees collected during that period.

(5) The fees, charges, dedications, or any other requirements imposed pursuant to Section 53080 of the Government Code that are waived in an agreement between a school district and a property owner, if the school district receives land in lieu of the fees and other requirements. The land shall be used for the future construction of a school on the property and the credit allowed shall not exceed the lesser of the amount of fees offset by the district or the fair market value of the property as determined by two appraisals. The value of the property shall be determined by the board on the date that the school district defers the collection of fees based on the transfer of property for the project or projects for which the match is required. The property shall have received all approvals required by law for

use as a schoolsite by the State Department of Education before or concurrent with the acquisition of the property. The school district shall demonstrate a need for and eligibility for construction on the land received in lieu of fees and other requirements within five years of acquiring the land. If the land received in lieu of fees is not approved by the State Allocation Board for a school project within 10 years from the date the school district acquires the property, the school district shall repay the full amount of the match offset and 50 percent of the amount of appreciation of the property which occurred during the 10-year period since the date of acquisition.

(c) Where part or all of the local matching share is funded from the proceeds of a special tax or other charge, rather than from the imposition of a school facilities fee or other requirement, the applicant district shall not be required to pay that amount of the local matching share until those proceeds become available to the district.

(d) For purposes of establishing an estimate of the state project costs pursuant to subdivision (a), the board may estimate the local matching share by using the product of the annual average of the amount that would have resulted from the application of the maximum fee to the square footage of all new construction within the district over the three calendar years preceding the district's project application times the number of years over which the board estimates the fee will be collected by the district pursuant to the project to be funded.

(e) Only those project applications for which, prior to January 1, 1987, the board had made the apportionment for site acquisition and working drawings or the final apportionment for construction of the project shall be subject to the provisions of this chapter in effect prior to that date.

(f) The board may provide a loan to any applicant district in an amount equal to all or a part of the district's obligation under subdivision (b), subject to the requirement that the district pay each month to the board, as reimbursement, an amount equal to the proceeds that would be received by the district from the imposition of the fee described under subdivision (b) until the total amount of the loan has been repaid, together with interest computed pursuant to Section 16065.

(g) The board may make the loan specified in subdivision (f) from any funds available from any source, including, but not limited to, those amounts made available pursuant to Section 16065.

(h) All loan and interest amounts paid to the state pursuant to this section shall be available for the use of the board in the funding of projects as otherwise provided under this chapter, including, but not limited to, additional loans.

(i) The board is authorized to accept from applicant school districts, as a method of compliance with all or part of the local matching share requirement calculated under this section, land that will be part of the project for which the matching share is to be paid, in which event title to the land shall be conveyed to the state. The

board shall determine the value of the land to be used for this purpose, and shall adopt rules and regulations as necessary to otherwise implement this subdivision.

(j) This section shall remain in effect only until such date as any state general obligation bond measure submitted to the voters of this state for their ratification, which measure includes within its purposes the funding of school facilities construction, fails to receive that ratification, and as of that date is repealed.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit school districts to fund urgently needed school facilities projects, it is necessary that this act take effect immediately.

CHAPTER 1627

An act to amend Sections 61601.10 and 61621.8 of the Government Code, relating to local government.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 61601.10 of the Government Code is amended to read:

61601.10. (a) Notwithstanding the provisions of Section 61600, whenever the board of directors of a district listed in subdivision (b) determines by resolution that it is feasible, economically sound, and in the public interest, and if a majority of the voters voting on the proposition vote in favor of the additional purpose pursuant to Section 61601, the district may enforce the covenants, conditions, and restrictions adopted for each tract within the district and to assume the duties of the architectural control committee for each tract within the district for the purposes of maintaining uniform standards of development within each tract as adopted in the covenants, conditions, and restrictions. The district shall exercise the duties of an architectural control committee for any tract only to the extent that an architectural control committee is authorized by the covenants, conditions, and restrictions which apply to the tract. For the purposes of this subdivision, "tract" means any parcel of land for which the county or the city has authorized development. The district may divest itself of the power in the same manner as the power was acquired.

(b) This section shall apply only to the following districts:

(1) Bel Marin Keys Community Services District.

(2) Big River Community Services District.

(3) Brooktrails Community Services District.
(4) Cameron Estates Community Services District.
(5) Cameron Park Community Services District.
(6) El Dorado Hills Community Services District.
(7) Golden West Community Services District.
(8) Lake Shastina Community Services District.
(9) Rancho Murieta Community Services District.
(10) Salton Community Services District.
(11) Sea Oasis Community Services District.
(12) Stallion Springs Community Services District.
(13) Tenaja Community Services District.
(14) Springfield Meadows Community Services District.

SEC. 2. Section 61621.8 of the Government Code is amended to read:

61621.8. (a) This section shall apply only to the Bell Canyon Community Services District, and the Lake Sherwood Community Services District, and subdivisions (b) and (d) to the Cameron Estates Community Services District.

(b) Notwithstanding any other provision of law, in the case of roads which a district owns and which are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, the district may by ordinance adopt regulations which limit access to and the use of those roads to landowners and residents of the district.

(c) Notwithstanding any other provision of law, a district, other than the Cameron Estates Community Services District, may by ordinance adopt regulations that limit access to or the use of its park and recreational facilities and property to landowners and residents of the district.

(d) The Cameron Estates Community Services District may accept special district augmentation funds from the county but may not expend them for construction, maintenance, or improvement of roads on which the district has limited access to landowners and residents of the district.

(e) Violation of any regulation adopted pursuant to this section is a misdemeanor.

SEC. 3. The Legislature finds and declares that a special act is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of unique circumstances applicable to the Cameron Estates Community Services District. These circumstances are that the Cameron Estates Community Services District owns the roads which have traditionally been used for the exclusive benefit of the landowners and residents of the districts, and therefore need the authority conferred by this act.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty

for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1628

An act relating to postsecondary education.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) In 1984, the California Legislature enacted Assembly Concurrent Resolution 83 as Resolution Chapter 68 of the 1983–84 Regular Session, which established three specific goals to be achieved by 1990, for enhancing the participation and success in postsecondary education of California students from economic, racial, and ethnic backgrounds historically underrepresented in higher education.

(b) In 1990, it is clear that the goals of Assembly Concurrent Resolution 83 have not been achieved, as Latino, Black, and Native American students continue to be underrepresented among the baccalaureate degree recipients of California's public universities.

(c) Despite the gloomy picture of the extent of movement over the last 20 years in achieving educational equity, some of the specific programs developed and implemented by the educational institutions during these two decades have contributed significantly to the progress that has been made to date and without which the situation would undoubtedly be worse. The Mathematics, Engineering, and Science Achievement Program, the California Student Opportunity and Access Program, and the Minority Engineering Program, among others, have demonstrated that students who participate in these carefully planned interventions succeed educationally in proportions that are impressive and that evidence progress in achieving educational equity goals.

(d) In 1987–88, an estimated 825,000 Native American, Black, and Latino students were enrolled in California public schools in grades 7 to 12, inclusive. Approximately 68,000 of them participated in 10 intersegmental student preparation programs that year. This indicates that less than 8 percent of all Native American, Black, and Latino students in grades 7 to 12, inclusive, throughout the state benefited from these programs.

(e) Through Section 8600 of the Education Code, the Legislature has recognized that the connections made between the public and private sectors through the Mathematics, Engineering, and Science

Achievement Program have resulted in better preparation of underrepresented students for college in mathematics and science-based fields.

(f) Through the 1989–90 Budget Act, the Governor and the Legislature directed the California Postsecondary Education Commission to assess the impact of intersegmental programs designed to improve the preparation of secondary school students for college and university study. The commission's final report should be prepared prior to October 1, 1991, with a preliminary report due by October 1, 1990.

(g) It is the intention of the Legislature that after the full costs of the program are determined, and if the necessary funding is available, these successful programs be expanded to serve all eligible students in all regions of the state, so that students historically underrepresented in postsecondary education will have the full opportunity to complete a baccalaureate program. It is the intention of the Legislature that the intersegmental programs undergo periodic evaluations and any needed modifications designed to promote maximum program effectiveness and a strong coordinated statewide effort to prepare students from all economic, cultural, and racial backgrounds for college level study.

SEC. 2. To achieve the objectives stated in Section 1, it is the intention of the Legislature that:

(a) The California Student Aid Commission, in consultation with the other appropriate educational institutions, shall develop a proposed strategy for the phased expansion of the California Student Opportunity and Access Program, moving it from a pilot program at six sites to a statewide program. This proposed strategy shall involve a five-year plan, with specific recommendations for needed funding levels each year. The commission shall report on this proposed strategy, as provided in subdivision (d).

(b) The Mathematics, Engineering, and Science Achievement Program should be administered as a public service program through a cooperative effort involving the Superintendent of Public Instruction, the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, private industry, engineering societies, and professional organizations. Subject to the approval of the Regents of the University of California, the University of California, working cooperatively with other appropriate educational institutions, shall develop a proposed strategy for the phased expansion of the Mathematics, Engineering, and Science Achievement Program from its current operations at 180 schoolsites to all secondary schools with at least 40 percent enrollments of low-income and Latino, Black, and Native American students, and report on the proposed strategy, as specified in subdivision (d).

(c) The statewide offices of the public and independent colleges and universities and the Superintendent of Public Instruction shall each develop a strategy to expand other intersegmental programs for

which they have administrative responsibilities and for which there is evidence of success in improving college preparation, including course completion and university eligibility, and college and university enrollment of students historically underrepresented in postsecondary education. Each strategy should identify the current levels of effort, the total numbers of students to be served, an explanation of how the various programs will be coordinated to effectively and efficiently serve students, a proposed strategy for the phased expansion of the programs, and annual cost estimates. The statewide offices of the postsecondary institutions and the superintendent shall each work cooperatively with the other appropriate educational institutions and report on the proposed strategy as specified in subdivision (d).

(d) Each of the three reports required pursuant to subdivisions (a), (b), and (c) shall be submitted to the legislative budget committees and the California Postsecondary Education Commission, prior to March 15, 1992. Prior to May 1, 1992, the Postsecondary Education Commission shall submit to the legislative budget committees its comments and recommendations on these three reports.

CHAPTER 1629

An act to amend Item 1390-046-758 of Section 2.00 of the Budget Act of 1990, relating to the Medical Board of California, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Item 1390-046-758 of Section 2.00 of the Budget Act of 1990, Chapter 467 of the Statutes of 1990, is amended to read:

1390-046-758—For support of the Medical Board of California, payable from the Contingent Fund of the Medical Board of California		14,253,000
Schedule:		
(a) 63.10.010—Medical Board of California	15,110,250	
(ax) 63.10.015—Executive Director's salary	56,250	
(b) 63.15—Registered Dispensing Opticians	145,500	
(c) 63.10.020—Distributed Medical Board of California	−776,250	

(d) Reimbursements ..... —137,250
(e) Amount payable from the Dispensing Optician's Fund (Item 1390-047-175) ..... —145,500

Provisions:

1. The board shall prepare three reports and submit these reports to the members of the Joint Legislative Budget Committee, the fiscal committees of the Legislature, and the Department of Finance by July 15, 1990 (first report), November 30, 1990 (second report), and February 28, 1991 (third report). These reports must clearly indicate that the unassigned investigative case backlog has been reduced by 15 percent during the period July 1990 through November 1990. The first and second reports shall include the number of unassigned investigative cases by date received, by priority category, and by physician and surgeon and allied health categories. The second and third reports shall also include the number of complaints received and the status of all unresolved complaints by age, investigative category, priority category, physician and surgeon and allied health categories. The board shall eliminate the unassigned investigative caseload by December 31, 1990, by assigning these cases to investigative staff. The board shall confirm this action in the third report.
2. The Department of Finance, pursuant to the provisions of Section 27.00 of this act, shall submit a request for deficiency authorization from the Contingent Fund of the Medical Board of California for the purpose of paying the salary of the executive director and the board's costs through June 30, 1991. The approval of the requested deficiency authorization shall be contingent upon a 15 percent reduction in the board's unassigned investigative case backlog during the period July 1990 through November 1990, inclusive.

SEC. 2. The Medical Board of California shall submit to the Legislature, on or before January 1, 1992, a variety of options which would achieve the goal of increasing the postgraduate training requirements for physician and surgeon licensure, as outlined in a report submitted to the Legislature in March 1989.

SEC. 3. The Legislature finds that the Medical Board of California submitted a report to the Legislature in March 1989, which,

among other things, recommended an increase in the postgraduate training for an applicant for licensure as a physician and surgeon. Considering the impact on medical students and applicants seeking licensure, the Legislature desires to be informed of the variety of options that may be considered prior to the adoption of any increased postgraduate training requirements.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the appropriations made and the reports required by this act may take effect at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1630

An act to repeal and add Chapter 4 (commencing with Section 4351) of Division 2 of the Public Utilities Code, relating to gas distribution systems.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 4351) of Division 2 of the Public Utilities Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 4351) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 4. ENFORCEMENT OF FEDERAL PIPELINE SAFETY STANDARDS FOR MOBILEHOME PARK OPERATORS

4351. As used in this chapter:

(a) "Gas" means natural or manufactured gas, except propane, used for light, heat, or power.

(b) "Distribution system" means a system of pipes within a mobilehome park operated by a person or corporation, other than a public utility, which is connected to a meter or other measuring device under the control of a privately owned or publicly owned public utility, for purposes of distribution of gas by the operator of a mobilehome park to the tenants of the mobilehome park who are the actual users of the gas furnished through the meter or device to the operator by the public utility.

(c) "Operator" is a mobilehome park owner or operator who maintains and operates a master-metered natural gas distribution system.

(d) "Department" means the Department of Housing and

Community Development.

(e) "Local enforcement agency" means the city, county, or city and county which has assumed the responsibility for the enforcement of Chapter 2 (commencing with Section 18300) of Part 2.1 of Division 13 of the Health and Safety Code.

(f) "Federal law" or "federal pipeline standards" means the federal Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. Sec. 1671 et seq.) and the regulations contained in Parts 190, 191, and 192 of Title 49 of the Code of Federal Regulations.

4354. (a) Every operator shall prepare and submit to the commission annually a report on the distribution system.

(b) The report shall be submitted to the commission at the same time the annual application for a permit to operate the mobilehome park is submitted to the department or the local enforcement agency.

(c) The report shall be prepared using a form required by the commission and shall contain the information the commission finds necessary to carry out the intent of this chapter. In developing the form, the commission shall consult with interested parties to ensure that the form contains no more than the necessary and appropriate information to carry out the intent of this chapter.

(d) Upon receipt of the report, the commission shall examine the report for violations of (1) applicable federal pipeline safety laws or regulations or (2) any applicable commission rules or orders. The commission may inspect the operator's distribution system for the purpose of verifying whether or not a violation of federal or state pipeline safety laws or regulations has occurred or is occurring.

4357. (a) Any operator who fails to file the report required by Section 4354 or to comply with a directive of the department or the local enforcement agency pursuant to Section 4356 is subject to a civil penalty of not more than one thousand dollars ($1,000) for each day that the failure to file the report or respond to the directive continues, but not to exceed two hundred thousand dollars ($200,000) for a single violation or related series of violations. The commission shall enforce this subdivision.

(b) Nothing in this chapter affects the tort liability of the operator of a distribution system.

4360. Nothing in this chapter affects the requirement that operators of liquefied petroleum gas (propane) master-meter systems supplying 10 or more customers from a single source comply with the applicable provisions of the federal law.

SEC. 3. (a) This act shall become operative on July 1, 1991, except subdivision (c) of Section 4354 of the Public Utilities Code, which shall become operative on January 1, 1991.

(b) It is the intent of the Legislature if this bill and SB 2647 are both chaptered and become effective on or before January 1, 1991, and this bill is chaptered after SB 2647, that the provisions of Chapter 4 (commencing with Section 4351), as added to Division 2 of the Public Utilities Code by this bill, and Chapter 4 (commencing with

Section 4351), as added to Division 2 of the Public Utilities Code by SB 2647, form a single, unified Chapter 4 (commencing with Section 4351) of Division 2 of the Public Utilities Code.

Therefore, if both this bill and SB 2647 are chaptered and this bill is chaptered last, this bill does not prevail over SB 2647, and the provisions of both bills shall become operative in a single, unified Chapter 4 (commencing with Section 4351) of Division 2 of the Public Utilities Code.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1631

An act to add Division 12.2 (commencing with Section 15000) to the Public Resources Code, relating to batteries, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Division 12.2 (commencing with Section 15000) is added to the Public Resources Code, to read:

DIVISION 12.2. HOUSEHOLD BATTERIES

CHAPTER 1. DEFINITIONS

15000. "Board" means the California Integrated Waste Management Board.

15001. "Consumer" means every person who, for his or her use, purchases a household battery from a dealer.

15002. "Dealer" means a person in this state who sells or offers for sale household batteries to consumers.

15003. "Distributor" means every person who sells or offers for sale household batteries to a dealer in this state, including any manufacturer who engages in these sales. "Distributor" includes, but is not limited to, any person who imports household batteries from outside this state for sale to dealers or consumers in this state.

15005. "Household battery" means primary or secondary batteries, including nickel-cadmium, alkaline, carbon-zinc, mercury, and other batteries generated as non-RCRA hazardous waste similar in size to those typically generated as household waste. "Household battery" does not include lead-acid batteries. For purposes of this section, "non-RCRA hazardous waste" has the meaning as defined in Section 25117.9 of the Health and Safety Code.

15007. "Manufacturer" means any person who produces or manufactures household batteries.

15009. "Recycling center" means an operation which is certified by the department pursuant to Section 14538.

CHAPTER 2. STUDY ON HOUSEHOLD BATTERIES

15010. The board shall conduct a study on the disposal and potential recyclability of household batteries. In conducting the study, the board shall consult with other appropriate agencies and shall take into account any studies that have already been conducted on those batteries and their relation to solid waste.

15011. The study shall include, but is not limited to, all of the following:

(a) The effects of used household batteries on municipal solid waste landfills and incinerators, including any threats to human health or the environment.

(b) The potential recyclability of used household batteries, including, but not limited to, the following:

(1) Recycling technologies that could be used.

(2) The potential effectiveness of those technologies in recovering reusable materials from household batteries.

(3) Existing and potential collection systems for household batteries, including all of the following:

(A) Voluntary collection systems, using existing recycling centers and other mechanisms.

(B) Inclusion in the California Beverage Container Recycling and Litter Reduction Act.

(C) A deposit system which requires distributors to pay to the manufacturer a refundable deposit on purchase, dealers to pay to the distributor a refundable deposit on purchase, consumers to pay to the dealer a refundable deposit on purchase, and each deposit to be refunded on return of the household battery.

(D) The collection systems described in subparagraphs (A) to (C), inclusive, in conjunction with collection of other household hazardous wastes.

(4) The potential adverse effects on human health or the environment resulting from exposure to household batteries at all phases of the recycling process, including collection, storage, transportation, and reclamation of reusable materials.

(5) The costs of recycling household batteries, including avoided disposal costs.

15012. On or before March 1, 1992, the board shall submit to the Legislature a report describing the results of the study conducted under this chapter, together with recommendations on whether there is a need for legislation, regulation, or further study relating to the disposal or recyclability of used household batteries. The board shall also include a section on these subjects in the report submitted pursuant to Section 42950 on March 31, 1993.

SEC. 2. The sum of one hundred fifty thousand dollars ($150,000) is hereby appropriated from the Integrated Waste Management Account to the California Integrated Waste Management Board for the purposes of conducting the study and making the report required by Section 1.

CHAPTER 1632

An act to add Part 7.5 (commencing with Section 7850) to Division 5 of the Labor Code, relating to occupational safety and health.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Part 7.5 (commencing with Section 7850) is added to Division 5 of the Labor Code, to read:

PART 7.5. REFINERY AND CHEMICAL PLANTS

CHAPTER 1. GENERAL

7850. This part shall be known and cited as the California Refinery and Chemical Plant Worker Safety Act of 1990.

7851. The Legislature finds and declares that because of the potentially hazardous nature of handling large quantities of chemicals and recent disasters involving chemical handling in other states, a greater state effort is required to assure worker safety. The Legislature also recognizes that a key element for assuring workplace safety is adequate employee training. The potential consequences of explosions, fires, and releases of dangerous chemicals may be catastrophic; thus immediate and comprehensive government action must be taken to ensure that workers in petroleum refineries, chemical plants, and other related facilities are thoroughly trained and that adequate process safety management practices are implemented.

7852. (a) It is the intent of the Legislature, in enacting this part, that the Occupational Safety and Health Standards Board and the Division of Occupational Health and Safety (OSHA) promote worker safety through implementation of training and process safety

management practices in petroleum refineries and chemical plants and other facilities deemed appropriate.

(b) To the maximum extent practicable, the board and the division shall minimize duplications with other state statutory programs and business reporting requirements when developing standards pursuant to Chapter 2 (commencing with Section 7855).

(c) It is further the intent of the Legislature, in enacting this part, that in the interest of promoting worker safety, standards be adopted at the earliest reasonably possible date, but in no case later than July 1, 1992.

7853. For the purposes of this part, "process safety management" means the application of management programs, which are not limited to engineering guidelines, when dealing with the risks associated with handling or working near hazardous chemicals. Process safety management is intended to prevent or minimize the consequences of catastrophic releases of acutely hazardous, flammable, or explosive chemicals.

CHAPTER 2. PROCESS SAFETY MANAGEMENT STANDARDS

7855. The purpose of this chapter is to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals. The establishment of process safety management standards are intended to eliminate, to a substantial degree, the risks to which workers are exposed in petroleum refineries, chemical plants, and other related manufacturing facilities.

7856. No later than July 1, 1992, the board shall adopt process safety management standards for refineries, chemical plants, and other manufacturing facilities, as specified in Codes 28 (Chemical and Allied Products) and 29 (Petroleum Refining and Related Industries) of the Manual of Standard Industrial Classification Codes, published by the United States Office of Management and Budget, 1987 Edition, that handle acutely hazardous material as defined in subdivision (a) of Section 25532 and subdivision (a) of Section 25536 of the Health and Safety Code and pose a significant likelihood of accident risk, as determined by the board. Alternately, upon making a finding that there is a significant likelihood of risk to employees at a facility not included in Codes 28 and 29 resulting from the presence of acutely hazardous materials or explosives as identified in Part 172 (commencing with Section 172.1) of Title 49 of the Code of Federal Regulations, the board may require that these facilities be subject to the jurisdiction of the standards provided for in this section. When adopting these standards, the board shall give priority to facilities and areas of facilities where the potential is greatest for preventing severe or catastrophic accidents because of the size or nature of the process or business. The standards adopted pursuant to this section shall require that injury prevention programs of employers subject to this part and implemented pursuant to Section 6401.7 include the

requirements of this part.

7857. The process safety management standards shall include provisions dealing with the items prescribed by Sections 7858 to 7868, inclusive, of this chapter.

7858. The employer shall develop and maintain a compilation of written safety information to enable the employer and the employees operating the process to identify and understand the hazards posed by processes involving acutely hazardous and flammable material. The employer shall provide for employee participation in this process. This safety information shall be communicated to employees involved in the processes, and shall include information pertaining to hazards of acutely hazardous and flammable materials used in the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process. A copy of this information and communication shall be accessible to all workers who perform any duties in or near the process area.

7859. The employer shall perform a hazard analysis for identifying, evaluating, and controlling hazards involved in the process. The employer shall provide for the participation of knowledgeable operating employees in these analyses. The final report containing the results of the hazardous analysis for each process shall be available, in the respective work area, for review by any person working in that area. Upon request of any worker or any labor union representative of any worker in the area, the employer shall provide or make available a copy of any risk management prevention program prepared for that facility pursuant to Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code. The board, when adopting a standard or standards pertaining to this section, may authorize employers to submit risk management prevention programs prepared pursuant to Article 2 (commencing with Section 25531) of Chapter 6.95 of Division 20 of the Health and Safety Code to satisfy related requirements in whole or in part.

7860. (a) The employer shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each process consistent with the process safety information.

(b) A copy of the operating procedures shall be readily accessible to employees or to any other person who works in or near the process area.

(c) The operating procedures shall be reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities.

7861. (a) Each employee whose primary duties include the operating or maintenance of a process, and each employee prior to assuming operations and maintenance duties in a newly assigned process, shall be trained in an overview of the process and in the

operating procedures as specified in Section 7860. The training shall include emphasis on the specific safety and health hazards, procedures, and safe practices applicable to the employee's job tasks.

(b) Refresher and supplemental training shall be provided to each operating or maintenance employee, or both, and other worker necessary to ensure safe operation of the facility and on a recurring regular schedule as determined adequate by the board.

(c) The employer shall ensure that each worker necessary to ensure safe operation of the facility has received and successfully completed training as specified by this section. The employer, after the initial or refresher training shall prepare a certification record which contains the identity of the employee, the date of training, and the signature of the person conducting the training. Testing procedures shall be established by each employer to ensure competency in job skill levels and safe and healthy work practices.

7862. (a) The employer shall inform contractors performing work on, or near, a process of the known potential fire, explosion, or toxic release hazards related to the contractor's work and the process, and require that contractors have trained their employees to a level adequate to safely perform their job. The employer shall also inform contractors of any applicable safety rules of the facility, and assure that the contractors have so informed their employees.

(b) The employer shall explain to contractors the applicable provisions of the emergency action plan required by Section 7868.

(c) Contractors shall assure that their employees have received training to safely perform their jobs and that these employees will adhere to all applicable work practices and safety rules of the facility.

7863. The employer shall perform a prestartup safety review for new facilities and for modified facilities for which the modification necessitates a change in the process safety information. These reviews shall include knowledgeable operating employees.

7864. The employer shall establish and implement written procedures and inspection and testing programs to maintain the ongoing integrity of process equipment. These programs shall include a process for allowing employees to identify and report potentially faulty or unsafe equipment, and to record their observations and suggestions in writing. The employer shall respond regarding the disposition of the employee's concerns contained in the reports in a timely manner.

7865. The employer shall develop and implement a written procedure governing the issuance of "hot work" permits. "Hot work" includes electric or gas welding, cutting, brazing, or similar flame- or spark-producing operations.

7866. The employer shall establish and implement written procedures to manage changes, except for replacements in kind, to process chemicals, technology, and equipment, and to make changes to facilities.

7867. The employer shall establish a written procedure for investigating every incident which results in, or, as determined by

board criteria, could reasonably have resulted in, a major accident in the workplace. The procedure shall, at a minimum, require that a written report be prepared and be provided to all employees whose work assignments are within the facility where the incident occurred at the time the incident occurred and shall also include establishing a method for dealing with findings and recommendations.

7868. The employer shall establish and implement an emergency action plan. The employer may use the business plan for emergency response submitted pursuant to subdivision (a) of Section 25503.5 and subdivision (b) of Section 25505 of the Health and Safety Code if it meets the standards adopted by the board.

7870. Notwithstanding the availability of federal funds to carry out the purposes of this part, the division may fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to this part. The expenditure of these funds shall be subject to appropriation by the Legislature in the annual Budget Act.

CHAPTER 1633

An act to amend Sections 7856, 8232.5, 8664.8, 9029, 12002.1, 12002.2, 16500, 16511, 16514, and 16530 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 7856 of the Fish and Game Code is amended to read:

7856. Notwithstanding any other provision of this division, except as provided in subdivision (f) and except when prohibited by federal law, fish may be prepared for human consumption aboard a commercial fishing vessel only under the following conditions:

(a) The fish are taken under all existing commercial fishing laws and regulations and, except as provided in subdivision (f), the fish is of a species and size that can be lawfully taken under sportfishing regulations in the area where taken and are taken incidental to normal commercial fishing operations.

(b) The fish is separated from other fish and stored with other foodstuff for consumption by the crew and passengers aboard the vessel.

(c) The fish, or parts thereof, shall not be bought, sold, offered for sale, transferred to any other person, landed, brought ashore, or used for any purpose except for consumption by the crew and passengers.

(d) (1) All fish shall be maintained in such a condition that the species can be determined, and the size or weight can be determined

if a size or weight limit applies, until the fish is prepared for immediate consumption.

(2) If the fish is filleted, a patch of skin shall be retained on each fillet as prescribed by the commission in the sportfishing regulations until the fish is prepared for immediate consumption.

(3) Fillets from fish possessed under sportfishing regulations shall be of the minimum length prescribed by commission regulations.

(e) No fish which may be possessed under sportfishing regulations may be possessed in excess of the sport bag limit for each crew member and passenger on board the vessel.

(f) Notwithstanding other provisions of this section, kelp bass, sand bass, spotted bass, yellowfin croaker, spotfin croaker, California corbina, and marlin, shall not be possessed aboard a commercial fishing vessel while that vessel is on a commercial fishing trip. Lobster, salmon, or abalone shall not be possessed aboard a commercial fishing vessel while that vessel is on a commercial fishing trip for preparation for human consumption pursuant to this section unless that lobster, salmon, or abalone is taken and possessed in compliance with all applicable laws pertaining to commercial fishing methods of take, licenses, permits, and size limits. Sturgeon or striped bass shall not be possessed aboard a commercial fishing vessel. No person shall take or possess any fish on a commercial fishing vessel under a sportfishing license while that vessel is engaged in a commercial fishing activity, including going to or from an area where fish are taken for commercial purposes.

SEC. 2. Section 8232.5 of the Fish and Game Code, as amended by Chapter 120 of the Statutes of 1990, is amended to read:

8232.5. (a) Except as provided in this section, it is unlawful to take salmon for sport purposes on a permitted vessel.

(b) Subdivision (a) does not prohibit taking salmon for sport purposes under a sportfishing or a sport ocean fishing license, which is issued pursuant to Article 3 (commencing with Section 7145) of Chapter 1, on a vessel licensed as a commercial passenger fishing boat pursuant to Section 7920 and engaged in that business on any day when salmon are not being taken for commercial purposes on that vessel.

(c) Subdivision (a) does not prohibit taking salmon for sport purposes under a sportfishing or a sport ocean fishing license, which is issued pursuant to Article 3 (commencing with Section 7145) of Chapter 1, on a permitted vessel in the Klamath Management Zone, as designated by the federal Pacific Fisheries Management Council, when the commercial salmon season is closed and after 24 hours after the time when salmon taken during the commercial salmon season are required to be landed.

(d) The use of a vessel pursuant to subdivision (c) shall be considered as being engaged or employed exclusively in the taking and possession of fish or other living resource of the sea for commercial purposes for purposes of subdivision (a) of Section 227 of the Revenue and Taxation Code.

SEC. 3. Section 8664.8 of the Fish and Game Code is amended to read:

8664.8. (a) Notwithstanding Sections 8685, 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used on or after April 1, 1987, in the following ocean waters, except as provided in subdivision (d):

(1) Between a line extending 245° magnetic from the most westerly point of the west point of the Point Reyes headlands in Marin County and the westerly extension of the California-Oregon boundary.

(2) In waters which are 40 fathoms or less in depth at mean lower low water between a line extending 245° magnetic from the most westerly point of the west point of the Point Reyes headlands in Marin County and a line extending due east and west magnetic from Duxbury buoy in Marin County.

(b) Notwithstanding Sections 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used in the following ocean waters from April 1, 1987, to March 31, 1988, except as provided in subdivision (d):

(1) In waters which are 20 fathoms or less in depth at mean lower low water between a line extending due east and west magnetic from Duxbury buoy in Marin County and a line extending 225° magnetic from Franklin Point in San Mateo County.

(2) In waters within five nautical miles of the most westerly point of Point San Pedro.

(c) (1) Notwithstanding Sections 8664.5, 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used on and after April 1, 1988, in waters which are 40 fathoms or less in depth at mean lower low water between a line extending 245° magnetic from the most westerly point of the west point of the Point Reyes headlands in Marin County and a line extending 220° magnetic from the mouth of Waddell Creek in Santa Cruz County.

(2) Notwithstanding Sections 8664.5, 8687, 8696, and 8724, set or drift gill or trammel nets shall not be used on or after April 1, 1990, in ocean waters which are 60 fathoms or less in depth at mean lower low water between a line extending 225° magnetic from Pillar Point at Half Moon Bay in San Mateo County to a line extending 220° magnetic from the mouth of Waddell Creek in Santa Cruz County.

(d) Subdivisions (a), (b), and (c) do not apply to the use of drift gill nets operated under a permit issued by the department in that part of Arcata Bay in Humboldt County lying northeast of the Samoa Bridge during the period from April 1 to September 30, inclusive. The department may issue not more than six permits pursuant to this subdivision. Each permit shall specify the amount and type of gear which may be used under the permit.

(e) Subdivisions (a), (b), and (c) do not apply to the use of set gill nets used pursuant to Article 15 (commencing with Section 8550) of Chapter 2 of Part 3 of Division 6 or regulations adopted under that article or to the use of drift gill nets with a mesh size of 14 inches or more.

(f) (1) Notwithstanding subdivision (b) and Sections 8687, 8696, and 8724, gill or trammel nets shall not be used within three nautical miles of the Farallon Islands in San Francisco County, and within three nautical miles of Noonday Rock buoy located approximately 3½ miles 276° magnetic from North Farallon Island.

(2) If the director determines that the use of set or drift gill or trammel nets is having an adverse impact on any population of any species of sea bird, marine mammal, or fish, the director shall issue an order prohibiting the use of those nets between three nautical miles and five nautical miles of the Farallon Islands and Noonday Rock buoy or any portion of that area. The order shall take effect no later than 48 hours after its issuance. The director shall hold a properly noticed public hearing in a place convenient to the affected area within one week of the effective date of the order to describe the action taken and shall take testimony as to the effect of the order and determine whether any modification of the order is necessary. Gill and trammel nets used to take fish in District 10 shall be marked at each end with a buoy displaying above its waterline in Arabic numerals at least two inches high, the certificate of vessel registration number issued by the department under Section 7881 for the vessel from which the net is being used. Nets shall be marked at both ends and at least every 250 fathoms between the ends with flags of the same color and at least 144 square inches in size, acceptable to the department.

SEC. 4. Section 9029 of the Fish and Game Code is amended to read:

9029. (a) Notwithstanding Section 9028, a fishing line which is anchored to the ocean bottom at one end and attached at the surface to a fishing vessel or a buoy may be used in Districts 6, 7, 10, 17, 18, and 19.

(b) A fishing line otherwise permitted pursuant to subdivision (a), may not be used under any of the following circumstances:

(1) To take shortfin mako (bonito) sharks, thresher sharks, swordfish, or marlin.

(2) If the fishing line exceeds 3,000 feet in length from the anchor to the surface vessel or buoy.

(3) If any hoods are attached to the upper one-third of the line.

(c) A buoy attached to the surface end of a fishing line used pursuant to subdivision (a) shall display above its waterline, in numerals at least two inches high, the fisherman's identification number. For purposes of this section and Section 8601.5, "fisherman's identification number" means the number of the person's commercial fishing license issued pursuant to Section 7850.

SEC. 5. Section 12002.1 of the Fish and Game Code is amended to read:

12002.1. (a) Notwithstanding Section 12002, the punishment for taking a mammal or bird for which a hunting license issued pursuant to Section 3031 is required or a license tag or license stamp is required, without having in one's possession the required, valid

license, or without having in one's possession any required license tag or license stamp, or when the taking of that mammal or bird is prohibited by allowable season, limit, time, or area, is punishable by a fine of not less than two hundred fifty dollars ($250) nor more than two thousand dollars ($2,000), or imprisonment in the county jail for not more than one year, or both that fine and imprisonment, or by any greater punishment prescribed by this code.

(b) If a person is convicted of an offense described in subdivision (a) and produces in court a license, license tag, or license stamp, issued to the person and valid at the time of the person's arrest and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation to fifty dollars ($50).

SEC. 6. Section 12002.2 of the Fish and Game Code is amended to read:

12002.2. (a) Notwithstanding any other provision of law, a violation of Section 7145 is an infraction and not a misdemeanor, punishable by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) for a first offense. If a person is convicted of a violation of Section 7145 within five years of a separate offense resulting in a conviction of a violation of Section 7145, that person shall be punished by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000). If a person convicted of a violation of Section 7145 is granted probation, the court shall impose as a term or condition of probation, in addition to any other term or condition of probation, that the person pay at least the minimum fine prescribed in this subdivision.

(b) If a person is convicted of a violation of Section 7145 and produces in court a license issued pursuant to Section 7146 and valid at the time of the person's arrest, and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation of Section 7145 to fifty dollars ($50).

SEC. 7. Section 16500 of the Fish and Game Code is amended to read:

16500. The Legislature finds:

(a) Jurisdiction over the protection and development of natural resources, especially the fish resource, is of great importance to both the State of California and California Indian tribes.

(b) To California Indian tribes, control over their minerals, lands, water, wildlife, and other resources within Indian country is crucial to their economic self-sufficiency and the preservation of their heritage. On the other hand, the State of California is concerned about protecting and developing its resources; protecting, restoring, and developing its commercial and recreational salmon fisheries; ensuring public access to its waterways; and protecting the environment within its borders.

(c) More than any other issue confronting the State of California and California Indian tribes, the regulation of natural resources,

especially fish, transcends political boundaries.

(d) In many cases, the State of California and California Indian tribes have differed in their respective views of the nature and extent of state versus tribal jurisdiction in areas where Indians have historically fished. Despite these frequent and often bitter disputes, both the state and the tribes seek, as their mutual goal, the protection and preservation of the fish resource. This division is an attempt to provide a legal mechanism, other than protracted and expensive litigation over unresolved legal issues, for achieving that mutual goal on the Klamath River.

(e) That the Department of Fish and Game has exercised jurisdiction over the Klamath River from the mouth of the river through the Yurok Reservation and the Hoopa Valley Reservation, but that the Bureau of Indian Affairs and the Indian tribes thereon have also asserted jurisdiction over that river. The river itself lies within a disputed area and proper management of the resource presents, therefore, unique and difficult problems in the exercise of fishing practices by all users groups.

(f) Although commercial fishing may not be a traditional practice of the tribes existing along the Klamath River within the boundaries of the land of the Yurok Reservation and the Hoopa Valley Reservation, nevertheless, the Department of Fish and Game has historically supported the concept of tribal fishing, including a tribal commercial fishing industry where the industry is consistent with the need to preserve the species, sound management, and where such usage would not adversely effect other user groups, including sportfishing and the ocean commercial fishery.

(g) That a commercial fishery existed on the Klamath River in the late 19th century and early 20th century, in which the Indian tribes existing along the river participated, but that the commercial fishing was abolished in 1933 with the passage of the predecessor to Section 8434, and, further, that salmon resources have declined historically due to past water developmental policies and timber harvesting practices. With a reduced number of fish available, special laws are needed to protect those resources and allocate them fairly among the various user groups.

(h) This division is not only enacted to provide the legal mechanism described above, but is also intended to encourage cooperative agreements to allow protection of the resource among all of the user groups. In so doing, the Legislature recognizes the unique status of the Klamath River and the fishing therein.

SEC. 8. Section 16511 of the Fish and Game Code is amended to read:

16511. "Klamath River Indian Tribes" means those tribes existing within the boundaries of the Yurok Reservation and the Hoopa Valley Reservation, located in Humboldt and Del Norte Counties in California, which tribes are recognized as Indian tribes by the Secretary of the Interior.

SEC. 9. Section 16514 of the Fish and Game Code is amended to

read:

16514. "Yurok Reservation" means the land extending one mile in width on each side of the Klamath River from the mouth of the Klamath River to the confluence of the Trinity and Klamath Rivers. "Hoopa Valley Reservations" means those lands lying within the Hoopa Square.

SEC. 10. Section 16530 of Fish and Game Code is amended to read:

16530. The director may enter into a mutual agreement or compact with the Hoopa Valley Business Council regarding the taking of fish from the Trinity River within the exterior boundaries of the Hoopa Valley Reservation or with the Yurok Tribe, or the Bureau of Indian Affairs acting as trustee for the Yurok Indians, regarding the taking of fish from the Klamath River within the exterior boundaries of the Yurok Reservation.

SEC. 11. Notwithstanding Section 2229 of the Revenue and Taxation Code, the requirements of that section relating to any exemption of property for more than five years or for more than 75 percent of the value thereof, shall not apply to any exemption made by this act. In addition, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act.

SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1634

An act to add Section 41825 to the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 41825 is added to the Public Resources Code, to read:

41825. On or before July 1, 1991, the board shall complete a study on recycling and source reduction in rural areas and report the

results of the study to the Legislature. The study shall include, but is not limited to, all of the following

(a) A review and assessment of existing recycling and composting programs, approaches, and infrastructure in rural areas.

(b) An analysis of the economic impact, fiscal constraints, geographic and demographic factors, and other impediments to recycling and source reduction activities in rural areas.

(c) An analysis of market development options, including, but not limited to, regional or multijurisdictional strategies for the collection, transporting, processing, and procurement of recyclable materials.

(d) An identification of methods and strategies which rural localities may use to achieve the recycling goals specified in Section 41780.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because rural counties are unable to comply with the statutory deadlines imposed by Chapter 1095 of the Statutes of 1989, as amended by Chapter 145 of the Statutes of 1990, and in order for the Legislature to first receive the findings and recommendations from the study provided in this act in order to formulate subsequent legislation in a timely manner, it is necessary that this act take effect immediately.

CHAPTER 1635

An act to amend Section 1808.46 of, and to add Section 1808.23 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 1808.23 is added to the Vehicle Code, to read:

1808.23. (a) Section 1808.21 does not apply to a vehicle manufacturer licensed to do business in this state if the manufacturer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of safety, warranty, emission, or product recall if the manufacturer offers to make and makes any changes at no cost to the vehicle owner.

(b) Section 1808.21 does not apply to a dealer licensed to do business in this state if the dealer, or its agent, under penalty of perjury, requests and uses the information only for the purpose of completing registration transactions and documents.

(c) Section 1808.21 does not apply to a person who, under penalty of perjury, requests and uses the information as permitted under subdivision (h) of Section 1798.24 of the Civil Code, if the request specifies that no persons will be contacted by mail or otherwise at the address included with the information released. The information released by the department under this subdivision shall not be in a form that identifies any person.

(d) Residential addresses released under this section shall not be used for direct marketing or solicitation for the purchase of any consumer product or service.

SEC. 2. Section 1808.46 of the Vehicle Code is amended to read:

1808.46. No person or agent shall directly or indirectly obtain information from the department files using false representations or distribute restricted or confidential information to any person or use the information for a reason not authorized or specified in a requester code application. Any person who violates this section, in addition to any other penalty provided in this code, is liable to the department for civil penalties up to one hundred thousand dollars ($100,000) and shall have its requester code privileges suspended for a period of up to five years, or revoked. The regulatory agencies having jurisdiction over any licensed person receiving information pursuant to this chapter shall implement procedures to review the procedures of any licensee which receives information to ensure compliance with the limitations on the use of information as part of the agency's regular oversight of the licensees. The agency shall report noncompliance to the department.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

There is uncertainty as to whether, under existing law, certain information of the Department of Motor Vehicles may be obtained by vehicle manufacturers or their agents for recall purposes, by vehicle dealers to complete registration transactions and documents, and by persons needing the information (which information does not identify any person) for statistical research or reporting purposes.

In order to resolve this uncertainty at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1636

An act to amend Sections 16145, 16146, 16147, and 16148 of, to add Sections 16148.05, 16148.10, 16148.13, and 16148.15 to, and to repeal and add Section 16151 to, the Welfare and Institutions Code, relating to public social services.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 16145 of the Welfare and Institutions Code is amended to read:

16145. The Legislature finds that pregnancy among unmarried persons under 18 years of age constitutes an increasing social problem in the State of California. In order to have effective freedom of choice in making family planning decisions, assistance of the state through the funding of licensed maternity homes is necessary. A program of structured services, including counseling and residential treatment services, provided by licensed maternity homes, helps alleviate the problem and results in fewer welfare dependent mothers, lower school dropout rates, and higher birth weight babies.

SEC. 1.5. Section 16146 of the Welfare and Institutions Code is amended to read:

16146. (a) It is the policy of the State of California that when an unmarried person under 18 years of age who is domiciled in this state is pregnant, she shall be provided the services of a licensed maternity home at her request or the request of her parent or parents, and that these services shall not be denied by the state or any governmental agency thereof except on grounds specifically provided by statute.

(b) A client who is 18 years of age shall remain eligible for licensed maternity home services as long as she is pregnant and attending school. These services shall be reimbursable in accordance with Section 16148.

(c) (1) Prior to admitting a client, a licensed maternity home shall perform a level of care assessment to determine the appropriate placement of prospective clients. The home shall use the Level of Care Assessment Instrument developed pursuant to Section 11467 to match the assessed needs of the client and her family with the services provided by the home. The results of the assessment shall be maintained in the client's case file for review by the State Department of Social Services, pursuant to Section 16148.10.

(2) The requirements in paragraph (1) shall become operative upon development and implementation of the Level of Care Assessment Instrument by the State Department of Social Services.

SEC. 2. Section 16147 of the Welfare and Institutions Code is amended to read:

16147. (a) Notwithstanding any other provision of law, the

parent or parents of a person under 18 years of age who is domiciled in this state shall not be held financially responsible for maternity home care, social service counseling, or other services related to pregnancy of the person which are provided by a licensed maternity home pursuant to this chapter.

(b) The provider shall attempt to obtain financial support for a client residing in a maternity home, in accordance with a sliding fee scale developed by the department, when the maternity home determines that both of the following conditions apply:

(1) The family's annual income is in excess of 200 percent of the federal Poverty Index, adjusted for family size, determined by a review of the parent or parents' federal income tax return for the previous year.

(2) The maternity home's request would not jeopardize the client's right to utilize the services of the maternity home.

(c) Placement of a client in a maternity home shall not be subject to financial contributions of the parent or parents of the client.

(d) Any financial contributions collected from parents of clients pursuant to subdivision (b) shall be forwarded by the provider to the department for the purposes of offsetting costs of care and services provided under this chapter.

SEC. 3. Section 16148 of the Welfare and Institutions Code is amended to read:

16148. (a) From any funds appropriated therefor, the state shall reimburse nonprofit maternity homes licensed pursuant to state law for costs of care and services provided under this chapter to unmarried pregnant persons under 18 years of age who are domiciled in this state.

(b) (1) Reimbursement to nonprofit maternity homes under this chapter shall be made pursuant to the methodology used for establishing group home rates under the Aid to Families with Dependent Children-Foster Care program, as specified in Section 11462, excluding subdivisions (a), (b), (*l*), (m), paragraph (1) of subdivision (f), and paragraphs (2), (3), and (4) of subdivision (i).

(2) Licensed maternity homes shall be subject to the same performance standards and outcome measures developed by the State Department of Social Services for determining the effectiveness of group home placements under the AFDC-FC program. Any maternity home not meeting performance standards shall have its rate adjusted in the same manner as used for group homes not meeting performance standards.

(c) Commencing January 1, 1991, maternity home providers shall submit to the department information for the classification of each maternity home program and the application of the standardized schedule of rates.

(d) (1) The department shall reimburse maternity home providers at the rate classification levels 1 to 5 of the standardized schedule of rates.

(2) It is the intent of the Legislature that the requirements of

paragraph (1) may be subject to revision in subsequent fiscal years if the maternity home programs warrant reimbursement at higher rate classification levels.

(3) The department shall establish the rate for the 1991–92 fiscal year for a maternity home program for which the department established a rate effective prior to June 30, 1991, that took into account the program's historical costs by determining the rate classification level on a retrospective basis, according to the level of care and services actually provided during one of the following periods:

(A) July 1, 1990 to December 31, 1990, inclusive.

(B) July 1, 1990 to March 31, 1991, inclusive.

(4) Rates may be adjusted for any licensed maternity home which accepts clients whose assessments, pursuant to Section 16146, are not consistent with the rate classification level.

(e) For purposes of this section, "nonprofit maternity homes" include the following:

(1) Any maternity home which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(2) Any maternity home publicly owned or operated by a public utility or agency of this state.

SEC. 4. Section 16148.05 is added to the Welfare and Institutions Code, to read:

16148.05. The department shall collect maternity home cost data and monitor the cost of providing maternity home care services.

SEC. 5. Section 16148.10 is added to the Welfare and Institutions Code, to read:

16148.10. (a) For purposes of subdivision (b) of Section 16148, the department shall perform or have performed maternity home program and fiscal audits as needed, pursuant to procedures specified in Section 11466.2.

(b) Maternity home programs shall retain all child-specific, programmatic, personnel, fiscal, and other information, including the results of the level of care assessment performed pursuant to Section 16146, affecting maternity home rate setting and maternity home payments for a period of not less than five years.

(c) At least annually, the department shall review admissions to licensed maternity homes to ensure that the assessed needs of persons accepted for services are appropriately matched with services offered by the homes. By January 1, 1993, the department shall submit a report to the appropriate committees of the Legislature on the results of its reviews to date, including information on the number of clients found to be inappropriately placed, the disposition of these cases, and any rate adjustments made by the department pursuant to Section 16148.

SEC. 6. Section 16148.13 is added to the Welfare and Institutions Code, to read:

16148.13. Rate increases pursuant to this chapter shall be made only to the extent funds are appropriated for this purpose in the annual Budget Act.

SEC. 7. Section 16148.15 is added to the Welfare and Institutions Code, to read:

16148.15. Maternity home providers have all protest and appeal rights provided to Aid to Families with Dependent Children-Foster Care (AFDC-FC) program group home providers under Section 11466.4.

SEC. 8. Section 16151 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 16151 is added to the Welfare and Institutions Code, to read:

16151. No county welfare department shall require a pregnant minor to be adjudged a dependent child of the court under Section 300 or require the parents or guardians of the minor to consent to that action as a condition for agreeing to place that person in a licensed maternity home.

SEC. 10. By October 1, 1991, the State Department of Social Services shall report to the Legislature on the feasibility of requiring recipients of licensed maternity home services pursuant to Chapter 2.4 (commencing with Section 16145) of Part 4 of Division 9 of the Welfare and Institutions Code to apply for assistance under the Aid to Families with Dependent Children (AFDC) program pursuant to Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

CHAPTER 1637

An act to amend Section 36000 of, and to add Section 36202 to, the Public Resources Code, relating to ocean resources.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 36000 of the Public Resources Code is amended to read:

36000. This division shall be known and may be cited as the California Ocean Resources Management Act of 1990 (CORMA).

SEC. 2. Section 36202 is added to the Public Resources Code, to read:

36202. (a) The State of California is hereby authorized to participate with the States of Alaska, Hawaii, Oregon, and Washington in a joint liaison program with the Center for Ocean Analysis and Prediction of the National Oceanic and Atmospheric Administration, with the objective of assisting the states in taking

maximum advantage of the oceanographic data, products, and services available from the federal government through the Center for Ocean Analysis and Prediction.

(b) The liaison program shall include all of the following:

(1) Assist state and local governments to become fully aware of oceanographic data and products available from the federal government and especially from the Center for Ocean Analysis and Prediction.

(2) Assist the Center for Ocean Analysis and Prediction and the National Oceanic and Atmospheric Administration to become more fully aware of state and local problems and the requirements of state and local governments.

(3) Assist in setting up lines of communications to move oceanographic data and products from the Center for Ocean Analysis and Prediction to the people in the states who need those data and products.

(c) The liaison program shall include workshops for small groups of technical experts from state and local governments, academic institutions, and the private sector. The workshops shall be held at the Center for Ocean Analysis and Prediction in Monterey and at other facilities in the western states as appropriate.

(d) This section shall not become operative until at least one other state participates in the joint liaison program.

CHAPTER 1638

An act to add Chapter 15.5 (commencing with Section 67380) to Part 40 of, and Chapter 3.7 (commencing with Section 94380) to Part 59 of, the Education Code, relating to postsecondary education.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 15.5 (commencing with Section 67380) is added to Part 40 of the Education Code, to read:

CHAPTER 15.5. STUDENT SAFETY

67380. The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, and the Regents of the University of California shall do all of the following:

(a) Require the appropriate officials at each campus within their respective jurisdictions to compile records of all occurrences reported to police or campus authorities, and arrests for crimes involving violence, theft or destruction of property, or illegal drugs

or alcoholic intoxication that happen on the campus.

(b) Make the information compiled pursuant to subdivision (a) available on the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions.

(c) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request a campus safety plan which sets forth all of the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards which have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure which is made generally available to students.

67381. The provisions of this chapter shall apply to the Board of Directors of the Hastings College of the Law or the Regents of the University of California only to the extent either of these bodies adopts a resolution making this chapter applicable to its respective institution.

67382. (a) This chapter shall apply to a campus of one of the public postsecondary educational systems identified in Section 67380 only if that campus has a full-time equivalency enrollment of over 1,000 students.

(b) Notwithstanding any other provision of this chapter, this chapter shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this chapter.

SEC. 2. Chapter 3.7 (commencing with Section 94380) is added to Part 59 of the Education Code, to read:

CHAPTER 3.7. STUDENT SAFETY

94380. Each private postsecondary educational institution with a full-time equivalency enrollment of over 1,000 and private vocational educational institution, as those terms are defined in Section 94302, shall do all of the following:

(a) Require the appropriate officials at each campus of their respective institutions to compile records of all occurrences reported to police or campus authorities, and arrests for crimes involving violence, theft, or destruction of property, or illegal drugs or alcoholic intoxication that happen on the campus.

(b) Make the information compiled pursuant to subdivision (a) available on the request of any student or employee of, or applicant for admission to, any campus of their respective institutions.

(c) Require the appropriate officials at each campus of their respective institutions to prepare, prominently post, and copy for distribution on request a campus safety plan which sets forth all of

the following: the availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards which have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure which is made generally available to students.

CHAPTER 1639

An act to amend Sections 6032, 6068, 6079.1, 6086.1, 6125, 6140, 6140.3, 6140.4, 6140.55, and 6140.6 of, and to add Sections 6043.5, 6060.1, 6060.2, 6079.4, 6140.15, 6140.16 and 6144.5, to, the Business and Professions Code, relating to attorneys.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 6032 of the Business and Professions Code is amended to read:

6032. Subject to the approval of the Committees on Judiciary of each house of the Legislature, the board shall contract with an independent expert for the purpose of conducting a comprehensive study of the State Bar's affirmative action and equal employment opportunity program with regard to its employees, of assisting the State Bar with respect to those programs, and with developing and implementing a minority and women business enterprise program. A final report shall be submitted to each of the Committees on Judiciary no later than September 1, 1993.

Moneys for the support of the independent expert shall be established and paid in accordance with the provisions of Section 6140.9.

SEC. 2. Section 6043.5 is added to the Business and Professions Code, to read:

6043.5. (a) Every person who reports to the State Bar or causes a complaint to be filed with the State Bar that an attorney has engaged in professional misconduct, knowing the report or complaint to be false and malicious, is guilty of a misdemeanor.

(b) The State Bar may, in its discretion, notify the appropriate district attorney or city attorney that a person has filed what the State Bar believes to be a false and malicious report or complaint against an attorney and recommend prosecution of the person under subdivision (a).

SEC. 2.5. Section 6060.1 is added to the Business and Professions

Code, to read:

6060.1. (a) Any disciplinary action taken against an individual at a university or an accredited law school for violation of university or law school rules of conduct shall not be used as the sole basis for denying the individual admission to practice law in the State of California.

(b) This section shall not apply to university or law school violations which involve moral turpitude or that result in criminal prosecution under the laws of the State of California or any other state.

SEC. 3. Section 6060.2 is added to the Business and Professions Code, to read:

6060.2. All investigations or proceedings conducted by the State Bar concerning the moral character of an applicant shall be confidential unless the applicant, in writing, waives the confidentiality. However, the records of the proceeding may be subject to lawfully issued subpoenas.

SEC. 4. Section 6068 of the Business and Professions Code is amended to read:

6068. It is the duty of an attorney to do all of the following:

(a) To support the Constitution and laws of the United States and of this state.

(b) To maintain the respect due to the courts of justice and judicial officers.

(c) To counsel or maintain such actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.

(d) To employ, for the purpose of maintaining the causes confided to him or her such means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.

(e) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.

(f) To abstain from all offensive personality, and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.

(g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.

(h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.

(i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States or any other constitutional or statutory privileges.

(j) To comply with the requirements of Section 6002.1.

(k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.

(*l*) To keep all agreements made in lieu of disciplinary prosecution with the agency charged with attorney discipline.

(m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

(n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.

(o) To report to the agency charged with attorney discipline, in writing, within 30 days of the time the attorney has knowledge of any of the following:

(1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.

(2) The entry of judgment against the attorney in any civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.

(3) The imposition of any judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars ($1,000).

(4) The bringing of an indictment or information charging a felony against the attorney.

(5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of any felony, or any misdemeanor committed in the course of the practice of law, or in any manner such that a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or any such misdemeanor.

(6) The imposition of discipline against the attorney by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

(7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.

(8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.

(9) The State Bar may develop a prescribed form for the making

of reports required by this section, usage of which it may require by rule or regulation.

(10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

SEC. 5. Section 6079.1 of the Business and Professions Code is amended to read:

6079.1. (a) The Supreme Court shall appoint a presiding judge of the State Bar Court and no fewer than six hearing judges, and such additional hearing judges as may be authorized by the Legislature, to efficiently decide any and all regulatory matters pending before the Hearing Department of the State Bar Court. The presiding judge and all other judges of that department shall be appointed for a term of six years and may be reappointed for additional six-year terms. Any judge appointed under this section shall be subject to admonition, censure, removal, or retirement by the Supreme Court upon the same grounds as provided for judges of courts of record of this state.

(b) Judges of the State Bar Court appointed under this section shall not engage in the private practice of law. The State Bar Court shall be broadly representative of the ethnic, sexual, and racial diversity of the population of California and composed in accordance with Sections 11140 and 11141 of the Government Code. Each judge:

(1) Shall have been a member of the State Bar for at least five years.

(2) Shall not have any record of the imposition of discipline as an attorney in California or any other jurisdiction.

(3) Shall meet such other requirements as may be established by subdivision (d) of Section 12011.5 of the Government Code.

(c) The board shall screen and rate all applicants for appointment or reappointment as a State Bar Court judge and submit its nominations to the Supreme Court, unless otherwise directed by the Supreme Court. The board shall submit its initial nominations to the Supreme Court by April 1, 1989. The board shall hold hearings and allow public comment on the qualifications of nominees submitted to the Supreme Court. Written comment received by the board and any hearing record shall be transmitted to the Supreme Court together with the nominations. The board shall grant a preference to persons with prior judicial experience for all nominations other than that of the lay judge designated under subdivision (a) of Section 6086.65, and submit no fewer than three nominees for each available judicial position.

(d) For judges appointed pursuant to this section or Section 6086.65, the board shall fix and pay reasonable compensation and expenses and provide adequate supporting staff and facilities. Hearing judges shall be paid the same salary as municipal court judges. The presiding judge shall be paid the same salary as a superior court judge.

(e) From among the members of the State Bar or retired judges, the board may appoint pro tempore judges to decide matters in the

Hearing Department of the State Bar Court when a judge of the State Bar is unavailable to serve without undue delay to the proceeding. The board may set the qualifications, terms, and conditions of service for pro tempore judges and may, in its discretion, compensate some or all of them out of funds appropriated by the board for this purpose.

(f) The board may fix a date no later than September 1, 1989, on which all proceedings pending before the Hearing Department of the State Bar Court shall be decided by a judge or pro tempore judge appointed under this section. From and after that date, a judge or pro tempore judge appointed under this section shall hear every regulatory matter pending in the Hearing Department of the State Bar Court as to which the taking of testimony or offering of evidence at trial has not commenced, and when so assigned, shall sit as the sole adjudicator, except for rulings which are to be made by the presiding judge of the State Bar Court or referees of other departments of the State Bar Court.

(g) Any judge or pro tempore judge of the State Bar Court as well as any employee of the State Bar assigned to the State Bar Court shall have the same immunity which attaches to judges in judicial proceedings in this state. Nothing in this subdivision limits or alters the immunities accorded the State Bar, its officers and employees, or any judge or referee of the State Bar Court as they existed prior to January 1, 1989. This subdivision does not constitute a change in, but is cumulative with, existing law.

(h) Nothing in this section shall be construed to prohibit the board from appointing persons to serve without compensation to arbitrate fee disputes under Article 13 (commencing with Section 6200) of this chapter or to monitor the probation of a member of the State Bar, whether those appointed under Section 6079, as added by Chapter 1114 of the Statutes of 1986, serve in the State Bar Court or otherwise.

(i) Any retired judge or referee appointed under Section 6079, as added by Chapter 1114 of the Statutes of 1986, prior to July 1, 1989, or any other authority may continue on or after July 1, 1989, to exercise the duties and powers authorized by that section or of the referee's appointment as to any matter assigned to him or her unless the matter has been reassigned under subdivision (f).

SEC. 6. Section 6079.4 is added to the Business and Professions Code, to read:

6079.4. The exercise by an attorney of his or her privilege under the Fifth Amendment to the Constitution of the United Sates, or of any other constitutional or statutory privileges shall not be deemed a failure to cooperate within the meaning of subdivision (i) of Section 6068.

SEC. 7. Section 6086.1 of the Business and Professions Code is amended to read:

6086.1. (a) Subject to subdivision (b), and except as otherwise provided by law, hearings and records of original disciplinary proceedings in the State Bar Court shall be public, following a notice

to show cause.

(b) All disciplinary investigations are confidential until the time that formal charges are filed except that confidentiality may be waived under any of the following exceptions:

(1) The member whose conduct is being investigated may waive confidentiality.

(2) The Chief Trial Counsel or President of the State Bar may waive confidentiality, but only when warranted for protection of the public. Under those circumstances, after private notice to the member, the Chief Trial Counsel or President of the State Bar may issue, if appropriate, one or more public announcements or make information public confirming the fact of an investigation or proceeding, clarifying the procedural aspects and current status, and defending the right of the member to a fair hearing. If the Chief Trial Counsel or President of the State Bar for any reason declines to exercise the authority provided by this paragraph, or disqualifies himself or herself from acting under this paragraph, he or she shall designate someone to act in his or her behalf. Conduct of a member that is being inquired into by the State Bar but that is not the subject of a formal investigation shall not be disclosed to the public.

(3) The Chief Trial Counsel or President of the State Bar or his or her designee may waive confidentiality pursuant to Section 6044.5.

SEC. 8. Section 6125 of the Business and Professions Code is amended to read:

6125. No person shall practice law in California unless the person is an active member of the State Bar.

SEC. 9. Section 6140 of the Business and Professions Code is amended to read:

6140. (a) The board shall fix the annual membership fee for 1991 and 1992 as follows:

(1) For active members who have been admitted to the practice of law in this state for three years or longer preceding the first day of February of the year for which the fee is payable, at the sum of two hundred ninety-one dollars ($291).

(2) For active members who have been admitted to the practice of law in this state for less than three years but more than one year preceding the first day of February of the year for which the fee is payable, at the sum of two hundred twenty-three dollars ($223).

(3) For active members who have been admitted to the practice of law in this state during, or for less than one year preceding the first day of February of, the year for which the fee is payable, at a sum not exceeding one hundred ninety-two dollars ($192).

(b) The annual membership fee for active members is payable on or before the first day of February of each year. If the board finds it appropriate and feasible, it may provide by rule for payment of fees on an installment basis with interest, by credit card, or other means, and may charge members choosing any alternative method of payment an additional fee to defray costs incurred by that election.

This section shall remain in effect only until January 1, 1993, and

as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1993, deletes or extends that date.

SEC. 10. Section 6140.3 of the Business and Professions Code is amended to read:

6140.3. (a) The board may increase the annual membership fee fixed by Section 6140 and the annual membership fee specified in Section 6141 by an additional amount not exceeding ten dollars ($10). This additional amount may be used only for (1) the costs of financing and constructing a facility in Los Angeles to house State Bar staff and (2) any major capital improvement projects related to facilities owned by the bar.

(b) At least 30 days prior to entering into any agreement for the construction of a facility in Los Angeles, the State Bar shall submit its preliminary plan and cost estimate for the facility to the Judiciary Committees of the Legislature for review. The documents submitted shall include an analysis demonstrating that the total costs of financing and constructing the facility can be supported by the revenues authorized by this section.

SEC. 11. Section 6140.4 of the Business and Professions Code is amended to read:

6140.4. (a) The board may increase the annual membership fee fixed by it pursuant to Section 6140 by an additional fee for discipline augmentation of not more than one hundred ten dollars ($110) for 1989, 1990, 1991, and 1992, respectively, for all active members.

(b) This augmentation shall be in addition to existing levels of expenditure for discipline as established during 1987 for 1988.

(c) The board may apply up to one hundred ten dollars ($110) of the discipline enhancement fees during 1989, 1990, 1991, or 1992 to pay disciplinary expenses beyond fee receipts for 1988 and 1989.

(d) This section shall remain in effect until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1993, deletes or extends that date.

SEC. 12. Section 61450.55 of the Business and Professions Code is amended to read:

6140.55. The board may increase the annual membership fees fixed by it pursuant to Section 6140 by an additional amount per active member not to exceed forty dollars ($40) in any year, the additional amount to be applied only for the purposes of the Client Security Fund and the costs of its administration, including, but not limited to, the costs of processing, determining, defending, or insuring claims against the fund.

SEC. 13. Section 6140.6 of the Business and Professions Code is amended to read:

6140.6. The board may increase the annual membership fee fixed by Section 6140 by an additional amount not to exceed twenty-five dollars ($25) to be applied to the costs of the disciplinary system.

SEC. 14. Section 6140.15 is added to the Business and Professions Code, to read:

6140.15. On or before January 1, 1993, the State Bar shall submit

to the judiciary committees of both the Senate and the Assembly a report specifying the manner in which it has fully implemented or otherwise responded to the United States Supreme Court decision in Keller v. State Bar of California (110 L. Ed. 2d 1).

SEC. 15. Section 6140.16 is added to the Business and Professions Code, to read:

6140.16. The State Bar shall develop workload standards to measure the effectiveness and efficiency of its programs and provide guidance to the State Bar and Legislature in allocating resources. The standards shall be used to determine the numbers and classifications of staff required to conduct the activities of the State Bar's mandated programs. The State Bar shall submit a report to the Legislature on its workload standards by September 1, 1991, and shall use the standards in the development of its 1992 budget proposal.

SEC. 16. Section 6144.5 is added to the Business and Professions Code, to read:

6144.5. It is the intent of the Legislature to confirm, validate, and declare effective the annual membership fees, and all augmentations, including, but not limited to, those made under Sections 6140.3 and 6140.6, fixed and collected by the board for 1990, and all other acts arising from and related thereto.

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1640

An act to amend Section 21087 of the Public Resources Code, relating to environmental quality.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 21087 of the Public Resources Code is amended to read:

21087. The Office of Planning and Research shall, at least once every two years, review the guidelines adopted pursuant to Section 21083 and shall recommend proposed changes or amendments to the Secretary of the Resources Agency. Changes or amendments to the

guidelines shall be adopted by the secretary in conformance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1641

An act to amend Section 1770 of the Civil Code, relating to telephones.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 1770 of the Civil Code is amended to read:

1770. The following unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer are unlawful:

(a) Passing off goods or services as those of another.

(b) Misrepresenting the source, sponsorship, approval, or certification of goods or services.

(c) Misrepresenting the affiliation, connection, or association with, or certification by, another.

(d) Using deceptive representations or designations of geographic origin in connection with goods or services.

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which he or she does not have.

(f) Representing that goods are original or new if they have deteriorated unreasonably or are altered, reconditioned, reclaimed, used, or secondhand.

(g) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

(h) Disparaging the goods, services, or business of another by false or misleading representation of fact.

(i) Advertising goods or services with intent not to sell them as advertised.

(j) Advertising goods or services with intent not to supply reasonably expectable demand, unless the advertisement discloses a limitation of quantity.

(k) Advertising furniture without clearly indicating that it is unassembled if such is the case.

(*l*) Advertising the price of unassembled furniture without clearly indicating the assembled price of such furniture if the same furniture is available assembled from the seller.

(m) Making false or misleading statements of fact concerning reasons for, existence of, or amounts of price reductions.

(n) Representing that a transaction confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law.

(o) Representing that a part, replacement, or repair service is needed when it is not.

(p) Representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

(q) Representing that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(r) Misrepresenting the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction with a consumer.

(s) Inserting an unconscionable provision in the contract.

(t) Advertising that a product is being offered at a specific price plus a specific percentage of that price unless (1) the total price is set forth in the advertisement, which may include, but is not limited to, shelf tags, displays, and media advertising, in a size larger than any other price in that advertisement, and (2) the specific price plus a specific percentage of that price represents a markup from the seller's costs or from the wholesale price of the product. This subdivision shall not apply to in-store advertising by businesses which are open only to members or cooperative organizations organized pursuant to Division 3 (commencing with Section 12000) of Title 1 of the Corporations Code where more than 50 percent of purchases are made at the specific price set forth in the advertisement.

(u) Selling or leasing goods in violation of Chapter 4 (commencing with Section 1797.8) of Title 1.7.

(v) (1) Disseminating an unsolicited prerecorded message by telephone without an unrecorded, natural voice first informing the person answering the telephone of the name of the caller or the organization being represented, and either the address or the telephone number of the caller, and without obtaining the consent of that person to listen to the prerecorded message.

(2) This subdivision does not apply to a message disseminated to a business associate, customer, or other person having an established relationship with the person or organization making the call, to a call for the purpose of collecting an existing obligation, or to any call generated at the request of the recipient.

CHAPTER 1642

An act to add Article 9 (commencing with Section 576) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to pest control.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 576) is added to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, to read:

Article 9. University of California Center for Pest Research

576. This article shall be known and may be cited as the University of California Pest Research Act of 1990.

577. The Legislature finds and declares all of the following:

(a) There is a need to develop and apply ecologically based pest management alternatives that are environmentally sound to prevent, control, and eradicate pests.

(b) The continuation of pest control technology in agriculture which relies primarily on synthetic chemicals may be impractical, given the dwindling number of newly registered chemicals, increasing resistance of numerous pests to pesticides, public concern about pesticide residues, and potential threats posed to environmental quality and human health.

(c) To be adequately prepared for existing and new infestations of agricultural pests, California needs to have a means of coordinating and evaluating long-term basic and applied pest research, including the impact of prevention, control, and eradication efforts upon public health and the environment.

(d) The state should facilitate, promote, and support collaborative pest research programs and projects by its agencies, public and private universities, the federal government, and the agricultural industry that work toward developing environmentally sound, ecologically based pest management techniques.

(e) In order to strengthen pest prevention, control, and eradication efforts, it is the intent of the Legislature that an administrative structure be created within the University of California which, in cooperation with California's public and private universities, the state, the agricultural industry, and persons experienced with environmentally sound, ecologically based pest management alternatives, advances pest research and formulates innovative solutions that better safeguard the environment and public health.

Toward these ends, the Legislature requests that the Regents of

the University of California establish a pest research center which will review and prioritize pest-related research activities conducted through the university. It is the intent of the Legislature that University of California programs engaged in pest research shall, when applicable, follow the research priorities established by the center. The center is encouraged to develop research priorities in cooperation with other public and private universities and with state, federal, and county agencies, including, but not limited to, the Department of Food and Agriculture, State Department of Health Services, Department of Forestry and Fire Protection, county agricultural commissioners, United States Department of Agriculture, National Science Foundation, National Institutes of Health, and the agricultural industry, and with environmental and public and occupational health groups.

578. Unless the context otherwise requires, the definitions in this section govern the construction of this article.

(a) "Center" means the University of California Center for Pest Research.

(b) "Pest" means any of the following pests that are, or are likely to become, dangerous or detrimental to the agricultural or nonagricultural environment of the state.

(1) Any insect, nematode, or weed.

(2) Any form of terrestrial, aquatic, or aerial plant, virus, fungus, bacteria, or other microorganism, except viruses, fungi, bacteria, or other microorganisms on, or in, a living human or any other living animal.

579. It is the intent of the Legislature that the responsibilities of the center include, but are not limited to, all of the following:

(a) Establishing multidisciplinary, long-term research priorities for the University of California which focus on the application of ecologically based, environmentally sound prevention, control, and eradication practices against pests which pose a significant threat to the welfare of California's agricultural, forest, or urban settings.

(b) Recommending how pest research funds obtained by the center on or after January 1, 1991, should be allocated within the University of California.

(c) Encouraging the use of biological controls, integrated pest management, sustainable agriculture, and other alternative pest management methods to combat pests, and, thereby, reducing exposure to toxic substances in air, water, and soil.

(d) Supporting basic and applied pest research, including practical field trials and awarding competitive grants, when economically feasible, and other projects administered by the center.

(e) Developing information systems that enable academics, farmers, and public policymakers to quickly analyze and apply pest research data.

(f) Providing information and advice to the department, county agricultural commissioners, the agricultural community, and other interested parties concerning pest prevention and detection through

outreach consultation, information dissemination, education services, demonstrations, seminars, and publications.

(g) Printing and distributing information related to center-sponsored and other University of California pest management research projects.

580. (a) It is the intent of the Legislature that the center, through its director, develop a list of recommended pest management research priorities for the University of California that emphasize and encourage the development and implementation of biological controls, sustainable agriculture, integrated pest management strategies, agroecology, cultural and mechanical practices, and other alternative pest management methods and programs which are ecologically based and environmentally sound.

(b) In developing pest management research recommendations, the center is encouraged to give high priority to alternative practices and strategies that address the reduction, control, or eradication of pests, including exotic pests, which represent the greatest threat to public health and safety or the economy of the state.

(c) In developing recommended exotic pest research priorities, the center is encouraged to give high priority to all of the following:

(1) Development of methods to determine the origin of exotic pests.

(2) Determination of the age and origin of exotic pests.

(3) Geographic analysis of exotic pests to determine place of origin, including acoustical fingerprinting.

(4) Improvements to existing exotic pest insect baits.

(5) An examination of the manner in which the sterile insect technique actually works and improvements in sterile insect technology.

(6) Assessments of wild exotic pest populations, and their regulating biological agents.

(7) Studies of exotic pests and their natural enemies in climates similar to that of the various regions in California.

(8) The exploration and introduction of natural enemies, including those from foreign countries, if necessary.

(9) Computerization of all records of exotic pest captures.

(10) Improvements in detection technology, which include better attractants.

(11) Compilation, maintenance, and updated data about exotic pest research and exotic pest management programs operating within and outside the state.

581. To the extent that it is economically and scientifically feasible, it is the intent of the Legislature that the center shall award pest research funds obtained by the center on or after January 1, 1991, based upon a competitive application process and peer review. The center is encouraged to give high priority to exotic pest research proposals.

In awarding pest research funds, the center shall give priority to proposals that support pest control methods which use ecologically

based and environmentally sound alternatives to pesticides and other chemicals, and eliminate or reduce pesticide use or eliminate or minimize pesticide residues, protect the public health and environment, and satisfy a majority of the following criteria:

(a) Are cost-effective.

(b) Improve the agricultural industry and the state economy.

(c) Do not significantly or extensively duplicate other research.

582. It is the intent of the Legislature that the University of California appoint a director of the center who is knowledgeable about pest management practices and research and alternative pest management techniques.

583. (a) The University of California shall prepare an annual report describing the activities of the center, major objectives and significant accomplishments of pest management research and extension programs at the University of California, and obstacles and opportunities toward developing and implementing pest management alternatives in the state. The report shall also include all of the following:

(1) Identification and evaluation of major policy issues and needs in pest management research in California.

(2) Identification of the long-range and short-term management research priorities established by the center.

(3) Identification of environmentally sound, ecologically based alternatives to pesticides that are possible or probable human carcinogens or reproductive toxicants.

(4) A summary and status information on all research proposals submitted through the center. The summary shall include both proposed and approved research projects.

(b) The report shall be submitted to the Legislature not later than October 15 of each year.

584. If the center is established by the Regents of the University of California, it is the intent of the Legislature that the administrative costs of establishing the center shall be supported from existing resources of the university.

585. This article shall apply to the University of California only to the extent that the Regents of the University of California, by resolution, make any of these provisions applicable to the university.

CHAPTER 1643

An act to amend Sections 14105.31, 14105.35, 14105.37, 14105.39, 14105.42, and 14105.45 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 14105.31 of the Welfare and Institutions Code is amended to read:

14105.31. For purposes of the Medi-Cal contract drug list, the following definitions shall apply:

(a) "Single-source drug" means a drug which is produced and distributed under an original New Drug Application approved by the federal Food and Drug Administration. This shall include a drug marketed by the innovator manufacturer and any cross-licensed producers or distributors operating under the New Drug Application. A drug ceases to be a single-source drug when the same drug in the same dosage form and strength manufactured by another manufacturer is approved by the federal Food and Drug Administration under the provisions for an Abbreviated New Drug Application.

(b) "Best price" means the negotiated price, or the manufacturer's lowest price available to any class of trade organization or entity, including, but not limited to, wholesalers, retailers, hospitals, repackagers, providers, or governmental entities within the United States, which contracts with a manufacturer for a specified price for drugs, inclusive of cash discounts, free goods, volume discounts, rebates, and on- or off-invoice discounts or credits shall be based upon the manufacturer's commonly used retail package sizes for the drug sold by wholesalers to retail pharmacies.

(c) "Equalization payment amount" means the amount negotiated between the manufacturer and the department for reimbursement by the manufacturer, as specified in the contract. The equalization payment amount shall be based on the difference between the manufacturer's direct catalog price charged to wholesalers and the manufacturer's best price, as defined in subdivision (b).

(d) "Manufacturer" means any person, partnership, corporation, or other institution or entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or in the packaging, repackaging, labeling, relabeling, and distribution of

drugs.

(e) "Price escalator" means a mutually agreed upon price specified in the contract, to cover anticipated cost increases over the life of the contract.

(f) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 2. Section 14105.35 of the Welfare and Institutions Code is amended to read:

14105.35. (a) (1) On and after July 1, 1990, drugs included on the Medi-Cal drug formulary shall be included on the list of contract drugs until the department and the manufacturer have concluded contract negotiations or the department suspends the drug from the list of contract drugs pursuant to the provisions of this subdivision.

The department shall, in writing, invite any manufacturer with single-source drug products on the formulary as of July 1, 1990, to enter into negotiations relative to the retention of its drug or drugs. As to the issue of cost, the department shall accept the manufacturer's best price as sufficient for purposes of entering into a contract to retain the drug or drugs on the list of contract drugs.

If the department and a manufacturer enter into a contract for retention of a drug or drugs on the list of contract drugs, the drug or drugs shall be retained on the list of contract drugs for the effective term of the contract.

If a manufacturer refuses to enter into negotiations with the department pursuant to this subdivision, or if after 30 days of negotiation, the manufacturer has not agreed to execute a contract for a drug at the manufacturer's best price, the department may suspend from the list of contract drugs the manufacturer's single-source drug in question for a period of at least 180 days. The department shall lift the suspension upon execution of a contract for that drug. Consistent with the provisions of this section, the department shall delete the Medi-Cal drug formulary specified in paragraphs (b), (c), (d), and (e) of Section 59999 of Title 22 of the California Code of Regulations.

(2) On and after July 1, 1990, the director may retain a drug on the Medi-Cal list of contract drugs even if no contract is executed with a manufacturer, if the director determines that an essential need exists for that drug, and there are no other drugs currently on the formulary that meet that need.

(3) The director may delete a drug from the list of contract drugs if the director determines that the drug presents problems of safety or misuse. The director's decision as to safety shall be based upon published medical literature, and the director's decision as to misuse shall be based on published medical literature and claims data supplied by the fiscal intermediary.

(b) Any reference to the Medi-Cal drug formulary by statute or regulation shall be construed as referring to the list of contract drugs.

(c) (1) Any drug in the process of being added to the formulary

by contract agreement pursuant to Section 14105.3, executed prior to the effective date of this section, shall be added to the list of contract drugs.

(2) Contracts pursuant to Section 14105.3 executed prior to January 1, 1991, shall be considered to be contracts executed pursuant to Section 14105.33, and the department shall exempt the drugs included in these contracts from the initial therapeutic category review in which they would normally be considered.

(3) Nothing in this section shall be construed to require the department to discontinue negotiations into which it has entered with any manufacturer as of the effective date of this section. Contracts entered into as a result of these negotiations shall be exempt from the initial therapeutic category review in which they would normally be considered.

(d) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 3. Section 14105.37 of the Welfare and Institutions Code is amended to read:

14105.37. (a) The department shall notify each manufacturer of drugs in therapeutic categories selected pursuant to Section 14105.33 of the provisions of Sections 14105.31 to 14105.42, inclusive.

(b) If, within 30 days of notification, a manufacturer does not enter into negotiations for a contract pursuant to those sections, the department may suspend or delete from the list of contract drugs, or refuse to consider for addition, drugs of that manufacturer in the selected therapeutic categories.

(c) If, after 120 days from the initial notification, a contract is not executed for a drug currently on the list of contract drugs, the department may suspend or delete the drug from the list of contract drugs.

(d) If, within 120 days from the initial notification, a contract is executed for a drug currently on the list of contract drugs, the department shall retain the drug on the list of contract drugs.

(e) If, within 120 days from the date of the initial notification, a contract is executed for a drug not currently on the list of contract drugs, the department shall add the drug to the list of contract drugs.

(f) The department shall terminate all negotiations 120 days after the initial notification.

(g) The department may suspend or delete any drug from the list of contract drugs at the expiration of the contract term or when the contract between the department and the manufacturer of that drug is terminated.

(h) Any drug suspended from the list of contract drugs pursuant to this section or Section 14105.35 shall be subject to prior authorization, as if that drug were not on the list of contract drugs.

(i) Any drug suspended from the list of contract drugs pursuant to this section or Section 14105.35 for at least 12 months may be deleted from the list of contract drugs in accordance with the

provisions of Section 14105.38.

(j) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 4. Section 14105.39 of the Welfare and Institutions Code, is amended to read:

14105.39. (a) (1) A manufacturer of a new single-source drug may request inclusion of its drug on the list of contract drugs pursuant to Section 14105.33 provided all of the following conditions are met:

(A) The request is made within 12 months of approval for marketing by the federal Food and Drug Administration.

(B) The manufacturer agrees to negotiate a contract with the department to provide the drug at the manufacturer's best price.

(C) The manufacturer provides the department with necessary information, as specified by the department, in the request.

(D) The department had concluded contracting for the therapeutic category in which the drug is included prior to approval of the drug by the federal Food and Drug Administration.

(2) Within 90 days from receipt of the request, the department shall evaluate the request using the criteria identified in subdivision (d).

(b) Any petition for the addition to or deletion of a drug to the Medi-Cal drug formulary submitted prior to the effective date of this section, shall be deemed to be denied. A manufacturer who has submitted a petition deemed denied may request inclusion of that drug on the list of contract drugs provided all of the following conditions are met:

(1) The manufacturer agrees to negotiate for a contract with the department to provide the drug at the manufacturer's best price.

(2) The manufacturer provides the department with necessary information, as specified by the department, in the request.

(3) The manufacturer submits the request to the department prior to October 1, 1990.

(c) Any new drug designated as having an important therapeutic gain and approved for marketing by the federal Food and Drug Administration on or after the effective date of this section, shall immediately be included on the list of contract drugs for a period of three years provided that all of the following conditions are met:

(1) The manufacturer offers the department its best price.

(2) The drug is typically administered in an outpatient setting.

(3) The drug is prescribed only for the indications and usage specified in the federal Food and Drug Administration approved labeling.

(4) The drug is determined by the director to be safe, relative to other drugs in the same therapeutic category on the list of contract drugs.

(d) (1) To ensure that the health needs of Medi-Cal beneficiaries are met consistent with the intent of this chapter, the department

shall, when evaluating a decision to execute a contract, and when evaluating drugs for retention on, addition to, or deletion from, the list of contract drugs, use all of the following criteria:

(A) The safety of the drug.

(B) The effectiveness of the drug.

(C) The essential need for the drug.

(D) The potential for misuse of the drug.

(E) The cost of the drug.

(2) The deficiency of a drug when measured by one of these criteria may be sufficient to support a decision that the drug should not be added or retained, or should be deleted from the list. However, the superiority of a drug under one criterion may be sufficient to warrant the addition or retention of the drug, notwithstanding a deficiency in another criterion.

(e) (1) A manufacturer of single-source drugs denied a contract pursuant to this section or Section 14105.33 or 14105.37, may file an appeal of that decision with the director within 30 calendar days of the department's written decision.

(2) Within 30 calendar days of the manufacturer's appeal, the director shall request a recommendation regarding the appeal from the Medi-Cal Contract Drug Advisory Committee. The committee shall provide its recommendation in writing, within 30 calendar days of the director's request.

(3) The director shall issue a final decision on the appeal within 30 calendar days of the recommendation.

(f) Changes made to the list of contract drugs, including those made pursuant to Section 14105.37, shall become effective no sooner than 30 days after publication of the changes in provider bulletins.

(g) Changes made to the list of contract drugs under this or any other section are exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and shall not be subject to the review and approval of the Office of Administrative Law.

(h) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 5. Section 14105.42 of the Welfare and Institutions Code, is amended to read:

14105.42. (a) The department shall report to the Legislature after the first three major therapeutic categories have been reviewed and contracts executed. The report shall include the estimated savings, number of manufacturers entering negotiations, number of contracts executed, number of drugs added and deleted, and impact on Medi-Cal beneficiaries and providers.

(b) The department shall provide the following data to the Legislature and to the Auditor General by January 1, 1991, and every six months thereafter:

(1) The number of drug treatment authorization requests (TAR) received by facsimile, by secondary answering system and in person for each therapeutic category.

(2) The number of drug TARS requested, approved, denied, and returned.

(3) The length of time between the TAR request and the decision, specified by type of communication such as telephone or facsimile if available.

(4) For denied TARS, the number of fair hearings requested, approved, denied and pending.

(5) The numbers of providers who were unable to submit a request or made multiple attempts because of faulty or unavailable lines of communication, if available.

(6) The numbers of complaints made by beneficiaries and providers relating to difficulty or inability to obtain a TAR response.

(7) The status of the enhancements to the TAR process specified in Section 21 of Chapter 457 of the Statutes of 1990.

(8) The number of calls on the TAR line which are not getting through.

(c) The Auditor General shall prepare a report by February 1, 1991, and every 6 months thereafter providing a summary and analysis of the data specified in subdivision (b), and a comparative analysis of changes in the TAR process using June 1, 1990, as a base. The analysis shall include a measure of increased or decreased ability to contact the department and receive a response in a shorter or greater period of time.

(d) The department shall report to the Legislature, through the annual budget process, on the cost-effectiveness of contracts executed pursuant to Section 14105.33.

(e) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 6. Section 14105.45 of the Welfare and Institutions Code, is amended to read:

14105.45. The department shall establish a list of Maximum Allowable Ingredient Costs (MAIC) for drugs, which shall be published in provider bulletins. On the effective date of this section, MAICS listed in Title 22 of the California Code of Regulations shall be included in the list of MAICS. MAICS shall no longer be listed in regulations. The department shall repeal Section 51513.3 of Title 22 of the California Code of Regulations.

(b) The department shall update existing MAICS and establish additional MAICS in accordance with all of the following:

(1) The department shall base an MAIC on a reference drug brand which is generically equivalent to the innovator brand, and which is manufactured by a company with production capability to meet the statewide needs of the Medi-Cal program for that drug.

(2) The decision regarding therapeutic equivalency shall be based on the federal Food and Drug Administration determinations. For

antacid drugs, therapeutic equivalency shall be determined by the department based on review of in vitro scientific data.

(3) The department shall request information from drug manufacturers regarding the availability of their products throughout the state to outpatient pharmacies through the usual and customary distribution channels in sufficient quantities to meet the needs of the Medi-Cal program.

(4) The department shall notify Medi-Cal providers at least 30 days prior to the effective date of an MAIC.

(c) Notwithstanding the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, actions under this section shall not be subject to the Administrative Procedure Act, or to the review and approval of the Office of Administrative Law.

SEC. 7. No later than September 1, 1990, the State Department of Health Services shall report to the Auditor General on the number of exclusive and nonexclusive contracts entered into on a bid or negotiated basis pursuant to Section 14105.3 of the Welfare and Institutions Code.

SEC. 8. (a) The Auditor General, in consultation with the Assembly and Senate Offices of Research, shall conduct a study of the Medi-Cal drug contracting program and the price of drugs purchased by the Medi-Cal program. The study shall include the following, in order of priority:

(1) Methods by which volume purchasers of drugs, including, but not limited to, the Veterans Administration, the Department of General Services, Los Angeles County, hospital groups and health maintenance organizations, private insurance plans, foreign governments, and other states, secure reasonable or lowest prices, or both, for single-source, and generic drugs.

(2) Impacts of the various methods identified in paragraph (1) on Medi-Cal beneficiaries, physicians, pharmacies, hospitals, and nursing facilities.

(3) The impact of the treatment authorization request (TAR) process on Medi-Cal beneficiaries' access to prescription drugs and drug therapy, which are not on the Medi-Cal list of contract drugs especially for therapeutic breakthrough drugs.

(4) The impact of the treatment authorization request (TAR) process on provider willingness to prescribe therapeutic breakthrough drugs and single-source drugs which are not on the Medi-Cal list of contract drugs.

(5) A comparison of the methods by which pharmacies are reimbursed by other entities for drug ingredient costs, dispensing fees, and copayments.

(6) Comparison of the prices offered to volume purchasers through bulk purchasing, rebates, discounts, or other methods offered through contracts between the groups identified in paragraph (1) and drug manufacturers.

(7) Impacts of a closed drug formulary, an open drug formulary,

a restricted formulary and a list of contract drugs on Medi-Cal beneficiaries, physicians, pharmacies, hospitals, and nursing facilities.

(8) The impact of a closed drug formulary, an open drug formulary, a restricted drug formulary and a list of contract drugs on the total cost of the Medi-Cal program.

(9) Identification of financial incentives and other strategies used by volume purchasers to receive the lowest price whether the purchase of drugs is through wholesalers or directly from drug manufacturers.

(10) Identification of the percentage of the national market for each single-source therapeutic breakthrough drug which is paid for by the Medi-Cal program.

(11) The impact of federal price limits, referred to as Federal Allowable Costs (FACs) on the inclusion of multisource drugs on the Medi-Cal list of contract drugs and on the ability of Medi-Cal recipients to secure those multisource drugs.

(12) The average cost per prescription and average drug expenditure per user broken down by geographic area and various demographic groups such as age, sex, functional ability, and medical diagnosis and the utilization rate of brand-name drugs versus generic drugs in states using a closed formulary, an open formulary, a restricted open formulary, and a list of contract drugs.

(13) Identification of the cost components included in each manufacturer's prices for single-source and multisource drugs, including research and development, manufacturing, marketing, and other costs.

(14) The development of a methodology which is statistically sound to identify drugs which can be shown to reduce acute care costs.

(15) A review in the variation in pharmacy charges to the Medi-Cal program for drug ingredients and an evaluation of the feasibility of the Medi-Cal program contracting with less costly pharmacies for the dispensing of prescription drugs.

(16) Identification of the process and criteria the State Department of Health Services uses for reviewing drugs that are considered for inclusion on the Medi-Cal list of contract drugs, including, but not limited to, the costs and timeframes associated with the process and how the process compares with the federal Food and Drug Administration's drug approval process.

(17) A review of the basis on which dispensing limits that restrict the number of day's supply of a drug are made, and the fiscal effect of the dispensing limits on Medi-Cal beneficiaries and pharmacies.

(b) The Auditor General, in consultation with the Assembly and Senate Offices of Research, shall report the results of the study described in subdivision (a) to the Assembly Committee on Health, the Senate Committee on Health and Human Services, and the Joint Legislative Budget Committee no later than September 1, 1991.

(c) The report required by subdivision (b) shall include recommendations to the Legislature on how the Medi-Cal program

can lower the cost of prescription drugs while assuring access to necessary prescription drugs to Medi-Cal beneficiaries.

(d) The Auditor General shall not expend more than one hundred forty-five thousand dollars ($145,000) in preparing the study and report required by this section. If the cost exceeds that amount, the Auditor General shall instead complete the items in order of the priorities listed in subdivision (a).

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to establish timely guidelines required for the reports required by this act, it is necessary that this act take effect immediately.

CHAPTER 1644

An act to amend Section 5407 of the Welfare and Institutions Code, and to repeal Section 24 of Chapter 1294 of the Statutes of 1989, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 5407 of the Welfare and Institutions Code is amended to read:

5407. (a) It is the intent of the Legislature that essential mental health assessment, case management, and treatment services be available to court wards and dependents placed out-of-home or who are at risk of requiring out-of-home care. This can be best achieved at the community level through the active collaboration of county social service, probation, education, mental health agencies, and foster care providers.

(b) Therefore, using the Children's Mental Health Services Act as a guideline, the State Department of Mental Health, in consultation with the California Conference of Local Mental Health Directors, the State Department of Social Services, the County Welfare Directors Association, the Chief Probation Officer's Association, and foster care providers, shall do all of the following:

(1) By July 1, 1991, develop an individualized mental health treatment needs assessment protocol for court wards and dependents.

(2) By October 1, 1992, establish and maintain a special system of per child payments for supplemental mental health services rendered to court wards and dependents pursuant to this section.

This payment system shall ensure that children are served according to state-level priorities, and that similar children are served similarly statewide, to the extent of appropriations available through the annual Budget Act to implement this section. The payment system shall encourage utilization of other resources where possible, including Medi-Cal reimbursement. It is the intent of the Legislature that the payment system shall be flexible so that services may be provided in the most appropriate setting and in the most cost-effective manner.

(3) By October 1, 1992, the department shall, for the purposes of implementing this section, establish guidelines for rates, payment, and subsets of target populations to be served, for supplemental mental health services rendered to court wards and dependents. These guidelines shall include, but not be limited to, data collection, cost reporting, and types of placement resources receiving county mental health funds. These guidelines shall remain in effect until the special system of payments is established, in accordance with paragraph (2).

(4) By January 1, 1992, establish, by regulation, all of the following:

(A) Definitions of priority ranking of subsets of the court wards and dependents target population.

(B) Definitions of priority supplemental services, including, but not limited to, services defined in Title IX (commencing with Section 7030) of the California Code of Regulations as of January 1, 1992, and family therapy, prevocational services, crisis support, family support, therapeutic respite activities, and therapeutic milieu activities, to be available to the target population.

(C) A certification procedure, to be employed by the local mental health director, which assures that only mental health services approved by the local mental health director shall be eligible for reimbursement under this section.

(5) Require that the annual County Short-Doyle Plan and Negotiated Net Amount Contract ensure that interagency collaboration and program services are structured in a manner which will facilitate future implementation of the goals of the Children's Mental Health Services Act. Components shall be added to the plans and contracts which specifically address the procedures to be implemented by the county in meeting the provisions of this section. The components are to be developed in collaboration with the county social services and probation departments. Plans and contracts submitted for department approval shall document that the procedures to be implemented in compliance with this section have been approved by the county social services department and the county probation department pursuant to an interagency agreement.

(c) (1) Only those individuals within the target population as defined in regulation and determined to be eligible for services as a result of a mental health treatment needs assessment may receive services pursuant to this section. Priority services shall be provided

by the county mental health program in accordance with the County Plan or Negotiated Net Amount Contract approved by the State Department of Mental Health and to the extent that funds are appropriated for the purposes of this section.

(2) Allocation of funds appropriated for the purposes of this section shall be based on the number of wards and dependents identified pursuant to paragraphs (3) and (4) of subdivision (b).

(3) The counties shall be held harmless for failure to provide assessment and treatment services to those children identified in need of services for whom there is no funding.

(d) It is the intent of the Legislature to limit supplemental mental health treatment rates for the target population of this section to rates established pursuant to paragraphs (2), (3), and (4) of subdivision (b), effective October 1, 1992, and to reduce the impact of competition for scarce treatment resources on the cost and availability of care. The State Department of Mental Health, in consultation with the State Department of Social Services and appropriate organizations, including organizations representing service providers, shall develop a plan to accomplish this intent that addresses the access to, and availability of, mental health treatment for the target population. This plan shall be submitted to the Legislature by October 1, 1992.

(e) The department shall annually report to the Legislature on the service populations provided mental health treatment services pursuant to this section, the types and costs of services provided, and the number of children identified in need of treatment services who did not receive the services.

SEC. 2. Section 24 of Chapter 1294 of the Statutes of 1989 is repealed.

SEC. 3. The State Department of Mental Health shall adopt emergency regulations pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to implement this act. The adoption of regulations pursuant to this section in order to implement this act shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, or safety. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, emergency regulations adopted pursuant to this section shall not be subject to the review and approval of the Office of Administrative Law. The regulations shall become effective immediately upon filing with the Secretary of State. The regulations shall not remain in effect more than 180 days unless the adopting agency complies with all of the provisions of Chapter 3.5 (commencing with Section 11340), as required by subdivision (e) of Section 11346.1 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent inappropriate or unnecessary out-of-home placement of at-risk children in the state, it is necessary that this act take effect immediately.

CHAPTER 1645

An act to add Chapter 4.3 (commencing with Section 1400) to Division 2 of the Fish and Game Code, relating to wetlands, and making an appropriation therefor.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) California is the winter home to more than 60 percent of the migratory waterfowl of the Pacific Flyway, yet 95 percent of the wetland habitat for these waterfowl has been destroyed or adversely impacted.

(b) The loss of wintering habitat has contributed to a dramatic decline in migratory waterfowl, including a decline of more than 50 percent in the wintering duck population in the last 30 years.

(c) California is also the primary wintering area or permanent range for a number of endangered and rare bird species.

(d) Wetlands and adjacent lands provide necessary habitat for waterfowl and many other wildlife species.

(e) The governments of the United States and Canada have agreed to implement the North American Waterfowl Management Plan. To carry out the purposes of this plan in California, the state and federal governments have entered into the Central Valley Habitat Joint Venture. The Central Valley Habitat Joint Venture has identified the urgent need to protect 80,000 acres of wetlands in the central valley, to establish 120,000 acres of new wetlands in the central valley, to improve habitat on existing public and private wetlands and agricultural lands, and to secure dependable water sources for the wetlands.

(f) Because existing state and federal funds are not sufficient to buy and manage the wetlands outright, California needs to adopt creative options for the use of public funds and must increase the use of private funds to attain these goals.

SEC. 2. Chapter 4.3 (commencing with Section 1400) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 4.3. INLAND WETLANDS CONSERVATION PROGRAM

Article 1. Definitions

1400. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

1401. "Fund" means the Inland Wetlands Conservation Fund, created in the Wildlife Restoration Fund by Section 1430.

1402. "Board" means the Wildlife Conservation Board created by Section 1320.

1403. "Inland areas" means the entire area of California except lands under the jurisdiction of the State Coastal Conservancy, lands within the Santa Monica Mountains Zone, as defined in Section 33105 of the Public Resources Code, and lands under the jurisdiction of the California Tahoe Conservancy Agency in the Lake Tahoe region, as defined in Section 66905.5 of the Government Code.

1404. "Program" means the Inland Wetlands Conservation Program, as provided in this chapter.

1405. "Nonprofit organization" means an organization described in subsection (c) of Section 501 of the Internal Revenue Code of the United States (26 U.S.C. 501(c)).

Article 2. The Inland Wetlands Conservation Program

1410. The Inland Wetlands Conservation Program is hereby created in the board.

1411. (a) The Inland Wetlands Conservation Program is the program designated for use of the funds allocated pursuant to subdivision (f) of Section 2791, as enacted by the California Wildlife Protection Act of 1990. The board shall administer the program.

(b) The board is the agency designated for receipt of the funds allocated pursuant to subdivision (f) of Section 2791, as enacted by the California Wildlife Protection Act of 1990.

(c) The purpose and goal of the program is to carry out the programs of the Central Valley Habitat Joint Venture.

1412. The board may apply for and accept federal grants and receive gifts, donations, subventions, rent, royalties, and other financial support from public and private sources for the purposes of the program.

1413. The board may acquire or accept the gift or dedication of fee title, easements, leases, development rights, or other interests in lands in inland areas necessary to carry out the purposes of this chapter.

1414. The board shall coordinate its activities in the program with federal surplus land sales in inland areas.

1415. (a) Notwithstanding any other provision of law, the board may lease, rent, sell, exchange, or otherwise transfer any land, interest in land, or option acquired pursuant to this chapter for the purposes of carrying out the program.

(b) The proceeds from any lease, rental, sale, exchange, or transfer of land, or any interest therein, or option thereon, shall be deposited in the fund.

1416. The board may make grants or loans to nonprofit

organizations, local governmental agencies, and state departments and agencies for the purpose of wetland and associated upland habitat acquisition, restoration, or enhancement in the same manner and subject to the same provisions as prescribed in Section 31116 of the Public Resources Code. Proceeds from repayment of any loans and the interest thereon shall be deposited in the fund.

1417. The board may lease nonwetlands habitat in need of restoration to nonprofit organizations, local governmental agencies, and state departments and agencies under agreements in which the lessee agrees to restore the wetlands to their highest possible wetland value and maintain the wetlands at that highest possible wetland value. Proceeds from any lease or rental and interest thereon shall be deposited in the fund.

1418. The board may acquire former wetlands and associated upland habitat, restore those areas, and sell the lands, or any interest therein, to private owners, local governmental agencies, and state departments and agencies or exchange them for other land, if an agreement is secured to keep and maintain the lands as wetlands in perpetuity. The agreement shall contain a reversion if the lands sold or exchanged are not maintained as wetlands. The agreement containing the reversion shall be set forth in any conveyance transferring any land, interest in land, or option subject to this section. Proceeds from the sales or exchanges shall be deposited in the fund.

1419. Any funds remaining after an eligible acquisition, restoration, or enhancement of any project under this article shall be returned to the board and shall be deposited in the fund.

1420. In reviewing any grant or loan application, preference shall be given to projects on wetlands that have a secure source of water or are adjacent to existing wetlands that are protected by public ownership or conservation easements, or both. The board shall give preference to wintering habitat in the central valley.

1421. When creating new wetlands, the board shall give preference to lands most suitable for this purpose due to elevations, existence of levees, proximity to existing wetlands that are protected, and potential sources of water. These potential sources of water are limited to all of the following:

(a) Water rights which are attached to the land to be restored including groundwater associated with the property.

(b) Water willingly made available for a wetlands conservation project through water conservation.

(c) Reclaimed water.

(d) Undeveloped water supplies of the state.

(e) Water marketed for wetlands purposes by a willing seller.

(f) Water otherwise made available for wetlands purposes by private, nonprofit, local, and regional entities.

1422. On or before January 1, 1992, and every third year thereafter, the board shall prepare and submit a report to the Governor and the Legislature on activities of the board under this

chapter and other activities relating to wetland acquisition by the board. The report shall include, but is not limited to, the following:

(a) The status of wetland acquisition, restoration, and enhancement projects in inland areas.

(b) The net increase of wetland habitat as a result of projects of the board, including the activities carried out pursuant to the program.

Article 3. Finances

1430. The Inland Wetlands Conservation Fund is hereby created in the Wildlife Restoration Fund. The money in the fund shall be solely used to carry out the Inland Wetlands Conservation Program, including the administrative costs of the program.

1431. The board shall deposit in the fund all allocations made pursuant to subdivision (f) of Section 2791. Notwithstanding Section 13340 of the Government Code, the money in the fund is continuously appropriated to the board to carry out this chapter.

CHAPTER 1646

An act relating to reclaimed water for wildlife refuges.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) The State Water Resources Control Board shall conduct a survey to identify water and sewage reclamation plants in this state that produce water that would be suitable and available for use in central valley wildlife refuges. To the extent feasible, the survey shall determine the predicted quantities of water through the year 2000. To the extent feasible, the study shall also determine the predicted quality of the water that would be produced from the identified sources.

(b) The board shall prepare and submit a report on that survey to the Legislature and Governor not later than January 1, 1992.

CHAPTER 1647

An act to amend Sections 11475.2 and 15200.6 of, to amend, repeal, and add Sections 15200.1, 15200.2, 15200.3, and 15200.7 of, to add and repeal Sections 15200.8, 15200.85, and 15200.9 of, to add, repeal, and add Section 15200.95 of, and to add Section 15200.97 to, the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 11475.2 of the Welfare and Institutions Code is amended to read:

11475.2. (a) If at any time the Director of Social Services considers any public agency, which is required by law, by delegation of the department, or by cooperative agreement, to perform functions relating to the state plan for securing child and spousal support and determining paternity, to be failing in a substantial manner to comply with any provision of the state plan, the director shall put that agency on written notice to that effect.

The state plan concerning spousal support shall apply only to spousal support included in a child support order.

In this chapter the term spousal support shall include support for a former spouse.

(b) If the director determines that there is a failure on the part of that public agency to comply with the provisions of the state plan, or if the State Personnel Board certifies to the director that that public agency is not in conformity with applicable merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that sanctions are necessary to secure compliance, the director may invoke either or both of the following sanctions:

(1) Withhold part or all of state and federal funds, including incentive funds, from that public agency until the public agency shall make a showing to the director of full compliance.

(2) Notify the Attorney General that there has been a failure to comply with the state plan and the Attorney General shall take appropriate action to secure compliance.

(c) Notwithstanding Sections 15200 and 15204.2, in the event of a federal statewide child support program audit, review, or other measure of program compliance or performance which results in the reduction of federal funding for the Title IV-A program, the state shall fund 100 percent of the federal reduction to ensure the continuation of funding for allowable aid payments and related administrative costs associated with the AFDC program.

(d) In the event of a federal determination to reduce or modify federal funding for the Title IV-A program as a result of improper or

inadequate county administration of the child and spousal support enforcement program, the department shall pass on to the counties any federal sanction levied on or after January 1, 1991, regardless of the date of the underlying federal audit, except for any sanctions resulting from the 1986 audit or federal followup. For the purposes of this section, the date of levy is the date the federal government actually reduces, withholds, or otherwise modifies the state's funding.

(e) The sanction shall be assessed as follows:

(1) The state shall assume responsibility for 50 percent of the total federal sanction.

(2) Each county shall be assessed an amount equal to the amount of increased county costs which would occur based on application of Sections 15200 and 15204.2.

(3) For each county found to be out of compliance based on the reviews conducted pursuant to Section 15200.8, the county shall be assessed an amount equal to one-half the rate of the federal sanction multiplied by the county's total federal Title IV-A program funding.

(4) For each county found to be marginally in compliance based on the reviews conducted pursuant to Section 15200.8, the county shall be assessed an amount equal to one-quarter the rate of the federal sanction multiplied by the county's total federal Title IV-A program funding. For the purposes of this section, a county is marginally in compliance if it attains at least 75 percent, but not more than 80 percent, compliance with case processing criteria.

(5) In the event the amount of the federal sanction is less than the amount required to apply paragraphs (1), (2), (3), and (4), county liability under paragraph (4) shall be reduced accordingly. In the event county liability under paragraph (4) is eliminated and the amount of the federal sanction is less than the amount required to apply paragraphs (1), (2), and (3), county liability under paragraph (3) shall be reduced accordingly.

(6) The review pursuant to Section 15200.8 which was conducted closest to the date the federal sanction was levied shall be used to determine which counties are out of compliance and marginally in compliance.

(f) There shall be established a sanction credit which shall consist of any net increase in state revenue resulting from any increase of more than 9¾ percent in distributed collections on behalf of families receiving Aid to Families with Dependent Children for each of the previous three state fiscal years.

(1) The balance of the sanction after application of subdivision (e) shall be reduced by the amount of the sanction credit.

(2) In the event the sanction credit exceeds the balance of the sanction after application of paragraph (1), the amount exceeding the balance shall be used to reduce the liability of marginally compliant counties under paragraph (4) of subdivision (e). Any further balance shall be used to reduce the liability of out-of-compliance counties under paragraph (3) of subdivision (e).

(3) In the event the sanction credit does not fully offset the balance of the sanction after application of paragraph (1), the state shall be responsible for 50 percent of the unmet balance, and the remaining 50 percent shall be distributed to all counties in proportion to their total Title IV-A program funding.

(g) The sanction assessed a county pursuant to this section shall be levied as a general assessment against the county. Notwithstanding Section 15200.97, a county may use any funds paid to that county pursuant to Sections 15200.1, 15200.2, 15200.3, 15200.6, 15200.7, 15200.85, 15200.9, and 15200.95 over and above the county's cost of administering the child support program to supplant any county funds reduced under this section.

(h) In the event of any other audit or review which results in the reduction or modification of federal funding for the program under Part D (commencing with Section 652) of Subchapter IV of Title 42 of the United States Code, the sanction shall be assessed against those counties specifically cited in the federal findings in the amount cited in those findings.

(i) The department shall establish a process whereby any county assessed a portion of any sanction may appeal the department's decision.

(j) Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued operation of the state plan as required by law.

SEC. 2. Section 15200.1 of the Welfare and Institutions Code is amended to read:

15200.1. (a) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, from which the department shall make payments to each county on any support payments collected or distributed, or both, on or after October 1, 1985, federal incentive funds on the amount received which qualify therefor. In addition, the department shall pay to each county on any support collections distributed between October 1, 1982 and June 30, 1986, inclusive, regardless of the date of collection, a state incentive of 7.5 percent. This amount shall be paid on collections used to reduce or repay aid which is paid pursuant to this chapter, on collections paid to an aided family in the form of income not included in determining eligibility for assistance pursuant to federal law (so-called "disregards"), on collections paid to an aided family in the form of income included in determining eligibility (so-called "pass-ons" and "excess") and for aid which is entitled to federal matching funds.

(b) In the event that the federal government does not provide the funding for federal financial participation in administrative costs of the child support program as scheduled in Section 655 of Title 42 of the United States Code, as amended by P.L. 98-378, at the rate of 70 percent in federal fiscal year 1987, 68 percent in federal fiscal years 1988 and 1989, and 66 percent in federal fiscal year 1990, and thereafter, the department shall provide sufficient incentives,

commencing July 1, 1986, to supplant the dollar reduction to federal financial participation.

The state incentive rate shall be determined annually, and the rate shall be applied to collections paid to a nonaided family (non-AFDC incentive) and to distributed collections on aid-related cases (AFDC incentive). The AFDC incentive rate shall include the established base level incentive of 7.5 percent and may be adjusted up to 11.5 percent. The state incentive rate for AFDC and non-AFDC shall apply retroactively to July 1 of each fiscal year.

These incentives shall be paid in addition to the federal AFDC and non-AFDC incentives.

(c) The offset amount shall be the difference between the estimated dollar reimbursement resulting from the scheduled rates in subdivision (b) and the estimated dollar reimbursement resulting from actual federal financial participation at an incentive rate not in excess of 11.5 percent for collections for an aided family as defined in subdivision (a) and 4 percent for collections paid to a nonaided family. The exact additional state incentive rate, when applied to estimated total collections for the state fiscal year, shall approximately equal in amount the federal reduction to be offset.

(d) In addition, a county may qualify for an additional incentive payment under Section 15200.7. These funds shall be deposited in the county general fund.

(e) (1) Where more than one county has participated in the enforcement or collection, the federal and state AFDC incentive payments authorized by this section shall be made to the collecting county except as follows:

(A) The federal non-AFDC incentive shall be paid to the reporting county making the nonwelfare payments to the family for the period October 1, 1985, to June 30, 1986, inclusive.

(B) Effective July 1, 1986, the federal and state non-AFDC incentive shall be paid to the appropriate jurisdiction as determined by the State Department of Social Services.

(f) Where more than one state has participated in the enforcement or collection, the incentive payment, if any, shall be made in accordance with Section 15200.2.

(g) Any funds paid to a county pursuant to this section, over and above the county's cost of administering a child support enforcement program, shall be used to support the child support enforcement services of the district attorney.

(h) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 2.5. Section 15200.1 is added to the Welfare and Institutions Code, to read:

15200.1. (a) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, from which the department shall make payments to each county on any support

payments collected or distributed, or both, federal incentive funds on the amount received which qualify therefor. In addition, the department shall pay to each county on any support collections distributed, regardless of the date of collection, a state incentive of 7.5 percent. This amount shall be paid on collections used to reduce or repay aid which is paid pursuant to this chapter, on collections paid to an aided family in the form of income which is not included in determining eligibility for assistance pursuant to federal law (also referred to as "disregards"), on collections paid to an aided family in the form of income which is included in determining eligibility (also referred to as "pass-ons" and "excess"), and for aid which is entitled to federal matching funds.

(b) In addition, a county may qualify for an additional state incentive payment under Section 15200.7.

(c) Where more than one county has participated in the enforcement or collection, the federal and state AFDC incentive payments authorized by this section shall be made to the collecting county except that the federal non-AFDC incentive, and any non-AFDC incentive paid under Section 15200.95, shall be paid to the appropriate jurisdiction as determined by the State Department of Social Services.

(d) Where more than one state has participated in the enforcement or collection, the incentive payment, if any, shall be made in accordance with Section 15200.2.

(e) This section shall become operative on July 1, 1996.

SEC. 3. Section 15200.2 of the Welfare and Institutions Code is amended to read:

15200.2. (a) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, from which the department shall make payments to California counties, on any interstate support collections collected or distributed, or both, on or after October 1, 1985, federal incentive funds on the amount received which qualify therefor. In addition, the department shall pay to each county on any support collections distributed during the period of October 1, 1982, to June 30, 1986, inclusive, regardless of the date of collection, a state incentive of 7.5 percent. This amount shall be paid on collections used to reduce or repay aid which is paid pursuant to this chapter, on collections paid to an aided family in the form of income not included in determining eligibility for assistance pursuant to federal law (so-called "disregards") on collections paid to an aided family in the form of income included in determining eligibility for assistance pursuant to federal law (so-called "pass-ons" and "excess") and for aid which is entitled to federal matching funds. In addition, a county may qualify for an additional incentive payment under Section 15200.7.

(b) Effective July 1, 1986, the department shall pay, in addition to the federal incentive for AFDC and non-AFDC interstate collections, an increased state AFDC incentive on aid-related interstate collections as defined in subdivision (a) and a state

non-AFDC incentive for interstate collections paid to nonaided families.

(c) The actual state incentive rates shall be calculated annually pursuant to the formula specified in subdivisions (b) and (c) of Section 15200.1.

(d) The department shall, by regulation, pay the incentive payment to the county distributing the support payment from another state.

(e) Where a county makes a collection for another state, the department shall make the federal incentive payment to the county making the collection. No state incentive shall be paid on collections made by a county on behalf of another state.

(f) Any funds paid to a county pursuant to this section, over and above the county's cost of administering a child support enforcement program, shall be used to support the child support enforcement services of the district attorney.

(g) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 3.5. Section 15200.2 is added to the Welfare and Institutions Code, to read:

15200.2. (a) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, from which the department shall make payments to California counties, on any interstate support collections collected or distributed, or both, federal incentive funds on the amount received which qualify therefor. In addition, the department shall pay to each county on any support collections distributed, regardless of the date of collection, a state incentive of 7.5 percent. This amount shall be paid on collections used to reduce or repay aid which is paid pursuant to this chapter, on collections paid to an aided family in the form of income which is not included in determining eligibility for assistance pursuant to federal law (also referred to as "disregards"), on collections paid to an aided family in the form of income which is included in determining eligibility (also referred to as "pass-ons" and "excess"), and for aid which is entitled to federal matching funds. In addition, a county may qualify for an additional state incentive payment under Section 15200.7.

(b) The department shall, by regulation, pay the incentive payment to the county distributing the support payment from another state.

(c) Where a county makes a collection for another state, the department shall make the federal incentive payment to the county making the collection. No state incentive shall be paid on collections made by a county on behalf of another state.

(d) This section shall become operative on July 1, 1996.

SEC. 4. Section 15200.3 of the Welfare and Institutions Code is amended to read:

15200.3. (a) There is hereby appropriated out of any money in the General Fund not otherwise appropriated, amounts from which the department shall make federal incentive payments to each county on nonfederally funded foster care support payments collected or distributed on or after October 1, 1985. The department shall also make payments to the extent and as specified in subdivision (c) to counties on collections distributed between the periods of the effective date of this section, and June 30, 1986, a state incentive of 7.5 percent to be paid on amounts received for nonfederally funded foster care cases, including, but not limited to, collections made pursuant to Sections 903, 903.4, and 903.5. This incentive shall be paid on collections which are used to repay the state share of aid paid pursuant to this chapter which are not entitled to incentives pursuant to Sections 15200.1 and 15200.2.

(b) Effective July 1, 1986, the department shall pay to counties, in addition to the federal incentive for nonfederally funded foster care, an increased state incentive rate calculated pursuant to the formula specified in subdivisions (b) and (c) of Section 15200.1 on collections used to repay the state's share of aid as described in subdivision (a). The increased state incentive shall be paid to the extent and as specified in subdivision (c) of this section.

(c) The state incentive provided in subdivisions (a) and (b) for nonfederal foster care cases shall only apply to those statewide collections distributed in a fiscal year in excess of the 1982–83 budget projection. From the excess, 7.5 percent, or the increased incentive, of collections for nonfederal foster care cases shall be set aside for payment of these incentives. At the end of the fiscal year payment to each county of the incentive money shall be in proportion to the percentage of the total nonfederal cases support collection for the state which each county has distributed. The percentage incentive specified in subdivision (a) shall not exceed the total incentive provided by the state for federal foster care cases at any time but shall automatically be adjusted for any reductions. Any remaining funds shall be credited to offset expenditures for AFDC-FC.

(d) The Legislature finds and declares that the state incentive provided pursuant to this section is sufficient to reimburse counties for court and all other costs incurred through enforcement of parental liability in nonfederally funded foster care cases.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 4.5. Section 15200.3 is added to the Welfare and Institutions Code, to read:

15200.3. (a) There is hereby appropriated out of any money in the General Fund not otherwise appropriated, amounts from which the department shall make federal incentive payments to each county on nonfederally funded foster care support payments collected or distributed.

(b) The department shall pay to counties, in addition to the federal incentive for nonfederally funded foster care, a state incentive on collections used to repay the state's share of aid. The increased state incentive shall be paid to the extent and as specified in subdivision (c).

(c) The state incentive provided in subdivision (b) for nonfederal foster care cases shall only apply to those statewide collections distributed in a fiscal year in excess of the 1982–83 budget projection. From the excess, 7.5 percent, or the increased incentive, of collections for nonfederal foster care cases shall be set aside for payment of these incentives. At the end of the fiscal year payment to each county of the incentive money shall be in proportion to the percentage of the total nonfederal cases support collection for the state which each county has distributed. The percentage incentive specified in subdivision (a) shall not exceed the total incentive provided by the state for federal foster care cases at any time but shall automatically be adjusted for any reductions. Any remaining funds shall be credited to offset expenditures for AFDC-FC.

(d) The Legislature finds and declares that the state incentive provided pursuant to this section is sufficient to reimburse counties for court and all other costs incurred through enforcement of parental liability in nonfederally funded foster care cases.

(e) This section shall become operative on July 1, 1996.

SEC. 5. Section 15200.6 of the Welfare and Institutions Code is amended to read:

15200.6. (a) (1) The department shall provide payments to each county at a rate of ninety dollars ($90) per child for each paternity established pursuant to Section 11475.1. In no event shall payments made under this section exceed the amount annually appropriated from the General Fund to the State Department of Social Services under subdivision (a) of Section 15200.7.

(2) For purposes of this section the definition of "paternity established" shall be given a meaning consistent with the meaning of that term when used by the department for statistical reporting.

(b) (1) The State Department of Social Services shall, prior to June 30, 1991, study and report to the Legislature on the effect of the incentive payment provided by this section upon paternity establishment efforts by the counties as well as review child support enforcement incentive provisions in existing law.

(2) The department shall also make recommendations as to needed revisions to, or extension of, the effective period of this section and make similar recommendations with regard to this section and other existing child support enforcement incentive sections as to whether there exist other or more effective means of providing counties with child support enforcement incentives.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 6. Section 15200.7 of the Welfare and Institutions Code is amended to read:

15200.7. (a) In addition to funds appropriated pursuant to Sections 15200.1 and 15200.2, there is hereby annually appropriated from the General Fund to the State Department of Social Services, beginning in fiscal year 1984–85, and based on the increase in fiscal year 1983–84 Aid to Families with Dependent Children child support collections above Aid to Families with Dependent Children child support collections in fiscal year 1982–83, a sum equal to 50 percent of the state's share of those increased collections. The sum shall be computed after payment of the incentive pursuant to Sections 15200.1 and 15200.2 has been taken out of the state share. The sum to be appropriated shall be computed in a similar manner annually thereafter.

(b) The sum appropriated pursuant to subdivision (a) shall be allocated by the department to each county which increased its collections and shall be based on each county's percentage of the total increased collections in those counties.

(c) Subdivision (b) shall be inoperative from January 1, 1989, until December 31, 1991.

(d) For the period of January 1, 1989, to December 31, 1991, inclusive, funds appropriated pursuant to subdivision (a) shall be allocated by the department to each county pursuant to Section 15200.6.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 6.5. Section 15200.7 is added to the Welfare and Institutions Code, to read:

15200.7. (a) In addition to funds appropriated pursuant to Sections 15200.1 and 15200.2, there is hereby annually appropriated from the General Fund to the State Department of Social Services beginning in fiscal year 1996–97, and based on the increase in fiscal year 1995–96 Aid to Families with Dependent Children child support collections above Aid to Families with Dependent Children child support collections in fiscal year 1994–95, a sum equal to 50 percent of the state's share of those increased collections. The sum shall be computed after payment of the incentive pursuant to increased collections. The sum shall be computed after payment of the incentive pursuant to Sections 15200.1 and 15200.2 has been taken out of the state share. The sum to be appropriated shall be computed in a similar manner annually thereafter.

(b) The sum appropriated pursuant to subdivision (a) shall be allocated by the department to each county which increased its collections and shall be based on each county's percentage of the total increased collections in those counties.

(c) This section shall become operative on July 1, 1996.

SEC. 7. Section 15200.8 is added to the Welfare and Institutions

Code, to read:

15200.8. (a) The department shall establish a performance-based incentive system which will provide federal and state incentive funds to counties based on standards of performance in the child support program. The performance standards established shall determine the incentive rates to be paid on any support collections distributed on or after January 1, 1992.

(b) The performance-based incentive system shall have two levels of incentives.

(1) The first level, hereafter referred to as "Tier I," shall provide counties with a base incentive rate (referred to in this article as the base rate). Tier I also shall provide an increased incentive rate (referred to in this article as the compliance rate) to each county determined by the department to be in compliance with all federal and state child support enforcement program requirements.

(2) In determining Tier I county compliance, the department shall assess on at least an annual basis the accuracy and effectiveness of case processing based on the federal and state requirements in effect for the time period being reviewed, using a statistically valid sample of cases. The information for the assessment shall be based on reviews conducted by either state or county staff, as determined by the department.

(A) Counties determined not to be in compliance shall be required to develop and submit a corrective action plan to the department.

(B) Counties under a corrective action plan shall be assessed on a quarterly basis until the department determines that they are in compliance with federal and state child support program requirements.

(3) In addition to determining Tier I compliance, the department shall collect information regarding whether cases on behalf of families receiving Aid to Families with Dependent Children are disproportionately represented in the portion of each county's case sample which is not in compliance. In the event disproportionate representation is found in a county's pool of noncompliant cases, the department shall require corrective action from that county. However, this corrective action shall not affect the county's entitlement to Tier I incentives.

(4) The second level (referred to in this article as Tier II), shall provide an additional incentive rate (referred to in this article as the performance rate), to counties that meet the performance standard levels as established by the department. No county shall qualify for payment of Tier II incentives in any year, month, or quarter in which it was not also eligible for the Tier I compliance rate.

(c) (1) The incentive rates shall be paid as a percentage of total distributed collections.

(2) "Distributed collections" means collections used to reduce or repay aid which is paid pursuant to this chapter; collections paid to an aided family; collections paid to a nonaided family regardless of

the date of collection; collections paid to other state child support agencies on behalf of children residing in other states; and any other payments collected which qualify for federal incentives.

(d) Effective January 1, 1992, incentive payments shall be paid to the appropriate county jurisdiction as determined by the department.

(e) Nothing in this section shall preclude the department from adopting regulations pursuant to Section 11479.5.

(f) This section shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7.5. Section 15200.85 is added to the Welfare and Institutions Code, to read:

15200.85. (a) Effective January 1, 1992, there shall be appropriated from the State Treasury sufficient funds, including federal incentives, from which the department shall pay to each county a base rate of 10 percent on any support collections distributed, regardless of the date of collection. The base incentive rate shall decrease by 1 percent annually each July 1, until July 1, 1995, at which time it shall be 6 percent for that fiscal year and every fiscal year thereafter.

(b) Effective January 1, 1992, the department shall pay to each county that is determined by the department to meet all requirements of Tier I, as described in paragraph (1) of subdivision (b) of Section 15200.8, a compliance incentive rate of 1 percent on any support collections distributed. This compliance rate shall increase by 1 percent annually each July 1, until July 1, 1995, at which time it shall be 5 percent for that fiscal year and every fiscal year thereafter.

(c) Counties which complete their corrective action plans pursuant to subparagraph (B) of paragraph (1) of subdivision (b) of Section 15200.8, shall qualify for the compliance rate incentive at the start of the quarter following completion.

(d) This section shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 15200.9 is added to the Welfare and Institutions Code, to read:

15200.9. (a) Effective July 1, 1993, there shall be appropriated from the State Treasury sufficient funds, including federal incentives, from which the department shall pay a performance rate to those counties which meet Tier II performance standards, pursuant to paragraph (2) of subdivision (b) of Section 15200.8. The performance rate shall be paid in addition to that provided for under Section 15200.85 and shall be paid on distributed collections, regardless of the date of collection.

(b) The performance rate shall be a graduated scale up to a

maximum rate of 1 percent. The maximum performance rate shall increase by 1 percent annually until July 1, 1995, at which time it shall be 3 percent for that fiscal year and every fiscal year thereafter.

(c) This section shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 15200.95 is added to the Welfare and Institutions Code, to read:

15200.95. (a) Each county shall be responsible for its nonfederal share of administrative expenditures for administering the child support program.

(b) Notwithstanding subdivision (a), effective July 1, 1991, to June 30, 1993, inclusive, the state shall pay the nonfederal share of administrative costs of conducting the reviews required under Section 15200.8. Funding for county costs after June 30, 1993, shall be subject to the availability of funds in the annual Budget Act.

(c) In the event that the federal government does not provide the funding for federal financial participation in administrative costs of the child support program at the scheduled rates of 66 percent for regular federal financial participation and 90 percent for enhanced federal financial participation, the department shall increase the Tier I base incentive rate authorized under Section 15200.85 to supplant the dollar reduction to federal financial participation.

(1) This increase shall be based on the difference between the estimated dollar reimbursement resulting from the scheduled federal financial participation and the estimated dollar reimbursement resulting from the reduced federal financial participation rates. This increase to the base incentive rate, when applied to estimated total collections for the state fiscal year, shall approximately equal the federal reduction.

(2) This increase shall be determined annually, and shall apply to total distributed collections as defined in subdivision (c) of Section 15200.8.

(3) In no event shall the increased incentive rate exceed 4 percent in any fiscal year.

(4) This increase to the base incentive rate shall apply to the period of time in which the federal financial participation rate in administrative expenditures is reduced.

(d) This section shall become inoperative on June 30, 1996, and as of January 1, 1997, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1997, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9.5. Section 15200.95 is added to the Welfare and Institutions Code, to read:

15200.95. (a) Each county shall be responsible for its nonfederal share of administrative expenditures for administering the child support program.

(b) In the event that the federal government does not provide the

funding for federal financial participation in scheduled rates of 66 percent for regular federal financial participation and 90 percent for enhanced federal financial participation, the department shall increase the incentive rates authorized under Sections 15200.1, 15200.2, and 15200.3 to supplant the dollar reduction to federal financial participation.

(1) This increase shall be based on the difference between the estimated dollar reimbursement resulting from the scheduled federal financial participation and the estimated dollar reimbursement resulting from the reduced federal financial participation rates. This increase to the base incentive rate, when applied to estimated total collections for the state fiscal year, shall approximately equal the federal reduction.

(2) This increase shall be determined annually, and shall apply to total distributed collections as defined in Section 15200.1.

(3) In no event shall this increase to the incentive rate exceed 4 percent in any fiscal year.

(4) This increase to the incentive rate shall apply to the period of time in which the federal financial participation rate in administrative expenditures is reduced.

(c) This section shall become operative on July 1, 1996.

SEC. 10. Section 15200.97 is added to the Welfare and Institutions Code, to read:

15200.97. Any funds paid to a county pursuant to this chapter over and above the county's cost of administering the child support program shall be used to support the child support enforcement services of the district attorney.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1648

An act relating to transportation, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Sections 13340 and 16361 of the Government Code and to the extent permitted by federal law, the sum of seven million four hundred ninety-five thousand dollars ($7,495,000) of the money in the Federal Trust Fund, created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, as defined by Section 155 of the Further Continuing Appropriations Act of 1983 (P.L. 97-377) or other federal law, and received by the state from federal oil overcharge funds available pursuant to court judgments or federal agency orders, is hereby appropriated to the State Energy Resources Conservation and Development Commission for allocation as follows:

(a) $300,000 to the County of Santa Clara for the establishment and operation of one or more transportation management associations within the county.

(b) $775,000 to the County of Santa Clara for a traffic idling reduction demonstration program.

(c) $200,000 to provide a grant to RIDES for Bay Area Commuters for the purchase and installation of a new computer system for rideshare matching service and rideshare management information.

(d) $650,000 to the City of San Jose for a traffic surveillance system for congestion reduction and energy savings.

(e) $200,000 to the City of San Buenaventura to demonstrate the energy savings associated with connecting 40 traffic signals to a central traffic signal surveillance system computer.

(f) $300,000 to the County of San Mateo to demonstrate energy savings and air quality improvement associated with the formation of one or more transportation systems management programs within the county.

(g) $620,000 to the County of San Mateo to demonstrate the energy savings and air quality improvement associated with the installation of a series of commercially available technologies associated with reducing traffic congestion, as follows:

(1) $250,000 on Highway 82 from the south city limits of Redwood City to the north city limits of Belmont.

(2) $250,000 on Woodside Road from El Camino Real to Alameda de Las Pulgas.

(3) $120,000 on Industrial Road (northbound) and Holly Street.

(h) $500,000 to the City of Oakland to demonstrate energy savings

and air quality improvement which result from installing a commercially available system to enhance traffic flow.

(i) $1,450,000 to the Department of Transportation to demonstrate the energy conservation and air quality benefits associated with installing commercially available systems to enhance traffic flow, as follows:

(1) $100,000 for State Route 1 at the entrance to Cuesta College.

(2) $100,000 for State Route 1 at Ardath Drive in Cambria.

(3) $200,000 for State Route 101 at Teft Street, northbound and southbound freeway ramps.

(4) $300,000 for State Route 1 at the California Men's Colony.

(5) $750,000 for State Route 39 between State Route 405 and Lincoln Avenue.

(j) $750,000 to the County of Contra Costa for a demonstration project associated with the East Bay Commuter Rail Plan.

(k) $400,000 to the City of Anaheim to demonstrate the energy savings and air quality improvement associated with the installation of a series of commercially available technologies including, but not limited to, a route message sign, closed circuit television cameras for traffic surveillance, and energy efficient pedestrian signals.

(*l*) $250,000 to the Cities of Downey and Cerritos for demonstrating energy savings by providing on-demand vanpools to seniors through its paratransit service.

(m) $300,000 to the City of El Monte to demonstrate an interjurisdictional traffic flow improvement program.

(n) $250,000 divided equally between the City of Modesto and the County of Stanislaus for conversion to traffic sensing/activated control systems.

(o) $250,000 to the City of Calexico to demonstrate the energy reduction effects of a demand-responsive vanpool program for seniors and handicapped.

(p) $300,000 to the County of Santa Clara for a trip reduction program serving commuters between San Jose and the Cities of Los Gatos, Saratoga, and Cupertino.

Transportation projects funded under this section shall comply with generally accepted engineering and public safety criteria applicable to the projects.

SEC. 2. Money in the Federal Trust Fund created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the petroleum violation escrow account, which is available for appropriation during the 1989–90 fiscal year, shall be appropriated in accordance with subdivision (b) of Section 4 of Chapter 1426 of the Statutes of 1988, which declared the intent of the Legislature to appropriate one-half of each future disbursement received by the state from the account for implementation of the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program (Part 10.7 (commencing with Section 17910) of the Education Code).

SEC. 3. Funds appropriated by this act from the Petroleum

Violation Escrow Account shall be disbursed by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of those funds.

CHAPTER 1649

An act to add Section 15202.1 to, and to amend and repeal Section 15202 of, the Government Code, relating to county finance.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 15202 of the Government Code, as amended by Section 3 of Chapter 987 of the Statutes of 1988, is amended to read:

15202. (a) A county with a population of 300,000 or less, at the time of the 1980 decennial census, which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Controller for reimbursement of 90 percent of the costs incurred by the county for each such trial or hearing, without regard to fiscal year, in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county.

(b) (1) A county with a population of 200,000 or less, as of January 1, 1990, which is responsible for the cost of two or more trials or hearings within a fiscal year of a person or persons for the offense of homicide may apply to the Controller for reimbursement of 90 percent of the costs incurred in a fiscal year by the county for the conduct of the first trial within a fiscal year, and 85 percent of the costs incurred in a fiscal year by the county for the conduct of any and all subsequent trials or hearings in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county.

(2) A county with a population of 200,000 or less, as of January 1, 1990, which, within a fiscal year, is reimbursed for costs incurred by the county for the conduct of only one trial or hearing pursuant to subdivision (a) shall be reimbursed for that one trial or hearing in subsequent fiscal years for costs incurred in those subsequent fiscal years without again being required to expend county funds equal to 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county, so long as all reimbursements to the county under this paragraph are for only that one trial or hearing.

For purposes of this subdivision, in determining the costs of a homicide trial, trials, hearing, or hearings, the costs shall include, all pretrial, trial, and posttrial costs incurred in connection with the

investigation, prosecution, and defense of a homicide case or cases within a fiscal year, including, but not limited to, the costs incurred by the district attorney, sheriff, public defender, and witnesses, which were reasonably required by the court and participants in the case or cases, and other extraordinary costs associated with the investigation in homicide cases.

(c) A county with a population exceeding 300,000 at the time of the 1980 decennial census which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Controller for reimbursement of 80 percent of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent, and not in excess of the amount of money derived from a tax of 0.0125 of 1 percent, and for reimbursement of 100 percent of the costs incurred in excess of the amount of money derived from a tax of 0.0125 percent, of the full value of property assessed for purposes of taxation within the county.

(d) The Controller shall not reimburse any county for costs that exceed the standards for travel and per diem expenses set forth in Sections 700 to 715, and 718, of Title 2 of the California Code of Regulations. The Controller may reimburse extraordinary costs in unusual cases if the county provides sufficient justification of the need for these expenditures. Nothing in this section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

(e) The Legislature recognizes that the conduct of trials for persons accused of homicide should not be hampered or delayed because of a lack of funds available to the counties for that purpose. While this section is intended to provide an equitable basis for determining the allocation to the state of the costs of homicide trials in any particular county, the rising costs of those trials necessitate an objective study to assure reasonable financial restraints and incentives for cost-effectiveness that do not place an unreasonable burden on the treasury of the smaller counties.

This section shall remain operative only until January 1, 1995, and as of that date is repealed.

SEC. 2. Section 15202 of the Government Code, as added by Section 4 of Chapter 987 of the Statutes of 1988, is amended to read:

15202. A county which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Controller for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.0125 of 1 percent of the full value of property assessed for purposes of taxation within the county.

The Controller shall not reimburse any county for costs that exceed the State Board of Control's standards for travel and per diem expenses. The Controller may reimburse extraordinary costs in unusual cases if the county provides sufficient justification of the need for these expenditures. Nothing in this section shall permit the

reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

This section shall become operative on January 1, 1995.

SEC. 3. Section 15202.1 is added to the Government Code, to read:

15202.1. (a) If the venue for trial of a homicide case has been changed from the county which is eligible for reimbursement under Section 15202 to a location more than 60 miles from the county seat of that county, and the district attorney of that county has entered into a contract with an attorney to try the case or an investigator to assist in the trial of the case, the Controller shall reimburse the county for the actual costs of the attorney or investigator under this section, at an hourly rate not to exceed the hourly rate charged state agencies by the Attorney General for similar attorney services or investigators, without further showing of justification. Nothing in this section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

(b) This section shall apply to any homicide cases in which a final judgment was entered prior to January 1, 1990.

SEC. 4. The Legislature finds and declares that under existing law, including, but not limited to, Sections 11019.6 and 15202 of the Government Code, the County of Calaveras will not be reimbursed for the extraordinary expenses related to the homicide trial of Charles Chitat Ng which will cause a severe drain on its cash flow. Therefore, notwithstanding any other provision of law, the County of Calveras may apply to the Controller for reimbursement of 100 percent of its costs incident to the homicide trial of Charles Chitat Ng, incurred between January 1, 1991, and January 1, 1993. Nothing in this section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

SEC. 5. Due to the unique circumstances concerning the extraordinary costs to the County of Calaveras incident to the Charles Chitat Ng trial described in Section 5 of this act, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, legislation applicable only to Calaveras County is necessary under these circumstances.

CHAPTER 1650

An act relating to state approval of design and construction plans.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) The State Architect, the Office of Statewide Health Planning, and the State Fire Marshal shall establish a two and one-half year pilot project, ending June 30, 1993, to consolidate each agency's school and hospital plan checking functions at two separate locations in southern California.

(b) At least one consolidated office shall be in Los Angeles. The location of the other office shall be determined by these agencies through mutual decision.

(c) The purpose of the consolidation shall be to provide over-the-counter plan checks for less complex projects falling under a certain size or construction cost, as determined by the agencies.

(d) The Legislative Analyst's office, as part of its annual review of the 1992–93 Budget Bill, shall evaluate the cost effectiveness and efficiency of the pilot project and make recommendations on whether the consolidation should be made permanent and what changes, if any, should be implemented to improve office operations.

SEC. 2. (a) The State Architect shall prepare a plan for improved allocation of state agencies' resources in order to meet the state's responsibilities for review and approval of school and hospital design and construction. The plan shall be developed in conjunction with the State Fire Marshal, the Director of the Office of Statewide Health Planning and Development, and the public.

(b) The plan shall address all of the following:

(1) Increased allocation of resources to southern California offices of the State Fire Marshal, the Office of Statewide Health Planning and Development, and the State Architect, to allow plans for projects in that region to be reviewed locally, rather than in Sacramento.

(2) Options for consolidation of the various field offices of the State Architect, the State Fire Marshal, and the Office of Statewide Health Planning and Development into single locations.

(3) Procedures for the State Architect, the State Fire Marshal, and the Office of Statewide Health Planning and Development to routinely provide expedited over-the-counter plan checks on less complex projects falling under a certain size or construction cost.

SEC. 3. (a) The State Architect shall prepare a plan to implement a comprehensive computer tracking system to track applications for all types of state design and construction related permits and approvals. The State Architect shall develop this plan with the participation of the State Fire Marshal, the Director of the Office of Statewide Health Planning and Development, the Director

of the Office of Local Assistance, and the public.

(b) The system shall be linked between all agencies involved with review and approval of design and construction.

(c) The plan shall provide for periodic notification to project owners, or the architects or engineers representing the owners, of the status and progress of their projects in the approval process.

(d) The plan shall provide for tracking of the average time required to complete each phase of the approval process.

(e) The system shall identify projects that take substantially longer than average to complete a phase of the approval process.

SEC. 4. The State Architect shall submit the plans required by Sections 2 and 3 to the Governor and the Legislature not later than July 1, 1991.

CHAPTER 1651

An act relating to transportation, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) If funds are available pursuant to Section 2 of this act, the Department of General Services, in coordination with the Department of Transportation, shall conduct a one-year pilot project utilizing the process of telecommuting as an alternative to commuting between home and work for employees in private industry (1) between the Counties of Orange and Riverside and (2) between the high desert region and Interstate Route 10 in the County of San Bernardino. The Department of General Services shall use those funds to enter into a contract with a private sector regional commuter service provider to implement the project.

(b) The Department of General Services, in cooperation with the Department of Transportation, shall report on its experiences under the pilot project, together with its recommendations, to the Legislature on or before July 1, 1992.

(c) The report required by subdivision (c) shall include, but not be limited to, a program evaluation, financial statement, and comments of participants in the pilot project. The program evaluation shall include specific data on the number of participants, frequency of use by each participant and the average daily use of any telecommuting center established as a result of this act, an estimate of the number of commute trips reduced as a result of this pilot project, and a projection of the number of commute trips that could be avoided if this program were extended for five years. The financial statement shall detail the costs of implementing this pilot

project and compare the costs of the pilot project to the costs of traffic controls that would otherwise be necessary to accommodate the level of traffic which the program evaluation estimates could be diverted within five years if the pilot project were continued. The pilot project shall be considered a success if the number of normal commute trips diverted to telecommuting is cost-effective when compared to the alternative of constructing traffic controls necessary to reduce the same number of commute trips diverted to telecommuting under the pilot project on an average daily usage basis.

SEC. 2. For purposes of Sections 1 and 3 of this act, "telecommuting" means the partial or total substitution of computers or telecommunication technologies, or both, for the commute to work by employees.

SEC. 3. (a) Notwithstanding Sections 13340 and 16361 of the Government Code, and to the extent permitted by federal law, the sum of two hundred thousand dollars ($200,000) of the money in the Federal Trust Fund, created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, as defined by Section 155 of the Further Continuing Appropriations Act of 1983 (P.L. 97-377) or other federal law, and received by the state from federal oil overcharge funds available pursuant to court judgments or federal agency orders, is hereby appropriated to the Department of General Services for purposes of Section 1 of this act, as follows:

(1) One hundred thousand dollars ($100,000) for the Riverside County-Orange County portion of the telecommuting project. However, the funds may not be encumbered unless the department first obtains not less than one hundred thousand dollars ($100,000) from the Riverside County Transportation Commission and not less than one hundred thousand dollars ($100,000) from private industry for those purposes.

(2) One hundred thousand dollars ($100,000) for the San Bernardino County portion of the telecommuting project. However, the funds may not be encumbered unless the department first obtains not less than one hundred thousand dollars ($100,000) from the San Bernardino County Transportation Commission and not less than one hundred thousand dollars ($100,000) from private industry for these purposes.

(b) Funds appropriated by this act from the petroleum violation escrow account shall be dispersed by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of those funds.

CHAPTER 1652

An act to amend Section 30700.6 of, and to add Section 31015 to, the Water Code, relating to county water districts.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 30700.6 of the Water Code is amended to read:

30700.6. (a) Notwithstanding Section 30021 or any other provision of the law, qualified voters at elections for directors or otherwise in the Sierra Lakes County Water District shall be (1) voters who are residents of the district, and (2) every owner of real property within the district, who is not a resident of the district.

(b) The last equalized county assessment roll shall be conclusive evidence of ownership of the real property so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate in writing which one of the owners shall be deemed the owner of the land for purposes of qualifying as a voter.

(c) The legal representative of a corporation or estate owning real property may vote on behalf of the corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

(1) Is appointed under the laws of this state.

(2) Is entitled to the possession of the estate's real property.

(3) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he or she seeks to exercise.

Before a legal representative votes at a district election, he or she shall present to the precinct board a certified copy of his or her authority which shall be kept and filed with the returns of the election.

(d) Every voter, or his or her legal representative, may vote at any district election either in person or by a person duly appointed as his or her proxy, but shall be entitled to cast only one vote. The appointment of a proxy shall be as provided in Section 35005. Elections shall be conducted pursuant to Article 1 (commencing with Section 35106) of Chapter 2 of Part 4 of Division 13.

(e) This section shall not affect incumbent directors of the district, but in the event of a vacancy or upon the expiration of each present term, each director, upon taking office or commencing a new term, shall be a voter as defined in this section.

SEC. 2. Section 31015 is added to the Water Code, to read:

31015. The Sierra Lakes County Water District shall not exercise

any of the powers and purposes set forth in Article 7 (commencing with Section 31120), Article 8 (commencing with Section 31130), and Article 9 (commencing with Section 31135).

SEC. 3. The provisions of this act are necessary because there are a substantial number of resident voters in the Sierra Lakes County Water District, as well as a substantial number of landowners within the district, who are concerned with the affairs and support of the district. The problem is not common to all districts formed under the County Water District Law. It is therefore hereby declared that a general law cannot be made applicable and that the enactment of this act as a special law is necessary for the solution of problems existing in the Sierra Lakes County Water District.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1653

An act to add Article 4 (commencing with Section 14170) to Chapter 2 of Part 5 of, and to add Chapter 8.5 (commencing with Section 14925) to Part 5.5 of, Division 3 of Title 2 of the Government Code, relating to transportation, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Many areas of the state are experiencing severe traffic congestion and air pollution.

(2) It is in the interest of the state to promote the use of mass transit and high-occupancy vehicles for commuting to work.

(3) Studies show that parents with young children are less likely to use mass transit or other alternatives to single-occupancy vehicles. Concern over their ability to respond quickly in case of a family emergency is one of the most common reasons cited for failing to use mass transit or other alternatives to single-occupancy commuting.

(4) In surveys of single-occupancy vehicle commuters, between 15 and 30 percent state that availability of a car for use in the case of an emergency would be an incentive to rideshare.

(b) It is the intent of the Legislature in enacting this act to encourage development of programs and policies that promote the use of mass transit and high-occupancy vehicle commuting. This can be accomplished, in part, by assuring commuters that they can respond, on a timely basis, to a personal emergency, unanticipated change in work schedule, or other commute-linked emergency.

SEC. 2. Article 4 (commencing with Section 14170) is added to Chapter 2 of Part 5 of Division 3 of Title 2 of the Government Code, to read:

Article 4. Guaranteed Return Trip Demonstration Project

14170. This article and Chapter 8.5 (commencing with Section 14925) of Part 5.5 shall be known and may be cited as the Guaranteed Return Trip Demonstration Project.

14171. The department shall establish and administer the Guaranteed Return Trip Demonstration Project in accordance with this article. The department shall develop standards and guidelines for the demonstration project, including a definition of return trip eligibility, and, upon approval of those standards and guidelines by the director, shall implement the project.

14172. The department shall publicize the project and solicit proposals for programs designed to provide mass transit and high-occupancy vehicle commuters with transportation to their homes, their personal vehicles, or another agreed upon location in the event of an emergency or specific unforeseen occurrence.

14173. The department shall prescribe forms to be utilized to apply for a grant to fund a proposed program, and shall adopt regulations prescribing qualifications for eligibility for the award of a grant, and establishing standards for auditing the expenditure of grant funds.

14174. The Guaranteed Return Trip Fund is hereby created in the State Treasury. An amount not exceeding one hundred fifty thousand dollars ($150,000) for each of the calendar years of 1991 and 1992, is hereby appropriated from the fund for the purpose of making grants pursuant to this article, and for the purposes of Chapter 8.5 (commencing with Section 14925) of Part 5.5, including the costs of the Department of General Services and the Department of Transportation, in administering this article and that Chapter 8.5.

14175. Grants of not more than five thousand dollars ($5,000) for projects covering a single employer or not more than fifteen thousand dollars ($15,000) for projects covering multiple employers may be made to public and private entities, including, but not limited to, all of the following:

(a) Local governmental entities, including, but not limited to, transit districts.

(b) Transportation management organizations and other associations formed to promote the use of high-occupancy vehicle commuting.

(c) Employers and groups of employers with established transportation management plans.

(d) Nonprofit organizations which provide transportation management services.

14176. (a) A public or private entity may submit to the department a program proposal and an application for a grant to fund the development and initial operation of a proposed program.

(b) To be eligible for funding, a proposed program shall meet all of the following criteria:

(1) Serve regular users of mass transit or high-occupancy vehicle commute modes.

(2) Provide transportation at no cost or at a nominal cost not to exceed the amount normally spent for home-to-work transportation by such means as a taxi, rental car, fleet car, or escort service, to the user's home or other agreed upon location.

(3) Agree to report to the department, not later than one year after receipt of a grant, regarding the effectiveness of the program, as indicated by:

(A) The number of participants using the guaranteed return trip program.

(B) Whether the program has increased the number of commuters using alternatives to single-occupancy vehicle commuting.

(4) Develop written policies specifying eligibility and procedures for use of the guaranteed return trip option.

14177. The department shall evaluate each proposal submitted to it and award grants to qualified applicants which are selected for participation in the demonstration project. Grants shall be awarded in a manner which assures a reasonable distribution of grant funds throughout the state. A grant shall not be renewable.

14178. The amount of any grant shall be matched on a dollar-for-dollar basis by the grant applicant. The funds granted, together with the matching funds, shall be used solely for purposes of the guaranteed return trip program, as specified in Section 14180.

14179. The recipient of a grant may use the funds for costs related to the development and operation of a guaranteed return trip program, including any of the following:

(a) Development and administration of the program.

(b) Program operating costs.

(c) Promotion of the program and the recruitment of participants.

(d) Significant expansion of currently existing programs.

14180. Upon its selection of a proposed program and the award of a grant for the program, the department shall notify the Controller of its action, and the Controller shall disburse the amount of the grant, as specified by the department, to the applicant from the Guaranteed Return Trip Fund.

14181. The department shall conduct an evaluation of the Guaranteed Return Trip Demonstration Project in order to

determine the effectiveness of individual programs funded pursuant to this article in promoting the use of mass transit and high-occupancy vehicle commuting. Not later than July 30, 1993, the department shall submit to the Legislature the results of its evaluation of the demonstration project, together with its recommendations as to whether the project should be continued.

SEC. 3. Chapter 8.5 (commencing with Section 14925) is added to Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 8.5. GUARANTEED RETURN TRIP DEMONSTRATION PROJECT

14925. This chapter and Article 4 (commencing with Section 14170) of Chapter 2 of Part 5 shall be known and may be cited as the Guaranteed Return Trip Demonstration Project.

14926. The Department of General Services shall establish and administer the Guaranteed Return Trip Demonstration Project in accordance with this chapter.

14927. The demonstration project shall utilize state owned equipment and facilities operated by the department, or equipment and services contracted for by the department, to make return trip transportation available to eligible state employees in cases of emergency or other unforeseen circumstances which make it necessary for the employee to leave his or her workplace. The transportation shall be provided at no cost or at a nominal cost not to exceed the amount normally spent for home-to-work transportation by such means as a taxi, rental car, fleet car, or escort service, to the employee's home or other agreed upon location.

14928. The department shall develop standards and guidelines for the demonstration project, including standards for eligibility for and utilization of services provided under the demonstration project. The services shall be available to all state employees who regularly commute to work by use of mass transit or high-occupancy vehicle.

14929. (a) The department shall conduct an evaluation of the Guaranteed Return Trip Demonstration Project established pursuant to this chapter to determine the effectiveness of the project in promoting the use of mass transit and high-occupancy vehicle commuting by state employees. The evaluation shall include all of the following:

(1) Utilization of services under the project.

(2) Cost of providing services.

(3) Impact of the project on the patterns of mass transit and high-occupancy vehicle usage by state employees.

(b) Not later than July 30, 1993, the department shall submit to the Legislature the results of its evaluation of the demonstration project, together with its recommendation as to whether the project should be continued.

SEC. 4. (a) Notwithstanding Sections 13340 and 16361 of the Government Code, and to the extent permitted by federal law, the

sum of three hundred thousand dollars ($300,000) of the money in the Federal Trust Fund, which is created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the petroleum violation escrow account, as defined by Section 155 of the Further Continuing Appropriations Act of 1983 (P.L. 97-377) or other federal law, and from federal oil overcharge funds available pursuant to court judgment or federal agency orders, is hereby appropriated for deposit in the Guaranteed Return Trip Fund created by Section 14174 of the Government Code for the purpose of funding the projects established pursuant to Sections 2 and 3 of this act.

(b) Funds appropriated by this section from the petroleum violation escrow account shall be disbursed by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of funds.

CHAPTER 1654

An act to add Section 21080.04 to the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 21080.04 is added to the Public Resources Code, to read:

21080.04. (a) Notwithstanding paragraph (11) of subdivision (b) of Section 21080, this division applies to a project for the institution of passenger rail service on a line paralleling State Highway 29 and running from Rocktram to Krug in the Napa Valley. With respect to that project, and for the purposes of this division, the Public Utilities Commission is the lead agency.

(b) It is the intent of the Legislature in enacting this section to abrogate the decision of the California Supreme Court "that Section 21080, subdivision (b) (11), exempts Wine Train's institution of passenger service on the Rocktram-Krug line from the requirements of CEQA" in Napa Valley Wine Train, Inc. v. Public Utilities Com., 50 Cal. 3d 370.

(c) Nothing in this section is intended to affect or apply to, or to confer jurisdiction upon the Public Utilities Commission with respect to, any other project involving rail service.

SEC. 2. The Legislature finds and declares that Section 21080.04 of the Public Resources Code, as added by Section 1 of this act, is necessary since special facts and circumstances applicable to the institution of excursion rail service by the Napa Valley Wine Train,

and not generally applicable to the institution of passenger rail service on rights-of-way in continuous service, would make the accomplishment of this purpose impossible by any general law. The Legislature further finds and declares that these circumstances are unique, that the purpose of this act is impossible to accomplish by any general law, and that a special statute within the meaning of Section 16 of Article IV of the California Constitution applicable only to the institution of this service is therefore necessary.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that an environmental impact report be prepared assessing the impact of the Napa Valley Wine Train on the Napa Valley at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1655

An act relating to energy resources, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) Improved energy efficiency in all sectors of the state's economy is a crucial element of California's energy policy.

(b) California's policies for energy efficiency need to look ahead to the 1990 decade and beyond to ensure that the necessary investments in research, development, and technology are made soon.

(c) An effective state energy efficiency research and development program should be based on a public and private partnership among the state's energy utilities, selected industrial and commercial participants, the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, and the University of California, including the university's energy research groups, and in particular, the California Institute for Energy Efficiency of the University of California.

SEC. 2. (a) Notwithstanding Sections 13340 and 16361 of the Government Code, and to the extent permitted by federal law, the sum of one million dollars ($1,000,000) of the money in the Federal Trust Fund, which is created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the

Petroleum Violation Escrow Account, as defined by Section 155 of the Further Continuing Appropriations Act of 1983 (P.L. 97-377) or other federal law, and from federal oil overcharge funds available pursuant to court judgments or federal agency orders, is hereby appropriated to the State Energy Resources Conservation and Development Commission for allocation to the University of California for support of the California Institute for Energy Efficiency. The commission shall make the funding available only if the utilities of this state provide funding of at least four million dollars ($4,000,000) for the institute.

(b) At least 30 percent of the funds made available to the California Institute for Energy Efficiency pursuant to this act shall be used for research, development, and application of energy efficiency measures which contribute to environmental protection goals, including significant air pollution reductions.

SEC. 3. Money in the Federal Trust Fund created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, which is available for appropriation during the 1990–91 fiscal year, shall be appropriated in accordance with subdivision (b) of Section 4 of Chapter 1426 of the Statutes of 1988, which declares the intent of the Legislature to appropriate one-half of each future disbursement received by the state from the account for the implementation of the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program (Part 10.7 (commencing with Section 17910) of the Education Code).

SEC. 4. Funds appropriated by this act from the Petroleum Violation Escrow Account shall be dispersed by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of those funds.

CHAPTER 1656

An act to add Section 20750.92 to, to add and repeal Section 20750.93 of, and to repeal Section 20760 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.92 is added to the Government Code, to read:

20750.92. Notwithstanding any other provision of this part, all assets of an employer shall be used in the determination of the employer contribution rate for the membership comprising the basis of the computation. Assets held shall be recognized over the same

funding period used to amortize unfunded accrued actuarial obligations whether in excess of the accrued actuarial obligation or not, using the entry age normal funding method.

For the purpose of this section, "employer" means any contracting agency, the state, or a school employer.

The actuarial report in the annual financial report shall also express the effect upon employer contribution rates of this section and of the recognition of net unrealized gains and losses.

This section shall become operative on July 1, 1997.

SEC. 2. Section 20750.93 is added to the Government Code, to read:

20750.93. The board shall recognize, over the same funding period used to amortize unfunded accrued actuarial obligations, using the entry age normal funding method, that portion of assets of an employer currently designated as excess assets in each fiscal year equal to the following:

1993–94	20%
1994–95	40%
1995–96	60%
1996–97	80%

This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute which is chaptered before January 1, 1998, deletes or extends that date.

SEC. 3. Section 20760 of the Government Code is repealed.

CHAPTER 1657

An act to add Chapter 1.5 (commencing with Section 3475) to Division 3 of the Public Resources Code, relating to used oil, and making an appropriation therefor.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares as follows:

(1) If all of the available used oil in California was recycled, this state could save more than one million barrels of fuel per year.

(2) Out of a barrel of crude oil one can get 2.5 quarts of virgin motor oil plus other petroleum products. It takes only a gallon of used motor oil to get 2.5 quarts of high quality motor oil.

(3) Recycling used oil takes 70 percent less energy than refining new oil, saving additional energy and money.

(4) In 1988, an estimated 137 million gallons of used oil was available for recycling in California. Of that total, only 46 percent was

recycled.

(5) One gallon of oil can contaminate 1,000,000 gallons of drinking water.

(6) One year of pouring used automobile oil down storm drains is equivalent to about three dozen Valdez oil spills.

(7) The need for local government efforts to collect used oil from the public for purposes of energy conservation and environmental protection has never been greater.

(b) It is, therefore, the intent of the Legislature in enacting the Used Oil Collection Demonstration Grant Program Act of 1990 to provide a means of promoting energy conservation, as well as protecting the environment.

SEC. 2. Chapter 1.5 (commencing with Section 3475) is added to Division 3 of the Public Resources Code, to read:

CHAPTER 1.5. USED OIL COLLECTION DEMONSTRATION PROGRAM

Article 1. Short Title and Definitions

3475. This chapter shall be known and may be cited as the Used Oil Collection Demonstration Grant Program Act of 1990.

3476. The definitions in this article govern the construction of this chapter.

3477. "Administrative costs" means those costs directly associated with regulation of the implementation of a used oil collection project.

3477.1. "Board" means the California Integrated Waste Management Board.

3477.5. "Capital outlay" means those costs directly associated with the purchase of equipment necessary to implement a used oil collection project. The costs may include, but are not limited to, the cost of material and labor associated with the installation of that equipment. Capital outlay does not include land acquisition costs.

3478. "Local agency" means a city, county, or city and county.

3479. "Used oil collection project" means a project undertaken by a local agency to encourage the collection, recycling, and proper disposal of used oil generated at households. "Used oil collection project" includes, but is not limited to, integration of used oil collection into existing curbside collection programs, retrofitting of solid waste collection equipment to promote curbside collection programs, and a public education and awareness program to promote opportunities for, and to educate the public as to the benefits from, the recycling of used oil.

Article 2. Grants for Used Oil Collection Demonstration Projects

3480. The board shall develop and administer a used oil grant program. On or before July 1, 1991, the board shall adopt regulations for the administration of this chapter and make grant applications

available.

3481. The purpose of the used oil collection demonstration grant program is to encourage the establishment of public used oil collection projects and to provide capital outlay and other costs to provide households with the capability of collection used oil generated in those households and to encourage the collection, recycling, and proper disposal of used oil.

3482. (a) A local agency shall not use more than 5 percent of any grant for administrative costs.

(b) The board shall not use more than 10 percent of funds made available for the grant program under this chapter for administrative costs.

3483. The board shall establish criteria for the granting of funds for used oil collection projects conducted by local agencies, including, but not limited to, information relating to proposed project costs and capital outlay.

3484. (a) Local agencies which have established public used oil curbside collection projects on or before January 1, 1991, are eligible for grants under this article to expand and upgrade those projects. Grant funds shall not be utilized to replace current funding sources.

(b) The grant to any local government shall not exceed seventy-five thousand dollars ($75,000) per grant. Local agencies may pool their grant funds to implement coordinated or complementary used oil collection projects.

3485. Grant funds shall be made available on a competitive basis to local agencies if requests for grants exceed available funds.

3485.5. The following criteria shall be used to evaluate grant applications:

(a) The need for a used oil collection project within a jurisdiction.

(b) The commitment of local agency funds to the used oil collection project.

(c) The commitment of the local agency to continue the used oil collection project after state funding has expired.

(d) The consideration given to a curbside used oil collection program.

3486. The board shall determine the contents of grant applications and the methods for evaluating the applications.

3787. The board shall evaluate each grant application for its potential to satisfy the requirements of this chapter and shall award the grant based on the evaluation. The board shall notify the applicant of the approval or denial of the grant application on or before January 1, 1992.

3488. (a) On or before January 1, 1993, the grant recipient shall submit to the board a report describing the implementation of the project and the extent to which the program was successful in addressing the problem of illegal disposal of used oil. The report shall include all of the following information:

(1) A description of the used oil curbside collection project.

(2) An account of the number of households participating in the

project.

(3) The amount of used oil collected as a result of the curbside collection project.

(4) A determination of whether this demonstration program can be made applicable to other local agencies throughout the state.

(5) A description of measures taken by the local agency to continue the program.

(b) On or before March 1, 1993, the board shall submit to the Legislature the report received pursuant to subdivision (a), together with recommendations for the use of the program for applicability to local agencies throughout the state.

3489. A local agency that establishes or otherwise expends grant funds provided pursuant to this chapter shall:

(a) Comply with the requirements in the regulations concerning notification and reporting.

(b) Provide adequate containment capacity for the containers or tanks used to store used oil in the case of a leak or spill.

(c) Provide sufficient security for centers to minimize vandalism and improper disposal of hazardous substances into used oil containers.

3490. Storage containers, such as drums and tanks, used to store used oil shall be in good condition and shall meet any applicable design and construction standards.

Article 3. Financing

3491. There is hereby created in the State Treasury the Used Oil Collection Demonstration Grant Fund. Notwithstanding Section 13340 of the Government Code, the money in the Used Oil Collection Demonstration Grant Fund is continuously appropriated to the board for the purposes of this chapter.

3492. (a) Notwithstanding Sections 13340 and 16361 of the Government Code, and to the extent permitted by federal law, the sum of one million dollars ($1,000,000) of money in the Federal Trust Fund, created pursuant to Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, is hereby transferred to the Used Oil Collection Demonstration Grant Fund.

(b) No grant shall be made by the board from funds appropriated pursuant to subdivision (a) unless an amount equal to 50 percent of the costs of the project is made available to the applicant from other public or private sources for the project.

3493. Money in the Federal Trust Fund created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, which is available for appropriation during the 1990–91 fiscal year, shall be appropriated in accordance with subdivision (b) of Section 4 of Chapter 1426 of the Statutes of 1988, which declares the intent of the Legislature to appropriate one-half of each future disbursement

received by the state from the account for the implementation of the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program (Part 10.7 (commencing with Section 17910) of the Election Code).

3494. Funds transferred from the Petroleum Violation Escrow Account by this article shall be transferred by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of those funds.

CHAPTER 1658

An act to amend Sections 35706, 35707, 35709, 35710, and 35753 of, and to add Section 35710.5, 35710.51, 35712, and 35768 to, the Education Code, relating to school districts.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 35706 of the Education Code is amended to read:

35706. Within 120 days of the commencement of the first public hearing on the petition, the county committee shall recommend approval or disapproval of a petition for unification of school districts or for the division of the territory of an existing school district into two or more separate school districts, as the petition may be augmented, or shall approve or disapprove a petition for the transfer of territory, as the petition may be augmented.

SEC. 2. Section 35707 of the Education Code is amended to read:

35707. Except for petitions for the transfer of territory, the county committee shall forthwith transmit the petition to the State Board of Education together with its recommendations thereon. It shall also report whether any of the following, in the opinion of the committee, would be true regarding the proposed reorganization as described in the petition:

(1) It would adversely affect the school district organization of the county.

(2) It would be compatible with any master plans submitted by the county committee and approved by the State Board of Education.

(3) It would comply with the provisions of Section 35753.

SEC. 3. Section 35709 of the Education Code is amended to read:

35709. If the following conditions are met, the county committee may approve the petition and order that the petition be granted, and shall so notify the county board of supervisors:

(a) The county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 are substantially met, and:

(b) Either:

(1) The petition is to transfer uninhabited territory from one district to another and the owner of the territory, or a majority of the owners of the territory, and the governing boards of all school districts involved in the transfer consent to the transfer; or

(2) The petition is to transfer inhabited territory of less than 10 percent of the assessed valuation of the district from which the territory is being transferred, and all of the governing boards have consented to the transfer.

SEC. 4. Section 35710 of the Education Code is amended to read:

35710. For all other petitions to transfer territory, if the county committee finds that the conditions enumerated in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 35753 are substantially met, the county committee may approve the petition and, if approved, shall so notify the county superintendent of schools who shall call an election in the territory of the districts as determined by the county committee and in the manner described in Part 4 (commencing with Section 5000) to be conducted at the next regular election.

SEC. 5. Section 35710.5 is added to the Education Code, to read:

35710.5. (a) An action by the county committee approving or disapproving a petition pursuant to Section 35709 or 35710 may be appealed to the State Board of Education by the chief petitioners or one or more affected school districts. The appeal shall be limited to issues of noncompliance with the provisions of Section 35705, 35706, 35709, or 35710. If an appeal is made as to the issue of whether the proposed transfer will adversely affect the racial or ethnic integration of the schools of the districts affected, it shall be made pursuant to Section 35711.

(b) Within five days after the final action of the county committee, the appellant shall file with the county committee a notice of appeal and shall provide a copy to the county superintendent of schools, except that if the appellant is one of the affected school districts it shall have 30 days to file the notice of appeal with the county committee and provide a copy to the county superintendent. Upon the filing of the notice of appeal, the action of the county committee shall be stayed, pending the outcome of the appeal. Within 15 days after the filing of the notice of appeal, the appellant shall file with the county committee a statement of reasons and factual evidence. The county committee shall then, within 15 days of receipt of the statement, send to the State Board of Education the statement and the complete administrative record of the county committee proceedings, including minutes of the oral proceedings.

(c) Upon receipt of the appeal, the State Board of Education may elect either to review the appeal, or to ratify the county committee's decision by summarily denying review of the appeal. The board may review the appeal either solely on the administrative record or in conjunction with a public hearing. Following the review, the board shall affirm or reverse the action of the county committee, and if the

petition will be sent to election, shall determine the territory in which the election is to be held. The board may reverse or modify the action of the county committee in any manner consistent with law.

(d) The decision of the board shall be sent to the county committee which shall then notify the county board of supervisors or the county superintendent of schools pursuant to Section 35709 or 35710, as appropriate.

SEC. 6. Section 35710.51 is added to the Education Code, to read:

35710.51. The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next available regular election, in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the State Board of Education pursuant to Section 35710.5 (c), as determined by the State Board of Education. The county superintendent shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed.

SEC. 7. Section 35712 is added to the Education Code, to read:

35712. The State Board of Education may adopt rules and regulations for the implementation of this article, as it deems necessary.

SEC. 8. Section 35753 of the Education Code is amended to read:

35753. (a) The State Board of Education may approve proposals for the reorganization of districts, if the board has determined, with respect to the proposal and the resulting districts, that all of the following conditions are substantially met:

(1) The new districts will be adequate in terms of number of pupils enrolled.

(2) The districts are each organized on the basis of a substantial community identity.

(3) The proposal will result in an equitable division of property and facilities of the original district or districts.

(4) The reorganization of the districts will not promote racial or ethnic discrimination or segregation.

(5) The proposed reorganization will not result in any substantial increase in costs to the state.

(6) The proposed reorganization will not significantly disrupt the educational programs in the proposed districts and districts affected by the proposed reorganization and will continue or promote sound education performance in those districts.

(7) The proposed reorganization will not result in a significant increase in school housing costs.

(8) The proposed reorganization is not primarily designed to result in a significant increase in property values causing financial advantage to property owners because territory was transferred from one school district to an adjoining district.

(9) The proposed reorganization will not negatively affect the fiscal management or fiscal status of the proposed district or any existing district affected by the proposed reorganization.

(10) Any other criteria as the board may, by regulation, prescribe.

(b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

SEC. 9. Section 35768 is added to the Education Code, to read:

35768. The State Board of Education may adopt rules and regulations for the implementation of this article, as it deems necessary.

CHAPTER 1659

An act to amend Sections 9322, 22816.7, 22816.8, and 22825.2 of, and to add Article 8 (commencing with Section 21420) to Chapter 9 of Part 3 of Division 5 of Title 2 of, the Government Code, relating to state officers and employees, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 9322 of the Government Code, as added by Chapter 29 of the Statutes of 1990, is amended to read:

9322. (a) Notwithstanding Sections 22816.7 and 22816.8, Part 6 (commencing with Section 22950) of Division 5, or any other law, the Legislature shall provide dental care plan coverage, pursuant to this section, for a person who is (1) a former Member of the Assembly or Senate or former legislative employee and is a state employee, as defined by paragraph (3) of subdivision (a) of Section 22816.7, (2) a former Member of the Assembly or Senate or former legislative employee and who meets the conditions imposed by subdivision (e) of Section 22816.7, or (3) a former Member of the Assembly or Senate and meets the conditions imposed by Section 22816.8.

(b) The Senate Committee on Rules shall administer the dental care plan for former Senators and former Senate employees. The Assembly Committee on Rules shall administer the dental care plan for former Assembly Members and former Assembly employees. Each rules committee shall be paid by those persons the contributions specified by subdivisions (c) and (e) of Section 22816.7 and Section 22816.8, including the additional 2 percent of the contribution payments required to be paid to cover the cost of administration. If the Senate Committee on Rules or the Assembly Committee on Rules does not receive the required contribution and

the additional 2 percent of the contribution payment on the first day of a month or within 20 days thereafter, continued coverage shall be terminated effective the first day of that month and may not be reinstated by subsequent receipt of the contribution and payment.

(c) When a person described in subdivision (a) retires, he or she shall be enrolled in the dental care plan provided for retirees in the retirement plan in which he or she is a member.

(d) There is no duty to locate or notify any person who may be eligible to enroll pursuant to this section.

SEC. 2. Article 8 (commencing with Section 21420) is added to Chapter 9 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 8. Deferred Compensation

21420. The board may establish a deferred compensation program for the members of the system. The program shall be made available to all employees of an employer under procedures established by the board unless participation is subject to the terms of any memorandums of understanding between the employer and the employees.

21421. The deferred compensation program may grant the maximum tax-deferred savings available under current federal law, and may provide for employer as well as employee contributions. The program may include, but is not limited to, one or more of the following plans:

(a) A deferred compensation plan qualified under Section 457 of the Internal Revenue Code.

(b) A tax-sheltered annuity qualified under Section 403(b) of the Internal Revenue Code. The provisions of Section 770.3 of the Insurance Code shall not apply to the board for the purposes of contracting for those annuities.

(c) Any other form of deferred compensation arrangement authorized by the provisions of the Internal Revenue Code and approved by the board.

21422. The deferred compensation program may include any or all of the following components:

(a) Investment fund options for state members, as part of the deferred compensation program administered for state employee by the Department of Personnel Administration.

(b) Annuity contracts on behalf of all members.

21423. (a) Investment fund options under subdivision (a) of Section 21422 shall be provided through a written interagency agreement between the board and the Department of Personnel Administration which shall be binding on both parties for a minimum term of 36 months.

(b) Participating employers shall enter into a written contractual agreement with the board which shall be binding for a minimum term of 36 months.

(c) Employees participating under the deferred compensation program shall enter into written salary reduction agreements with their employers, for the purpose of making deferrals or for annuity contracts.

21424. All development and administration costs of the deferred compensation program shall be paid by employers and participating members.

21425. The Public Employees' Deferred Compensation Fund is hereby established. Notwithstanding any other provision of law, the board may retain a bank or trust company to serve as repository of the fund. The board may also retain a bank or trust company to serve as a custodian for safekeeping, recordkeeping, delivery, securities valuation, investment performance reporting, or other services in connection with investment of the fund. Notwithstanding Section 13340, all moneys in the fund are continuously appropriated, without regard to fiscal years, to the board to carry out the purposes of this article.

21426. The Public Employees' Deferred Compensation Fund shall consist of the following sources and receipts and disbursements shall be accounted for as set forth below:

(a) Premiums determined by the board and paid by employers and members for the cost of administering the deferred compensation program.

(b) Asset management fees as determined by the board assessed against investment earnings of investment options or other investments funds provided by the board to either the state or other public employers. Asset management fees shall be disclosed to plan participants.

(c) Deferrals or contributions to be paid monthly by participating employers or members for investment by the board pursuant to this article. The moneys shall be deposited in the investment corpus account within the Public Employees' Deferred Compensation Fund, and invested in accordance with the fund option or fund selected by the members.

(d) Disbursements to participating members shall be paid from a disbursement account within the Public Employees' Deferred Compensation Fund, in accordance with current federal law pertaining to tax-deferred savings plans.

(e) The board shall offer a savings account equivalent plan among those deferred compensation accounts made payable to plan participants.

(f) Income, of whatever nature, earned on the Public Employees' Deferred Compensation Fund shall be credited to the appropriate account. Member accounts shall be individually posted to reflect net asset value for each fund in which the member participates.

(g) The board has the exclusive control of the administration and investment of the Public Employees' Deferred Compensation Fund.

21427. The board, if authorized by statute, may make expenditures from the asset management and services account in the

Public Employees' Deferred Compensation Fund to conduct studies of other retirement-related benefits for the participants in the system, expend moneys to start up new retirement-related benefit programs for participants, to fund positions, or compensate employees.

21428. The officers and employees of the system shall discharge their duties with respect to the deferred compensation plan solely in the interest of the members participating in the plan in the following manner:

(a) For the exclusive purpose of providing deferred compensation to members and defraying reasonable expenses of administering the plan.

(b) In the selection of investment options with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of a like character and with like aims.

(c) By diversifying the investment options available to participants of the plan so as to minimize the risk of large losses and by using reasonable diligence to accurately inform all employees and participants as to all plan options.

(d) In accordance with the documents and instruments governing the plan insofar as those documents and instruments are consistent with this article.

21429. Except as otherwise provided by law, the officers and employees of the system shall not engage in a transaction with regard to a deferred compensation plan if they know or should know that the transaction constitutes, directly or indirectly, any of the following:

(a) The sale, exchange, or leasing of any property from the plan to a participant in the plan for less than adequate consideration, or from a participant in the plan to the plan for more than adequate consideration.

(b) The lending of money or other extension of credit from the plan to a participant in the plan without the receipt of adequate security and a reasonable rate of interest, or from a participant in the plan to the plan with the provision of excessive security or an unreasonably high rate of interest.

(c) The furnishing of goods, services, or facilities from the plan to a participant in the plan for less than adequate consideration, or from a participant in the plan to the plan for more than adequate consideration.

(d) The transfer to, or use by or for the benefit of, a participant in the plan of any assets of the plan for less than adequate consideration.

21430. The officers and employees of the system shall not do any of the following:

(a) Deal with the assets of the plan in their own interest or for their own account.

(b) In their individual or in any other capacity, act in any transaction involving the plan on behalf of a party, or represent a party, whose interests are adverse to the interests of the plan or the interests of the participants in the plan.

(c) Receive any consideration for their personal account, or any gift, from any party dealing with the plan in connection with a transaction involving the assets of the plan.

21431. The provisions of this article shall not be construed to prohibit officers and employees of the system from participating in the deferred compensation plan, on the same terms as other state employees or participants.

21432. The system may require an investment manager or recordkeeper contracted with, or appointed by, the system be subject to the duties set forth in Section 21428.

21433. Nothing in this article is intended to lessen the scope of personal liability of the officers and employees of the system as it pertains to acts or conduct of a criminal nature or acts or conduct constituting gross negligence.

SEC. 3. Section 22816.7 of the Government Code is amended to read:

22816.7. (a) As used in this section:

(1) "Exempt employee" means an employee exempt from civil service pursuant to subdivision (a), (c), (f), or (g) of Section 4 of Article VII of the California Constitution, or an exempt employee of the Attorney General or Legislative Counsel appointed pursuant to subdivision (m) of Section 4 of Article VII of the California Constitution.

(2) Notwithstanding Sections 22754, 22810, and 22953, "annuitant" means:

(A) A Member of the Legislature or an elective officer of the state whose office is provided by the Constitution, who has at least eight years of credited service, who permanently separates from state service both on or after January 1, 1988, and not more than 10 years before or 10 years after he or she attains his or her minimum age for service retirement under any state retirement system, who retires more than 120 days after separation from employment, and who is receiving any retirement allowance under any state retirement system to which the state makes contributions.

(B) An exempt employee, as defined in paragraph (1) of this subdivision who has at least 10 years of credited state service which includes at least two years of credited service while such an exempt employee, who permanently separates from state service both on or after January 1, 1988, and not more than 10 years before or 10 years after he or she attains his or her minimum age for service retirement under any state retirement system, who retires more than 120 days after separation from employment, and who is receiving any retirement allowance under any state retirement system to which the state makes contributions.

(3) Notwithstanding Sections 22754, 22810, and 22953, "state

employee" means:

(A) A Member of the Legislature or an elective officer of the state whose office is provided by the Constitution, who has at least eight years of credited service, who permanently separates from state service both on or after January 1, 1988, and more than 10 years before he or she would attain his or her minimum age for service retirement under any state retirement system, but who elects pursuant to law to remain a member of a state retirement system supported, in whole or in part, by state funds, other than the University of California Retirement System.

(B) An exempt employee, as defined in paragraph (1) of this subdivision who has at least 10 years of credited state service which includes at least two years of credited service while such an exempt employee, who permanently separates from state service both on or after January 1, 1988, and more than 10 years before he or she would attain his or her minimum age for service retirement under any state retirement system, but who elects pursuant to law to remain a member of a state retirement system supported, in whole or in part, by state funds, other than the University of California Retirement System.

(b) Any person who becomes an annuitant, as defined in subdivision (a), may, upon assuming payment of any employee contributions, enroll in a health benefits plan and dental care plan without discrimination as to premium rates or benefit coverage at which time the state shall assume payment of employer contributions for that insurance coverage and the person shall thereafter be deemed an annuitant for the purposes of this part and Part 6 (commencing with Section 22950), notwithstanding Sections 22754, 22810, and 22953.

(c) A state employee, as defined by subdivision (a), who was on the effective date of his or her permanent separation from state service enrolled in a health benefits plan or dental care plan under this part or Part 6 (commencing with Section 22950), shall, upon the permanent separation from state service, be entitled to have his or her coverage continued without discrimination as to premium rates or benefits coverage upon assuming payment of the contributions otherwise required of the former employer on account of his or her enrollment and any employee contribution during the period he or she is not yet receiving his or her retirement allowance. Any election to continue coverage under this subdivision shall be made within 60 days of permanent separation. The state employee shall also pay an additional 2 percent of the contribution payments required to be paid by the state employee pursuant to this section to cover the administrative costs incurred by the public retirement system and the Department of Personnel Administration in administering the program provided by this section.

(d) Upon retirement and receipt of retirement allowance, a state employee described in subdivision (c) may elect to continue to be covered by the health benefits plan and dental care plan without

discrimination as to premium rates or benefits coverage at which time the state shall assume payment of employer contributions for that insurance coverage and the person shall thereafter be deemed an annuitant for the purposes of this part and Part 6 (commencing with Section 22950).

(e) A person who meets all of the conditions in subparagraph (A) or (B) of paragraph (2) of subdivision (a), other than the condition of receiving a retirement allowance under a state retirement system to which the state makes contributions, may elect to have his or her coverage continued, within 60 days of permanent separation from state service, in a health plan and dental care plan provided to annuitants. Upon that election, the coverage shall continue from the date of the permanent separation to the date of retirement unless the coverage is terminated. For those who have separated between January 1, 1989, and the effective date of the amendment of this section made in 1990 in the 1989–90 Regular Session, the election to enroll in a health plan and dental care plan shall be made within three months after the effective date the amendment of this section made in 1990 in the 1989–90 Regular Session. The health and dental benefits shall be without discrimination as to premium rates or benefits coverage upon assuming payment of the contributions otherwise required of the former employer on account of his or her enrollment and any employee contribution during the period he or she is not yet receiving his or her retirement allowance. The individual shall also pay an additional 2 percent of the contribution payments required to be paid pursuant to this subdivision to cover the administrative costs incurred by the public retirement systems, the Department of Personnel Administration, the Senate Committee on Rules, and the Assembly Committee on Rules, in administering the benefits provided by this subdivision. A person who receives coverage pursuant to this subdivision who subsequently terminates that coverage shall not be allowed to reenroll pursuant to this subdivision. Continuation of coverage or enrollment or termination under this subdivision does not affect an annuitant's rights under subdivision (b). The benefits authorized by subdivision (b) and this subdivision are separate and distinct benefits.

(f) There is no duty to locate or notify any person who may be eligible to enroll pursuant to this section.

SEC. 4. Section 22816.8 of the Government Code is amended to read:

22816.8. Any person who is an inactive member of the Legislators' Retirement System pursuant to Section 9355.2 and who has at least eight years of service credit may, upon assuming payment of all employee and employer contributions and an additional 2 percent thereof for the administrative cost incurred by the board and the Department of Personnel Administration in administering this section, enroll in the health benefits plan and dental care plan provided to members of the Legislators' Retirement System and, upon retirement shall thereafter be deemed an annuitant for

purposes of this part and Part 6 (commencing with Section 22950), notwithstanding Sections 22754, 22810, and 22953.

Any person who, on January 1, 1989, is eligible to elect to enroll pursuant to this section shall exercise that election on or before April 30, 1989.

No person who enrolls pursuant to this section and subsequently terminates that enrollment may reenroll pursuant to this section.

SEC. 5. Section 22825.2 of the Government Code is amended to read:

22825.2. Notwithstanding Sections 22825 and 22825.1, state employees first hired on or after January 1, 1985, shall not be vested for the full employer contribution payable for annuitants unless those employees have 10 years of credited state service at time of service retirement. This section does not apply to employees of the California State University or of the Legislature.

CHAPTER 1660

An act to amend Section 651 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Business and Professions Code is amended to read:

651. (a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated, any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim, for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A "public communication" as used in this section includes, but is not limited to, communication by means of television, radio, motion picture, newspaper, book, or list or directory of healing arts practitioners.

(b) A false, fraudulent, misleading, or deceptive statement or claim includes a statement or claim which does any of the following:

(1) Contains a misrepresentation of fact.

(2) Is likely to mislead or deceive because of a failure to disclose material facts.

(3) Is intended or is likely to create false or unjustified expectations of favorable results.

(4) Relates to fees, other than a standard consultation fee or a range of fees for specific types of services, without fully and

specifically disclosing all variables and other material factors.

(5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(c) Any price advertisement shall be exact, without the use of such phrases as "as low as," "and up," "lowest prices" or words or phrases of similar import. Any advertisement which refers to services, or costs for services, and which uses words of comparison must be based on verifiable data substantiating the comparison. Any person so advertising shall be prepared to provide information sufficient to establish the accuracy of that comparison. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discount, premiums, gifts, or any statements of a similar nature. In connection with price advertising, the price for each product or service shall be clearly identifiable. The price advertised for products shall include charges for any related professional services, including dispensing and fitting services, unless the advertisement specifically and clearly indicates otherwise.

(d) Any person so licensed shall not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity unless the fact of compensation is made known in that publicity.

(e) Any person so licensed may not use any professional card, professional announcement card, office sign, letterhead, telephone directory listing, medical list, medical directory listing, or a similar professional notice or device if it includes a statement or claim that is false, fraudulent, misleading, or deceptive within the meaning of subdivision (b).

(f) Any person so licensed who violates any provision of this section is guilty of a misdemeanor. A bona fide mistake of fact shall be a defense to this subdivision but only to this subdivision.

(g) Any violation of any provision of this section by a person so licensed shall constitute good cause for revocation or suspension of his or her license or other disciplinary action.

(h) Advertising by any person so licensed may include the following:

(1) A statement of the name of the practitioner.

(2) A statement of addresses and telephone numbers of the offices maintained by the practitioner.

(3) A statement of office hours regularly maintained by the practitioner.

(4) A statement of languages, other than English, fluently spoken by the practitioner or a person in the practitioner's office.

(5) A statement that the practitioner is certified by a private or public board or agency or a statement that the practitioner limits his or her practice to specific fields. For the purposes of this section, the statement of a practitioner licensed under Chapter 4 (commencing

with Section 1600) who limits his or her practice to a specific field or fields, shall only include a statement that he or she is certified or is eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board. A statement of certification by a practitioner licensed under Chapter 7 (commencing with Section 3000) shall only include a statement that he or she is certified or eligible for certification by a private or public board or parent association recognized by that practitioner's licensing board. A physician and surgeon licensed under Chapter 5 (commencing with Section 2000) by the Medical Board of California may include a statement that he or she limits his or her practice to specific fields, but may only include a statement that he or she is certified or eligible for certification by a private or public board or parent association if that board or association is an American Board of Medical Specialties member board, a board or association with equivalent requirements approved by that physician and surgeon's licensing board, or a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in that specialty or subspecialty.

(6) A statement that the practitioner provides services under a specified private or public insurance plan or health care plan.

(7) A statement of names of schools and postgraduate clinical training programs from which the practitioner has graduated, together with the degrees received.

(8) A statement of publications authored by the practitioner.

(9) A statement of teaching positions currently or formerly held by the practitioner, together with pertinent dates.

(10) A statement of his or her affiliations with hospitals or clinics.

(11) A statement of the charges or fees for services or commodities offered by the practitioner.

(12) A statement that the practitioner regularly accepts installment payments of fees.

(13) Otherwise lawful images of a practitioner, his or her physical facilities, or of a commodity to be advertised.

(14) A statement of the manufacturer, designer, style, make, trade name, brand name, color, size, or type of commodities advertised.

(15) An advertisement of a registered dispensing optician may include statements in addition to those specified in paragraphs (1) to (15), inclusive, provided, that any statement shall not violate subdivision (a), (b), (c), or (e) of this section or any other section of this code.

(16) A statement, or statements, providing public health information encouraging preventative or corrective care.

(17) Any other item of factual information that is not false, fraudulent, misleading, or likely to deceive.

(i) Each of the healing arts boards and examining committees within Division 2 shall adopt appropriate regulations to enforce this section in accordance with Chapter 3.5 (commencing with Section

11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Each of the healing arts boards and committees and examining committees within Division 2 shall, by regulation, define those efficacious services to be advertised by business or professions under their jurisdiction for the purpose of determining whether advertisements are false or misleading. Until a definition for that service has been issued, no advertisement for that service shall be disseminated. However, if a definition of a service has not been issued by a board or committee within 120 days of receipt of a request from a licensee, all those holding the license may advertise the service. Those boards and committees shall adopt or modify regulations defining which services may be advertised, the manner in which defined services may be advertised, and restricting advertising which would promote the inappropriate or excessive use of health services or commodities. A board or committee shall not, by regulation, unreasonably prevent truthful, nondeceptive price or otherwise lawful forms of advertising of services or commodities, by either outright prohibition or imposition of onerous disclosure requirements. However, any member of a board or committee acting in good faith in the adoption or enforcement of any regulation shall be deemed to be acting as an agent of the state.

(j) The Attorney General shall commence legal proceedings in the appropriate forum to enjoin advertisements disseminated or about to be disseminated in violation of this section and seek other appropriate relief to enforce this section. Notwithstanding any other provision of law, the costs of enforcing this section to the respective licensing boards or committees may be awarded against any licensee found to be in violation of any provision of this section. This shall not diminish the power of district attorneys, county counsels, or city attorneys pursuant to existing law to seek appropriate relief.

SEC. 2. The amendments to Section 651 of the Business and Professions Code made by this act shall become operative January 1, 1993. However, an adminstrative agency or accrediting organization may take any action contemplated by those amendments relating to the establishment or approval of specialist requirements on and after January 1, 1991.

CHAPTER 1661

An act relating to energy conservation, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding Sections 13340 and 16361 of the Government Code and to the extent permitted by federal law, the sum of five million dollars ($5,000,000) of the money in the Federal Trust Fund, created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the petroleum violation escrow account, as defined by Section 155 of the Further Continuing Appropriations Act of 1983 (P.L. 97-377) or other federal law, and received by the state from federal oil overcharge funds available pursuant to court judgments, is hereby appropriated to the State Energy Resources Conservation and Development Commission for the following purposes:

(a) For energy shortage contingency planning:

(1) One million dollars ($1,000,000) to provide commission technical assistance and financial support to enable local governments to plan for and respond to energy emergencies, including fuel shortages. The funds shall be used in part to help local governments maintain essential public services during energy emergencies and to implement fuel conservation strategies and other local energy emergency contingency measures.

(2) Two hundred fifty thousand dollars ($250,000) to maintain the commission's intervenor award program, including, but not limited to, support for intervenors in commission proceedings concerning energy emergency contingency planning, alternative fuels development, and energy conservation programs.

(3) One hundred fifty thousand dollars ($150,000) to develop, in consultation with the Department of Economic Opportunity, a study, recommendations, and a program, including proposed legislation if necessary, for providing economic assistance for low-income individuals who would be hardest hit by fuel price increases during a severe energy shortage. The study shall consider the options of imposing an oil industry windfall profits tax, a gasoline surcharge, and other forms of energy surcharges during times of emergency shortages to fund low-income energy assistance programs along with other energy shortage emergency response programs.

(4) One hundred thousand dollars ($100,000) for entering into a contract to study the feasibility of establishing a California strategic petroleum reserve. The study shall consider both (A) the option of creating a governmentally managed western regional reserve

operated in conjunction with the federal government's Strategic Petroleum Reserve, and (B) the option of requiring major oil companies doing business in the state to maintain increased levels of stored petroleum reserves to be used in times of energy emergencies in accordance with commission emergency contingency plans.

(5) Seventy-five thousand dollars ($75,000) for the development and implementation of an energy emergency information, education, and communications program. A priority of the program shall be to inform the public of the status of energy or fuel shortage emergencies and the proper actions to take in response to those emergencies.

(6) Twenty-five thousand ($25,000) for a one-time purchase of energy emergency communications equipment, including, but not limited to, (A) portable cellular telephones, (B) portable facsimile transmission and telecopier equipment, (C) a satellite television receiver system, and (D) a portable computer system.

(b) For alternative transportation fuels development:

(1) Five hundred thousand dollars ($500,000) to perform advanced technology work on compressed natural gas vehicles, including, but not limited to, testing and demonstrating new technologies for medium duty natural gas vehicles. These funds may be expended only if equally matched with private sector funds, including funds from natural gas utilities.

(2) Five hundred thousand dollars ($500,000) to perform advanced technology work on electric vehicles, including, but not limited to, testing and demonstrating new electric vehicle drive trains and batteries, and studying the feasibility of battery exchanges along with battery recharging as a means for refueling electric vehicles. These funds may be expended only if equally matched with private sector funds, including funds from electric utilities.

(3) One million dollars ($1,000,000) for the expansion of a nonpetroleum-based fueling infrastructure to provide methanol, compressed natural gas, electricity, and other alternative transportation fuels. These funds may only be expended if equally matched with private sector funds, including funds from owners or operators of fuel service stations, electric and gas utilities, methanol producers, and other fuel dispensers.

(4) Two hundred fifty thousand dollars ($250,000) to provide ongoing assistance to highway vehicle demonstrations of alernative fuels, including, but not limited to, an evaluation of the health, safety, and environmental impacts of alternative fuel technologies, providing fuel analyses and emissions testing, and coordinating with federal, state, and local government agencies and the private sector regarding the demonstration and commercialization of alternative fuels.

(5) One hundred fifty thousand dollars ($150,000) for entering into a contract, in coordination with the State Air Resources Board, to develop recommendations for facilitating the commercialization of low-emission, clean fuel vehicles which satisfy both state and

federal air pollution control requirements and commission energy security goals, including, but not limited to, energy transportation fuel diversity and reduced dependence on fossil fuels. The contract shall include a study of the energy security and economic risks associated with reliance on reformulated gasoline as a primary low-emission vehicle fuel.

(6) One million dollars ($1,000,000) for the continued support of the methanol flexible fuel vehicle (FFV) demonstration, to cofund FFV purchases by public and private fleets.

SEC. 2. Money in the Federal Trust Fund created by Section 16360 of the Government Code, received by the state from federal oil overcharge funds in the Petroleum Violation Escrow Account, which is available for appropriation during the 1990–91 fiscal year, shall be appropriated in accordance with subdivision (b) of Section 4 of Chapter 1426 of the Statutes of 1988, which declares the intent of the Legislature to appropriate one-half of each future disbursement received by the state from the account for the implementation of the Katz Safe School Bus Clean Fuel Efficiency Demonstration Program (Part 10.7 (commencing with Section 17910) of the Education Code).

SEC. 3. Funds appropriated by this act from the Petroleum Violation Escrow Account shall be dispersed by the Controller, subject to approval by the Director of Finance as to which court judgment or federal agency order is the proper source of those funds.

CHAPTER 1662

An act to amend Sections 25501, 25502, 25508, 25513, 25532, and 25534 of, and to add Sections 25514.5, 25514.6 and 25535.2 to, the Health and Safety Code, and to add Article 7.5 (commencing with Section 7671) to Chapter 1 of Division 4 of the Public Utilities Code, relating to hazardous materials.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) There exists minor to serious danger to the public from the storage and transportation of hazardous materials in the state.

(b) During 1988, in one event alone, an estimated 20,000 people were evacuated in four communities of the Los Angeles area during the Labor Day weekend as a result of a mass release of toxic chlorine gas. Another chlorine gas release in January 1989 in the Simi Valley area caused the evacuation of 11,500 people and injuries to members of the county hazardous material team. In another incident, in November 1988, a freight train carrying toxic chemicals derailed and

crashed into a metal building, causing a leak to one of the railcars which forced the evacuation of 1,000 people from nearby homes and businesses.

(c) There have occurred significant and life-threatening delays in notifying emergency response agencies in these incidents and others throughout the state.

(d) There exists a need to strengthen businesses, and public agencies' ability to prevent and respond to hazardous materials emergencies in order to better safeguard the public's safety.

SEC. 2. Section 25501 of the Health and Safety Code is amended to read:

25501. Unless the context indicates otherwise, the following definitions govern the construction of this chapter:

(a) "Administering agency" means the department, office, or other agency of a county or city designated pursuant to, or a fire district designated by a county or city pursuant to, subdivision (c) of Section 25502.

(b) "Agricultural handler" means an entity identified in paragraph (5) of subdivision (c) of Section 25503.5.

(c) "Area plan" means a plan established pursuant to Section 25503 by an administering agency for emergency response to a release or threatened release of a hazardous material within a city or county.

(d) "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, or association. For purposes of this chapter, "business" includes a business organized for profit and a nonprofit business.

(e) "Business plan" means a separate plan for each facility, site, or branch of a business which meets the requirements of Section 25504.

(f) "Chemical name" means the scientific designation of a substance in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Service.

(g) "Common name" means any designation or identification, such as a code name, code number, trade name, or brand name, used to identify a substance other than by its chemical name.

(h) "Department" means the State Department of Health Services and "director" means the State Director of Health Services.

(i) "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.

(j) "Handler" means any business which handles a hazardous material.

(k) "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a

handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(*l*) "Hazardous substance" means any substance or chemical product for which one of the following applies:

(1) The manufacturer or producer is required to prepare a MSDS for the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(2) The substance is listed as a radioactive material in Appendix B of Chapter 1 of Title 10 of the Code of Federal Regulations, maintained and updated by the Nuclear Regulatory Commission.

(3) The substances listed pursuant to Title 49 of the Code of Federal Regulations.

(4) The materials listed in subdivision (b) of Section 6382 of the Labor Code.

(m) "Hazardous waste" means hazardous waste, as defined by Sections 25115, 25117, and 25316.

(n) "Office" means the Office of Emergency Services.

(o) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

(p) "SIC Code" means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

(q) "Threatened release" means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

(r) "Emergency rescue personnel" means any public employee, including, but not limited to, any fireman, firefighter, or emergency rescue personnel, as defined in Section 245.1 of the Penal Code, or personnel of a local EMS agency, as designated pursuant to Section 1797.200, or a poison control center, as defined by Section 1797.97, who responds to any condition caused, in whole or in part, by a hazardous material that jeopardizes, or could jeopardize, public health or safety or the environment.

(s) "City" includes any city and county.

(t) "Trade secret" means trade secrets as defined in subdivision (d) of Section 6254.7 of the Government Code and Section 1060 of the Evidence Code.

SEC. 3. Section 25502 of the Health and Safety Code is amended to read:

25502. (a) Except as provided pursuant to subdivision (b), every county shall implement this chapter as to the handling of hazardous

materials in the county. Each county shall ensure full access to, and the availability of, information submitted under this chapter to emergency rescue personnel and other appropriate governmental entities within its jurisdiction.

(b) A city may, by ordinance or resolution, assume responsibility for the implementation of this chapter and, if so, shall have exclusive jurisdiction within the boundary of the city for the purposes of carrying out this chapter. The ordinance shall require that any person who violates Section 25507 shall be subject to the penalties specified in Section 25515. A city which assumes responsibility for implementation of this chapter shall provide notice of its ordinance or resolution to the office and to the administrating agency of its county. It shall also consult with, and coordinate its activities with, the county in which the city is located to avoid duplicating efforts or any misunderstandings regarding the areas, duties, and responsibilities of each administering agency.

No city may assume responsibility for the implementation of this chapter unless it has enacted an implementing ordinance or adopted an implementing resolution not later than 60 days after the office adopts regulations pursuant to Section 25503, except that a city may enact an implementing ordinance or adopt an implementing resolution after this 60-day period, if it has an agreement with the county to do so. Any new city has one year from the date of incorporation to enact an ordinance or adopt a resolution implementing this chapter.

(c) The county and any city which assumes responsibility pursuant to subdivision (b) shall designate a department, office, or other agency of the county or city, as the case may be, or the city or county may designate a fire district, as the administering agency responsible for administering and enforcing this chapter. The county and any city which assumes responsibility pursuant to subdivision (b) shall notify the office immediately upon making a designation. A county shall designate an administering agency on or before January 30, 1986.

SEC. 4. Section 25508 of the Health and Safety Code is amended to read:

25508. (a) In order to carry out the purposes of this chapter, any employee or authorized representative of an administering agency has the authority specified in Section 25185, with respect to the premises of a handler, and in Section 25185.5, with respect to real property which is within 2,000 feet of the premises of a handler, except that this authority shall include inspections concerning hazardous material, in addition to hazardous waste.

(b) In addition to the requirements of Section 25537, the administering agency shall conduct inspections of every business subject to this article at least once every three years to determine if the business is in compliance with this article. However, the administering agency may designate the county agricultural commissioner to conduct the inspections of agricultural handlers.

The administering agency or its designee for agricultural handlers shall give priority, when conducting these inspections, to inspecting facilities which store an amount of acutely hazardous materials, as defined in Section 25532, equal to, or greater than, the amount specified in subdivision (a) of Section 25536. In establishing a schedule for conducting inspections pursuant to this section, the administering agency may adopt and use an index of the volatility, toxicity, and quantity of acutely hazardous materials and hazardous materials. Administering agencies and designees shall attempt to schedule the inspections conducted pursuant to this section and Section 25537, when applicable, during the same time period.

SEC. 5. Section 25513 of the Health and Safety Code is amended to read:

25513. Each administering county or city may, upon a majority vote of the governing body, adopt a schedule of fees to be collected from each business required to submit a business plan pursuant to this article which is within its jurisdiction. The governing body may provide for the waiver of fees when a business, as defined in Section 25501.4, submits a business plan. The fee shall be set in an amount sufficient to pay only those costs incurred by the county, city, or fire district, in carrying out this article. In determining the fee schedule, the administering agency shall consider the volume and degree of hazard potential of the hazardous materials handled by the businesses subject to this article.

SEC. 6. Section 25514.5 is added to the Health and Safety Code, to read:

25514.5. (a) Notwithstanding Section 25514, any business which violates this article is civilly liable to an administering agency for an administrative civil penalty, in an amount which shall be set by the governing body of the administering agency, but not greater than two thousand dollars ($2,000) for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire or health or medical problem requiring toxicological, health, or medical consultation, the business shall also be assessed the full cost of the county, city, fire district, local EMS agency designated pursuant to Section 1797.200, or poison control center as defined by Section 1797.97, emergency response, as well as the cost of cleaning up and disposing of the hazardous materials, or acutely hazardous materials.

(b) Notwithstanding Section 25514, any business that knowingly violates this article after reasonable notice of the violation is civilly liable for an administrative penalty, in an amount which shall be set by the governing body of the administering agency, but not greater than five thousand dollars ($5,000) for each day in which the violation occurs.

(c) An administering agency shall collect the penalty imposed by this section pursuant to Section 25514.6.

(d) A penalty shall not be recoverable pursuant to this section and Section 25514 for the same violation.

(e) The purpose of this section and Section 25514.6 is to provide local agencies with an alternative and effective means of enforcing public laws on the handling of hazardous materials and acutely hazardous materials.

(f) In assessing the civil penalty, the administering agency shall consider the extent of harm caused by the violation, the nature and persistance of the violation, the length of time over which the violation occurs, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

(g) In all civil penalties collected pursuant to this section, the amount of two hundred dollars ($200) shall first be deducted from the amount of the penalty. This two hundred dollars ($200) shall be deposited in the Hazardous Material and Waste Enforcement Training Account established by Section 25515.2 and shall be available for expenditure pursuant to subdivision (d) of Section 25515.2.

(h) Notwithstanding Section 25515.2, after payment of the two hundred dollars ($200) for the Hazardous Material and Waste Enforcement Training Account, all penalties collected pursuant to this section shall be apportioned in the following manner:

(1) Seventy-five percent to the administering agency which shall reimburse the local EMS agency, as designated pursuant to Section 1797.200 or the poison control center, as defined by Section 1797.97, for that portion of the penalty designated for the expenses of the local EMS agency or poison control center, respectively.

(2) Twenty-five percent to the principal agency which assisted the administering agency in its investigation.

SEC. 7. Section 25514.6 is added to the Health and Safety Code, to read:

25514.6. (a) Notwithstanding Section 25516.1, the administering agency may issue a complaint to any person on whom civil liability may be imposed pursuant to Section 13009.6, 25514 or 25514.5. The complaint shall allege the acts or failures to act that constitute a basis for liability and the amount of the proposed civil liability. The complaint shall be served by personal service or certified mail and shall inform the party so served that a hearing shall be conducted within 60 days after the party has been served, unless the party waives the right to a hearing. If the party waives the right to a hearing, the administering agency shall issue an order setting liability in the amount proposed in the complaint unless the administering agency and the party have entered into a settlement agreement, in which case the administering agency shall issue an order setting liability in the amount specified in the settlement agreement. Where the party has waived the right to a hearing or where the administering agency and the party have entered into a settlement agreement, the order shall not be subject to review by any court or agency.

(b) After conducting any hearing required under this section, the administering agency shall, within 30 days after the case is submitted,

issue a decision, including an order setting the amount of civil penalty to be imposed.

(c) Orders setting civil liability issued under this section shall become effective and final upon issuance thereof, and payment shall be made within 30 days of issuance. Copies of these orders shall be served by personal service or by certified mail upon the party served with the complaint and upon other persons who appeared at the hearing and requested a copy.

(d) Within 30 days after service of a copy of a decision issued by the administering agency, any person so served may file with the superior court a petition for writ of mandate for review of the decision. Any person who fails to file the petition within this 30-day period may not challenge the reasonableness or validity of a decision or order of the hearing officer in any judicial proceedings brought to enforce the decision or order or for other remedies. Except as otherwise provided in this section, Section 1094.5 of the Code of Civil Procedure shall govern any proceedings conducted pursuant to this subdivision. In all proceedings pursuant to this subdivision, the court shall uphold the decision of the administering agency if the decision is based upon substantial evidence in the whole record. The filing of a petition for writ of mandate shall not stay any accrual of any penalties assessed pursuant to this chapter. This subdivision does not prohibit the court from granting any appropriate relief within its jurisdiction.

(e) This section applies only to an administering agency which has adopted a written policy to carry out this section.

SEC. 8. Section 25532 of the Health and Safety Code is amended to read:

25532. Unless the context indicates otherwise, the following definitions govern the construction of this article:

(a) "Acutely hazardous material" means any chemical designated an extremely hazardous substance which is listed in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

(b) "Acutely hazardous materials accident risk" means a potential for the release of an acutely hazardous material into the environment which could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

(c) "Administering agency" means the department, office, or other agency of a county, city, or fire district which is designated pursuant to Section 25502 to implement this chapter.

(d) "Handler" means any business which handles an acutely hazardous material, except where all of the acutely hazardous materials present at the business are handled in accordance with a removal or remedial action taken pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 (commencing with Section 25300)).

(e) "Modified facility" means an addition or change to a facility

or business which results in either a substantial increase in the amount of acutely hazardous materials handled by the facility or business, or a significantly increased risk in handling an acutely hazardous material, as determined by the administering agency. "Modified facility" does not include an increase in production up to the facility's existing operating capacity or an increase in production levels up to the production levels authorized in a permit granted pursuant to Section 42300.

(f) "Qualified person" means a person who is qualified to attest, at a minimum, to the validity of the hazard and operability studies performed pursuant to Section 25534, and the relationship between the corrective steps taken by the handler following the hazard and operability studies and those hazards which were identified in the studies.

(g) "Risk management and prevention program" or "RMPP" means all of the administrative and operational programs of a business which are designed to prevent acutely hazardous materials accident risks, including, but not limited to, programs which include design safety of new and existing equipment, standard operating procedures, preventive maintenance programs, operator training and accident investigation procedures, risk assessment for unit operations, or operating alternatives, emergency response planning, and internal or external audit procedures to ensure that these programs are being executed as planned.

SEC. 9. Section 25534 of the Health and Safety Code is amended to read:

25534. (a) The administering agency shall make a preliminary determination whether there is a significant likelihood that the handler's use of an acutely hazardous material may pose an acutely hazardous materials accident risk.

(1) If the administering agency determines that there is a significant likelihood of risk pursuant to this subdivision, it shall require the handler to prepare and to submit an RMPP in accordance with a timetable based on the priority ranking established in subdivision (b).

(2) If the administering agency determines that there is not a significant likelihood of risk pursuant to this subdivision, it may require the preparation and submission of an RMPP, but need not do so if it determines that the likelihood of an acutely hazardous materials accident risk is remote.

(3) If the administering agency determines that an economic poison, as defined in Section 12753 of the Food and Agricultural Code, used on a farm or nursery may pose a risk pursuant to this subdivision, the administering agency shall first consult with the Department of Food and Agriculture or the county agricultural commissioner to evaluate whether the current RMPP is adequate in relation to the risk. This paragraph does not prohibit, or limit the authority of, an administering agency to conduct its duties under this article.

(b) The administering agency shall rank each use of an acutely hazardous material identified pursuant to paragraph (1) of subdivision (a) in terms of the relative risks associated with its use, should an acutely hazardous materials accident occur. The estimation of the relative risks posed by the use of an acutely hazardous material shall be based on worst case assumptions regarding the quantity and rate of release of the acutely hazardous material, air dispersion, toxicity, meteorological conditions, and other pertinent parameters. Based on the estimate of relative risks, the administering agency shall establish a timetable for the submission of the RMPP for the use of the acutely hazardous material.

(c) The RMPP shall be prepared within 12 months following the request made by the administering agency pursuant to this section. The RMPP shall include all of the following elements:

(1) A description of each accident involving acutely hazardous materials which has occurred at the business or facility within three years from the date of the request made pursuant to subdivision (a), together with a description of the underlying causes of the accident and the measures taken, if any, to avoid a recurrence of a similar accident.

(2) A report specifying the nature, age, and condition of the equipment used to handle acutely hazardous materials at the business or facility and any schedules for testing and maintenance.

(3) Design, operating, and maintenance controls which minimize the risk of an accident involving acutely hazardous materials.

(4) Detection, monitoring, or automatic control systems to minimize potential acutely hazardous materials accident risks.

(5) A schedule for implementing additional steps to be taken by the business, in response to the findings of the assessment performed pursuant to subdivision (d), to reduce the risk of an accident involving acutely hazardous materials. These actions may include any of the following:

(A) Installation of alarm, detection, monitoring, or automatic control devices.

(B) Equipment modifications, repairs, or additions.

(C) Changes in the operations, procedures, maintenance schedules, or facility design.

(6) Auditing and inspection programs designed to allow the handler to confirm that the RMPP is effectively carried out.

(7) Recordkeeping procedures for the RMPP.

(d) The RMPP shall be based upon an assessment of the processes, operations, and procedures of the business, and shall consider all of the following:

(1) The results of a hazard and operability study which identifies the hazards associated with the handling of an acutely hazardous material due to operating error, equipment failure, and external events, which may present an acutely hazardous materials accident risk.

(2) For the hazards identified in the hazard and operability studies, an offsite consequence analysis which, for the most likely hazards, assumes pessimistic air dispersion and other adverse environmental conditions.

(e) The business shall submit to the administering agency any additional supporting technical information deemed necessary by the administering agency to clarify information submitted pursuant to subdivision (c).

(f) A handler shall maintain all records concerning an RMPP for a period of at least five years.

(g) The RMPP shall identify, by title, all personnel at the business who are responsible for carrying out the specific elements of the RMPP, and their respective responsibilities, and the RMPP shall include a detailed training program to ensure that those persons are able to implement the RMPP.

(h) The handler shall review the RMPP, and shall make necessary revisions to the RMPP at least every three years, but, in any event, within 60 days following a modification which would materially affect the handling of an acutely hazardous material.

(i) Any person who handles acutely hazardous materials and who owns or operates two or more business facilities which are substantially identical may prepare a single generic RMPP applicable to all those facilities if the handling of the acutely hazardous materials is substantially similar at all of those facilities.

(j) The RMPP, and any revisions required by subdivision (h), shall be certified as complete by a qualified person and the facility operator.

(k) Except as specified in subdivision (d) of Section 25535, the handler shall implement all activities and programs specified in the RMPP within one year following the certification made pursuant to subdivision (j). Implementation of the RMPP shall include carrying out all operating, maintenance, monitoring, inventory control, equipment inspection, auditing, recordkeeping, and training programs as required by the RMPP. The administering agency may grant an extension of this deadline upon a showing of good cause.

(*l*) The Office of Emergency Services shall adopt, and publish for distribution, guidelines for the preparation and submission of an RMPP. In preparing the guidelines for hazard and operability studies, the office shall, at a minimum, base its procedural recommendations on those set forth in the 1985 Guidelines for Chemical Hazard Evaluation Procedures, prepared by the Center for Chemical Process Safety of the American Institute of Chemical Engineers.

SEC. 9.5. Section 25534 of the Health and Safety Code is amended to read:

25534. (a) The administering agency shall make a preliminary determination whether there is a significant likelihood that the handler's use of an acutely hazardous material may pose an acutely hazardous materials accident risk.

(1) If the administering agency determines that there is a significant likelihood of risk pursuant to this subdivision, it shall require the handler to prepare and to submit an RMPP in accordance with a timetable based on the priority ranking established in subdivision (b).

(2) If the administering agency determines that there is not a significant likelihood of risk pursuant to this subdivision, it may require the preparation and submission of an RMPP, but need not do so if it determines that the likelihood of an acutely hazardous materials accident risk is remote.

(b) The administering agency shall rank each use of an acutely hazardous material identified pursuant to paragraph (1) of subdivision (a) in terms of the relative risks associated with its use, should an acutely hazardous materials accident occur. The estimation of the relative risks posed by the use of an acutely hazardous material shall be based on worst case assumptions regarding the quantity and rate of release of the acutely hazardous material, air dispersion, toxicity, meteorological conditions, and other pertinent parameters. Based on the estimate of relative risks, the administering agency shall establish a timetable for the submission of the RMPP for the use of the acutely hazardous material.

(c) The RMPP shall be prepared within 12 months following the request made by the administering agency pursuant to this section. The RMPP shall include all of the following elements:

(1) A description of each accident involving acutely hazardous materials which has occurred at the business or facility within three years from the date of the request made pursuant to subdivision (a), together with a description of the underlying causes of the accident and the measures taken, if any, to avoid a recurrence of a similar accident.

(2) A report specifying the nature, age, and condition of the equipment used to handle acutely hazardous materials at the business or facility and any schedules for testing and maintenance.

(3) Design, operating, and maintenance controls which minimize the risk of an accident involving acutely hazardous materials.

(4) Detection, monitoring, or automatic control systems to minimize potential acutely hazardous materials accident risks.

(5) A schedule for implementing additional steps to be taken by the business, in response to the findings of the assessment performed pursuant to subdivision (d), to reduce the risk of an accident involving acutely hazardous materials. These actions may include any of the following:

(A) Installation of alarm, detection, monitoring, or automatic control devices.

(B) Equipment modifications, repairs, or additions.

(C) Changes in the operations, procedures, maintenance schedules, or facility design.

(6) Auditing and inspection programs designed to allow the

handler to confirm that the RMPP is effectively carried out.

(7) Recordkeeping procedures for the RMPP.

(8) A readily understandable description of the manner in which the offsite consequence analysis prepared pursuant to paragraph (2) of subdivision (d) was conducted, the populations considered, and a description of the steps taken to mitigate any offsite consequence found. If any offsite consequences for the most likely hazards still exist after the RMPP is implemented, the RMPP shall include a report describing this offsite consequence, and clearly prepared maps noting the location of the facility which show the populations considered pursuant to Section 25534.1 and the zones of vulnerability along with the levels of expected exposure in each zone.

(d) The RMPP shall be based upon an assessment of the processes, operations, and procedures of the business, and shall consider all of the following:

(1) The results of a hazard and operability study which identifies the hazards associated with the handling of an acutely hazardous material due to operating error, equipment failure, and external events, which may present an acutely hazardous materials accident risk.

(2) For the hazards identified in the hazard and operability studies, an offsite consequence analysis which, for the most likely hazards, assumes pessimistic air dispersion and other adverse environmental conditions.

(3) If the administering agency determines that an economic poison, as defined in Section 12753 of the Food and Agricultural Code, used on a farm or nursery may pose a risk pursuant to this subdivision, the administering agency shall first consult with the Department of Food and Agriculture or the county agricultural commissioner to evaluate whether the current RMPP is adequate in relation to the risk. This paragraph does not prohibit, or limit the authority of, an administering agency to conduct its duties under this article.

(e) The business shall submit to the administering agency any additional supporting technical information deemed necessary by the administering agency to clarify information submitted pursuant to subdivision (c).

(f) A handler shall maintain all records concerning an RMPP for a period of at least five years.

(g) The RMPP shall identify, by title, all personnel at the business who are responsible for carrying out the specific elements of the RMPP, and their respective responsibilities, and the RMPP shall include a detailed training program to ensure that those persons are able to implement the RMPP.

(h) The handler shall review the RMPP, and shall make necessary revisions to the RMPP at least every three years, but, in any event, within 60 days following a modification which would materially affect the handling of an acutely hazardous material.

(i) Any person who handles acutely hazardous materials and who

owns or operates two or more business facilities which are substantially identical may prepare a single generic RMPP applicable to all those facilities if the handling of the acutely hazardous materials is substantially similar at all of those facilities.

(j) The RMPP, and any revisions required by subdivision (h), shall be certified as complete by a qualified person and the facility operator.

(k) Except as specified in subdivision (d) of Section 25535, the handler shall implement all activities and programs specified in the RMPP within one year following the certification made pursuant to subdivision (j). Implementation of the RMPP shall include carrying out all operating, maintenance, monitoring, inventory control, equipment inspection, auditing, recordkeeping, and training programs as required by the RMPP. The administering agency may grant an extension of this deadline upon a showing of good cause.

(*l*) The Office of Emergency Services shall adopt, and publish for distribution, guidelines for the preparation and submission of an RMPP. In preparing the guidelines for hazard and operability studies, the office shall, at a minimum, base its procedural recommendations on those set forth in the 1985 Guidelines for Chemical Hazard Evaluation Procedures, prepared by the Center for Chemical Process Safety of the American Institute of Chemical Engineers.

SEC. 10. Section 25535.2 is added to the Health and Safety Code, to read:

25535.2. (a) Each administering agency may, upon a majority vote of the governing body, adopt a schedule of fees to be collected from each business which may be required to submit an RMPP pursuant to this article which is within its jurisdiction. The governing body may provide for the waiver of fees when a business, as defined in Section 25501.4, submits an RMPP.

(b) The fees set pursuant to this section shall be set in an amount sufficient to pay only those costs incurred by the administering agency in carrying out this article. The fees assessed under this section for any particular business for an RMPP shall not exceed the cost to the administering agency of carrying out this article with respect to that business.

(c) In determining a fee schedule pursuant to this section, the administering agency shall consider the volume and degree of hazard potential of the acutely hazardous materials handled by the businesses subject to this article.

(d) On and after July 1, 1993, the fees assessed under this section shall not exceed for any fiscal year the preceding relevant fiscal year's cost of carrying out this article, adjusted by both of the following:

(1) An adjustment not greater than the percentage change in the cost of living of the annual California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding year.

(2) An adjustment for changes in volume and degree of hazard potential posed by the business' handling of hazardous materials.

(e) Any revenues received by the administering agency pursuant to the fee imposed under this section, which exceed the costs of carrying out this article, shall be carried over for expenditure in the subsequent fiscal year, and the schedule of fees shall be changed to reflect that carryover.

SEC. 11. Article 7.5 (commencing with Section 7671) is added to Chapter 1 of Division 4 of the Public Utilities Code, to read:

Article 7.5. Hazardous Materials Transportation by Rail

7671. The Legislature finds and declares that the purpose of this article is to protect the health and safety of the public and to improve the safety of transporting hazardous materials by rail.

7672. For purposes of this article, "hazardous material" means any hazardous material as defined in Section 171.8 of Title 49 of the Code of Federal Regulations.

7672.5. Any railroad corporation which is involved in an incident resulting in a release, or threatened release, of a hazardous material shall immediately report the type and extent of the release or threatened release in the manner specified in Section 25507 of the Health and Safety Code.

7673. Each railroad corporation which transports hazardous materials in the state shall do all of the following:

(a) Provide a system map of the state to the Office of Emergency Services, showing practical groupings of mileposts on the system and showing mileposts of stations, terminals, junction points, road crossings, and significant drainage structures.

(b) Annually submit to the Office of Emergency Services a copy of a publication which identifies emergency handling guidelines for the surface transportation of hazardous materials, except that if the railroad corporation is classified as a class I carrier by the Interstate Commerce Commission pursuant to Subpart A of Part 1201 of Subchapter C of Chapter X of the Code of Federal Regulations, the railroad corporation shall annually submit to the Office of Emergency Services 50 copies of this publication which the Office of Emergency Services shall make available to local administering agencies and to other response agencies. These guidelines shall not be considered comprehensive instructions for the handling of any specific incident.

(c) If there is a train incident resulting in a release or an overturned railcar or an impact which threatens a release of a hazardous material, provide the emergency response agency with all of the following information:

(1) A list of each car in the train and the order of the cars.

(2) The contents of each car, if loaded, in the train.

(3) Identification of the cars and contents in the train which are involved in the incident, including, but not limited to, those cars

which have derailed.

(4) Emergency handling procedures for each hazardous commodity transported in or on the involved cars of the train.

SEC. 12. Section 9.5 of this bill incorporates amendments to Section 25534 of the Health and Safety Code proposed by both this bill and AB 3779. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 25534 of the Health and Safety Code, and (3) this bill is enacted after AB 3779, in which case Section 9 of this bill shall not become operative.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction, or because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1663

An act to amend Sections 11353.1 and 11353.5 of, and to add Section 11380.1 to, the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 11353.1 of the Health and Safety Code is amended to read:

11353.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, or public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at anytime when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement

provided in paragraph (3) of this subdivision, be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at anytime when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section, the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities, such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechancial amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public

area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

SEC. 2. Section 11353.5 of the Health and Safety Code is amended to read:

11353.5. Except as authorized by law, any person 18 years of age or older who unlawfully prepares for sale upon school grounds, a public playground, a church, or a synagogue, or sells or gives away a controlled substance, other than a controlled substance described in Section 11353 or 11380, to a minor upon the grounds of, or within, any school, public playground, church, or synagogue providing instruction in kindergarten, or any of grades 1 through 12, inclusive, during hours in which those facilities are open for classes or school-related programs or at anytime when minors are using the facility where the offense occurs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted or at anytime when minors are using the facility where the offense occurs, shall be punished by imprisonment in the state prison for three, six, or nine years. Application of this section shall be limited to persons at least five years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

SEC. 3. Section 11380.1 is added to the Health and Safety Code, to read:

11380.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs or at anytime when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3) of this subdivision, be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at anytime when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and

separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1664

An act to amend Sections 11353, 11353.1, 11353.5, 11364, and 11380 of, to add Section 11380.1 to, and to repeal Section 11380.5 of, the Health and Safety Code and to amend Section 729.8 of the Welfare and Institutions Code, relating to controlled substances.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Juvenile Drug Free Zone Act of 1990.

SEC. 1.5. Section 11353 of the Health and Safety Code is amended to read:

11353. Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550 with respect to either (1) a controlled

substance which is specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b), (c), or (g) of Section 11055, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, (b) who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any such controlled substance, or (c) who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

SEC. 2. Section 11353.1 of the Health and Safety Code is amended to read:

11353.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3) of this subdivision, be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it

determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section, the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities, such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

SEC. 3. Section 11353.5 of the Health and Safety Code is amended to read:

11353.5. Except as authorized by law, any person 18 years of age or older who unlawfully prepares for sale upon school grounds, a public playground, a church, or a synagogue, or sells or gives away a controlled substance, other than a controlled substance described in Section 11353 or 11380, to a minor upon the grounds of, or within, any school, public playground, church, or synagogue providing instruction in kindergarten, or any of grades 1 through 12, inclusive, during hours in which those facilities are open for classes or school-related programs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted, shall be punished by imprisonment in the state prison for three, six, or nine years. Application of this section shall be limited to persons at least five years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

SEC. 4. Section 11364 of the Health and Safety Code is amended to read:

11364. It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of

Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

SEC. 5. Section 11380 of the Health and Safety Code is amended to read:

11380. (a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

SEC. 6. Section 11380.1 is added to the Health and Safety Code, to read:

11380.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, or any analog of these substances and occured upon the grounds of or within a church or synagogue, a playground, a public or private youth center, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3) of this subdivision, be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and

separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in sudbdivision (e) of Section 11353.1 shall apply to this section.

SEC. 7. Section 11380.5 of the Health and Safety Code is repealed.

SEC. 8. Section 729.8 of the Welfare and Institutions Code is amended to read:

729.8. (a) If a minor is found to be a person described in Section 602 by reason of the unlawful possession, use, sale, or other furnishing of a controlled substance, as defined in Chapter 2 (commencing with Section 11053) of the Health and Safety Code an imitation controlled substance as defined in Section 11675 of the Health and Safety Code, or toluene or a toxic, as described in Section 381 of the Penal Code, upon the grounds of any school providing instruction in kindergarten, or any of grades 1 to 12, inclusive, or any church or synagogue, playground, public or private youth center, or public swimming pool, during hours in which these facilities are open for business, classes, or school-related activities or programs, or at any time when minors are using the facility, the court, as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, shall require the minor to perform not more than 100 hours of community service.

(b) The definitions contained in subdivision (e) of Section 11351.1 shall apply to this section.

(c) As used in this section, "community service" means any of the following:

(1) Picking up litter along public streets or highways.

(2) Cleaning up graffiti on school grounds or any public property.

(3) Performing services in a drug rehabilitation center.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1665

An act to amend Sections 11353.1, 11353.5, 11353.7, and 11380 of, to add Section 11380.1 to, and to repeal Section 11380.5 of, the Health and Safety Code, relating to controlled substances.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 11353.1 of the Health and Safety Code is amended to read:

11353.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

SEC. 2. Section 11353.5 of the Health and Safety Code is amended to read:

11353.5. Except as authorized by law, any person 18 years of age or older who unlawfully prepares for sale upon school grounds or a public playground, a church or a synagogue, or sells or gives away a

controlled substance, other than a controlled substance described in Section 11353 or 11380, to a minor upon the grounds of, or within, any school, public playground, church, or synagogue providing instruction in kindergarten, or any of grades 1 to 12, inclusive, during hours in which those facilities are open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, or upon the grounds of a public playground during the hours in which school-related programs for minors are being conducted, or at any time when minors are using the facility where the offense occurs, shall be punished by imprisonment in the state prison for five, seven, or nine years. Application of this section shall be limited to persons at least five years older than the minor to whom he or she prepares for sale, sells, or gives away a controlled substance.

SEC. 3. Section 11353.7 of the Health and Safety Code is amended to read:

11353.7. Except as authorized by law, and except as provided otherwise in Sections 11353.1, 11353.6, and 11380.1 with respect to playgrounds situated in a public park, any person 18 years of age or older who unlawfully prepares for sale in a public park, including units of the state park system and state vehicular recreation areas, or sells or gives away a controlled substance to a minor under the age of 14 years in a public park, including units of the state park system and state vehicular recreation areas, during hours in which the public park, including units of the state park system and state vehicular recreation areas, is open for use, with knowledge that the person is a minor under the age of 14 years, shall be punished by imprisonment in the state prison for three, six, or nine years.

SEC. 4. Section 11380 of the Health and Safety Code is amended to read:

11380. (a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

SEC. 5. Section 11380 of the Health and Safety Code is amended to read:

11380. (a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are

(1) classified in Schedule III, IV, or V and which are not narcotic drugs or (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

SEC. 6. Section 11380.1 is added to the Health and Safety Code, to read:

11380.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

SEC. 7. Section 11380.5 of the Health and Safety Code, as amended by Chapter 28 of the Statutes of 1990, is repealed.

SEC. 8. Section 5 of this bill incorporates amendments to Section 11380 of the Health and Safety Code proposed by both this bill and AB 2645. It shall only become operative if (1) both bills are enacted and become effective January 1, 1991, (2) each bill amends Section 11380 of the Health and Safety Code, and (3) this bill is enacted after AB 2645, in which case Section 4 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1666

An act to add and repeal Chapter 3.5 (commencing with Section 16250) of Part 4 of Division 9 of the Welfare and Institutions Code, relating to children, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

I am deleting the $64,000 appropriation contained in Section 2 of Assembly Bill No. 3949

This bill would establish training programs for child protective workers, law enforcement officers and administrators in creating and maintaining memoranda of understanding for coordinated efforts of child abuse investigation.

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 1990, more than $54 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 1991–92. Only at that time can the relative merits of this program be reviewed in comparison to all other funding projects. The budget process weighs all demands on the state's revenues and directs resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 3949.

GEORGE DEUKMEJIAN, Governor

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing with Section 16250) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 3.5. CHILD ABUSE COORDINATED TRAINING GRANT PROGRAM

16250. The Legislature finds and declares as follows:

(a) Child abuse is a serious and growing problem in California.

(b) State and local efforts should focus on fully utilizing existing limited resources.

(c) Joint investigation of child abuse by child protective agencies and law enforcement agencies can be valuable in ensuring high-quality investigations, reducing duplication and waste of resources, and protecting children.

(d) State programs should build on successful existing local programs, providing information and technical assistance to allow counties to design programs meeting their unique needs.

16251. (a) The State Department of Social Services shall select and award grants to private nonprofit or public entities for projects to develop a training program to arrive at formal memoranda of understanding regarding the respective functions and duties of child protective agencies and law enforcement agencies in counties in the investigation of child abuse cases.

(b) In awarding grants for projects, the State Department of Social Services shall consider all of the following factors:

(1) The quality and extent of community support for the proposed projects.

(2) Demonstrated success in implementing formal memoranda of understanding regarding the investigation of child abuse cases.

(3) Experience in responding to large numbers of reports of child abuse.

(4) Ability to contribute existing or other resources, including federal, county, local, or private funds.

(c) For purposes of this section, "child protective agencies" and "law enforcement agencies" are agencies responsible for investigating reports of child abuse, as defined in Section 11165.9 of the Penal Code.

16252. The training program developed pursuant to this chapter shall provide practice-relevant training to child protective workers, law enforcement officers, and program administrators in creating

and maintaining formal memoranda of understanding and shall include, but not be limited to, the following areas:

(a) Contents of memoranda of understanding.

(b) The process of developing memoranda of understanding and problem-solving techniques.

(c) Jurisdictional issues and their resolution.

(d) Allocation of investigative costs and responsibilities.

(e) Types of cases suitable for joint investigations.

(f) Flexibility in designing a program suitable to the differing geographical and cultural circumstances in individual counties.

(g) Development of outcome measurements evaluating the effects of coordinated investigations on the conditions of children, quality of investigations, reductions in paperwork and duplicative efforts, worker satisfaction, and other relevant areas.

16253. Projects awarded grants under this program shall be coordinated to the fullest extent possible with existing demonstration and training projects under Title 7 (commencing with Section 14000) of Part 4 of the Penal Code, Chapter 3 (commencing with Section 16200), and trainings conducted by the State Department of Social Services pursuant to its Manual of Policies and Procedures.

16254. This chapter shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1992, deletes or extends that date.

SEC. 2. The sum of sixty-four thousand dollars ($64,000) is hereby appropriated from the General Fund to the State Department of Social Services for the purposes of Chapter 3.5 (commencing with Section 16250) of Part 4 of Division 9 of the Welfare and Institutions Code for the 1990–91 fiscal year.

CHAPTER 1667

An act to amend Sections 52301.5, 52302, 52519, 78015, and 78016 of the Education Code, and to amend Sections 14002.5, 15340, 15341, 15342, and 15344, and the heading of Article 3.5 (commencing with Section 15340) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, and to repeal Sections 15340.1 and 15343 of, the Government Code, to add Section 4638.5 to the Labor Code, and to amend Sections 1611, 9614, 10510, 10521, 10527, 15002, 15026, 15037, 15038.5, 15064, 15075, 15076, 15077, 15077.5, 15079, and 15082, and the heading of Chapter 7.5 (commencing with Section 15075) of Division 8 of, to repeal and add Section 15078 of, to add Sections 10525, 15075.1, and 15076.5 to, to add Article 3 (commencing with Section 10530) to Chapter 4.5 of Division 3 of, and to repeal Sections 15038.51, 15057.5 and 15086 of, the Unemployment Insurance Code, relating to displaced workers, and making an appropriation therefor.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 52301.5 of the Education Code is amended to read:

52301.5. For the purposes of this chapter:

(a) "California Occupational Information System" means the statewide comprehensive labor market and occupational supply and demand information system developed pursuant to Section 10532 of the Unemployment Insurance Code.

(b) "State-Local Cooperative Labor Market Information program" means that labor market information system established in Section 10533 of the Unemployment Insurance Code.

(c) "Job market study" means a review of the existing educational programs in light of available labor market information, including occupational supply and demand, for a labor market area.

(d) "Labor market area" means a county or aggregation of counties designated by the Employment Development Department that has one or more central core cities and that meets criteria of population, population density, commute patterns, and social and economic integration specified by the Employment Development Department.

SEC. 2. Section 52302 of the Education Code is amended to read:

52302. The school or community college district or districts, or county superintendent or superintendents, sponsoring the regional occupational center or program shall conduct a job market study in the labor market area in which they propose to establish a regional occupational center or program. The study shall use the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance Code, or if this program is not available in the labor market area, other available sources of labor market information. The study shall include a California Occupational Information System supply analysis of existing vocational and occupational training programs maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for trainees in the proposed regional occupational centers and programs justifies the establishment of the proposed courses of instruction.

SEC. 3. Section 52519 of the Education Code is amended to read:

52519. (a) The governing board of any high school district or unified school district shall, prior to establishing a vocational or occupational training program, conduct a job market study of the labor market area in which it proposes to establish the program. The study shall use the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance Code, or if this program is not available

in the labor market area, other available sources of labor market information. The study shall include a California Occupational Information System supply analysis of existing vocational and occupational education or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for the adults enrolled in the proposed program justifies the establishment of the proposed courses of instruction.

(b) Subsequent to completing the study required by this section and prior to establishing the program, the governing board of the high school or unified school district shall determine whether or not the study justifies the proposed vocational education program.

(c) If the governing board of the high school district or unified school district determines that the job market study justifies the initiation of the proposed program, it shall, by resolution, determine whether the program shall be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Section 8092.

SEC. 4. Section 78015 of the Education Code is amended to read:

78015. (a) The governing board of a community college district shall, prior to establishing a vocational or occupational training program, conduct a job market study of the labor market area, as those terms are defined in Section 52301.5, in which it proposes to establish the program. The study shall use the State-Local Cooperative Labor Market Information Program established in Section 10533, or if this program is not available in the labor market area, other available sources of labor market information. The study shall include a California Occupational Information System supply analysis of existing vocational and occupational education or training programs for adults maintained by high schools, community colleges, and private postsecondary schools in the area to ensure that the anticipated employment demand for students in the proposed programs justifies the establishment of the proposed courses of instruction.

(b) Subsequent to completing the study required by this section and prior to establishing the program, the governing board of the community college district shall determine whether or not the study justifies the proposed vocational education program.

(c) If the governing board of the community college district determines that the job market study justifies the initiation of the proposed program, it shall, by resolution, determine whether the program shall be offered through the district's own facilities or through a contract with an approved private postsecondary school pursuant to Section 8092.

SEC. 4.5. Section 78016 of the Education Code is amended to read:

78016. (a) Every vocational or occupational training program offered by a community college district shall be reviewed every two years by the governing board of the district to assure that each

program, as demonstrated by the California Occupational Information System, including the State-Local Cooperative Labor Market Information Program established in Section 10533 of the Unemployment Insurance Code, or if this program is not available in the labor market area, other available sources of labor market information, does all of the following:

(1) Meets a documented labor market demand.

(2) Does not represent unnecessary duplication of other manpower training programs in the area.

(3) Is of demonstrated effectiveness as measured by the employment and completion success of its students.

(b) Any program that does not meet the requirements of subdivision (a) and the standards promulgated by the governing board shall be terminated within one year.

(c) The review process required by this section shall include the review and comments by the local Private Industry Council established pursuant to Division 8 (commencing with Section 15000) of the Unemployment Insurance Code, which review and comments shall occur prior to any decision by the appropriate governing body.

(d) This section shall apply to each program commenced subsequent to July 28, 1983.

SEC. 5. Section 14002.5 of the Government Code is amended to read:

14002.5. As used in this part, unless the context otherwise requires:

(a) "Department" means the Department of Transportation.

(b) "Director" means the Director of Transportation.

(c) "Secretary" means the Secretary of the Business, Transportation and Housing Agency.

(d) "Board" or "commission" means the California Transportation Commission.

(e) "Displaced worker" means individuals eligible for assistance pursuant to Section 15076 of the Unemployment Insurance Code.

SEC. 6. The heading of Article 3.5 (commencing with Section 15340) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of the Government Code is amended to read:

Article 3.5. Economic Adjustment

SEC. 7. Section 15340 of the Government Code is amended to read:

15340. The Legislature declares the following:

(a) The state must meet the competitive challenges of the 1990's and provide sufficient employment opportunities for its population, and the mature sectors of the state's industrial base must be revitalized.

(b) In some instances, the revitalization process has entailed, and will continue to entail, the closure of some plants and the attendant severe economic dislocations for displaced workers, their families,

and the communities.

(c) The state has an obligation to its citizens to adopt policies which not only help alleviate the unemployment and economic distress of major plant closings, but which also promote a healthy business climate in order to facilitate the creation of new jobs to replace those lost to plant closings in the mature sectors of the economy.

(d) There is a need to assure that this assistance from the state is available on a systematic and coordinated basis and that private industry councils, entities administering job training plans for dislocated workers under the federal Job Training Partnership Act, as amended, workers, firms, and communities know of its availability and can access it.

(e) The availability of this assistance from the state can serve as an incentive for federally required early notification to workers, local governments, and the state regarding anticipated plant closures or mass layoffs well in advance of their occurrence in order that special assistance may be offered to avert unnecessary closings or to prevent severe economic dislocation.

SEC. 8. Section 15340.1 of the Government Code is repealed.

SEC. 9. Section 15341 of the Government Code is amended to read:

15341. There is hereby established in the Department of Commerce the Economic Adjustment Unit. The primary role of the unit shall be to save California jobs and serve business, labor, and communities by averting plant closures, and where closures are unavoidable, to assist in creating new jobs for the dislocated workers.

SEC. 10. Section 15342 of the Government Code is amended to read:

15342. The responsibilities of the Economic Adjustment Unit shall include, but not be limited to, the following:

(a) Promoting and assisting in developing local business retention and expansion strategies which focus on retaining businesses that are considering closures or mass layoffs.

(b) Identifying and facilitating coordination of resources and financial assistance for study of reuse options for vacant facilities, including marketing of closed industrial facilities to businesses considering locating or expanding in this state.

(c) Promoting and assisting in establishing linkages between local economic development and job training programs to help retrain and reemploy dislocated workers.

(d) Integrating its activities with the State Dislocated Worker Unit in the Employment Development Department.

SEC. 11. Section 15343 of the Government Code is repealed.

SEC. 11.5. Section 15344 of the Government Code is amended to read:

15344. The Economic Adjustment Unit shall coordinate site-specific economic development activities with the activities of the State Dislocated Worker Unit in the Employment Development

Department under Title III of the Job Training Partnership Act, Public Law 97-300, and the federal Worker Adjustment and Retraining Notification Act, Public Law 100-379, including all of the following:

(a) Assessing the feasibility of averting a mass layoff or closure and retaining a company that has given the required 60-day notice.

(b) Providing employers and employee representatives with information and access to available public and private services to avert a closure or mass layoff, including assessments of potential for an Employee Stock Ownership Plan.

(c) Reporting to the State Dislocated Worker Unit and to the State Job Training Coordinating Council on the type and number of requests it receives and the results of its assistance.

SEC. 12. Section 4638.5 is added to the Labor Code, to read:

4638.5. The vocational rehabilitation plan shall use occupational supply and demand information from the California Occupational Information System established in Article 3 (commencing with Section 10530) of Chapter 4.5 of Division 3 of the Unemployment Insurance Code, if the system is available in the labor market area.

SEC. 12.5. Section 1611 of the Unemployment Insurance Code is amended to read:

1611. Money in the Employment Training Fund shall be expended only for the purposes of Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3, for the costs of administering this article and Section 976.6, and for no more than 50 percent of the costs of the State-Local Cooperative Labor Market Information Program established by Section 10533, except for the following:

(a) If at any time during the fiscal year the contributions paid pursuant to Section 976.6 exceed fifty-five million dollars ($55,000,000), in addition to the amounts required for the administration of Section 976.6 and appropriations for the State-Local Cooperative Labor Market Information Program, the excess shall be transferred to the Unemployment Fund.

(b) With the approval of the Legislature, the Employment Training Fund or contributions to it may be used to pay interest charged on federal loans to the Unemployment Fund.

SEC. 13. Section 1611 of the Unemployment Insurance Code is amended to read:

1611. Money in the Employment Training Fund shall be expended only for the purposes of Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3, for the costs of administering this article and Section 976.6, and for no more than 50 percent of the costs of the State-Local Cooperative Labor Market Information Program established by Section 10533, except that, with the approval of the Legislature, the fund or contributions to it may be used to pay interest charged on federal loans to the Unemployment Fund.

SEC. 13.5. Section 9614 of the Unemployment Insurance Code is amended to read:

9614. Notwithstanding any other provision of law, the

department shall annually issue the following reports to the Governor and the Legislature:

(a) An evaluation of the California Jobs Tax Credit Program. This report shall be issued by February 1 of each year.

(b) An evaluation of the Job Agent Program and the State Service Center Program. This report shall be issued by December 1 of each year.

(c) An evaluation of the Retraining Benefits Program pursuant to Section 15079. This report shall be issued by November 1 of each year.

SEC. 14. Section 10510 of the Unemployment Insurance Code is amended to read:

10510. It is the intent of the Legislature, in enacting this chapter, to establish and implement a program of comprehensive and coordinated employment and training planning in California in accordance with the federal Job Training Partnership Act, as amended. The Legislature recognizes the need for a new employment and training planning structure which will provide for comprehensive analysis of alternative expenditure possibilities for the fiscal resources available in this field. The basic principles of the system are as follows:

(a) That the employment and training needs at the local, regional, and state levels, be addressed.

(b) That the expenditure of available funds meets the needs at the local level.

(c) That employment and training programs be integrated into a uniform employment and training services planning system within substate regions.

(d) That a uniform planning system shall coordinate employment and training programs and eliminate duplication of programs among state and local agencies.

(e) That decisionmaking be decentralized, insofar as is practicable, to the governmental level closest to the people.

SEC. 15. Section 10521 of the Unemployment Insurance Code is amended to read:

10521. As used in this chapter:

(a) "State council" means the State Job Training Coordinating Council established pursuant to Chapter 4.5 (commencing with Section 15035) of Division 8.

(b) "Employment and training programs and services" means all programs and services provided in this state to increase employment or provide job search assistance or training to unemployed or underemployed persons, including those administered by state and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and other agencies which have a direct interest in employment and training and human resource utilization in the state. This shall include, but is not limited to, the following:

(1) Programs operated pursuant to the Job Training Partnership Act, as amended.

(2) Employment services, as authorized by the Wagner-Peyser Act.

(3) Employment services to food stamp recipients, as authorized by Public Law 95-113 and Section 18900 of the Welfare and Institutions Code.

(4) The Career Opportunities Development Program, as authorized by Division 4 (commencing with Section 12000).

(5) The California Jobs Tax Credit, as authorized by Sections 17053.7 and 24330 of the Revenue and Taxation Code.

(6) The State Service Center Program, as authorized by Executive Order 66-11, July 1966.

(7) The Job Agent Program, as authorized by Article 3 (commencing with Section 9700) of Chapter 3 of Part 1 of Division 3.

(8) Dislocated Workers Assistance, as authorized by Chapter 7.5 (commencing with Section 15075) of Division 8.

(9) Adult education, as authorized by Chapter 10 (commencing with Section 52500) of Part 28 of Division 4 of Title 2 of the Education Code.

(10) Vocational education programs subject to the reporting requirements of the federal Carl D. Perkins Vocational Education Act (20 U.S.C. Sec. 2301 et seq.), or authorized by Chapter 1 (commencing with Section 8000) of Part 6, and Chapter 9 (commencing with Section 52300) and Chapter 13 (commencing with 52950) of Part 28 of the Education Code.

(11) The California Educational Opportunity Grant Program, as authorized by subdivision (c) of Section 69532 of the Education Code.

(12) Vocational education for inmates of correctional institutions, as authorized by Article 6 (commencing with Section 1120) of Chapter 3 of Part 1 of Division 2 of the Welfare and Institutions Code, and by Sections 2054, 2716, and 5091 of the Penal Code.

(13) The California Conservation Corps, as authorized by Division 12 (commencing with Section 14000) of the Public Resources Code.

(14) Apprenticeship programs, as authorized by Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(15) The Employment Training Panel, as authorized by Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(16) Economic and business development programs and services, as authorized by Part 6.7 (commencing with Section 15310) of Division 3 of Title 2 of the Government Code.

(17) The Small Business Development Program, as authorized by Part 5 (commencing with Section 14000) of Division 3 of Title 1 of the Corporations Code.

(18) The business and industrial development programs, as authorized by Division 15 (commencing with Section 32000) of the Financial Code.

(19) The Industrial Development Financing Program, as authorized by Title 10 (commencing with Section 91500) of the Government Code.

(20) Child care services provided to permit parents to be employed or participate in training, as authorized by Chapter 2 (commencing with Section 8200) of Part 6 of Division 1 of Title 1 of the Education Code.

(21) Income maintenance programs for persons who would be employed but for a lack of employment opportunities, training, child care, or vocational rehabilitation, as authorized by Division 1 (commencing with Section 100), and Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

(22) The Greater Avenues for Independence Act, as authorized by Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(23) Vocational rehabilitation programs, as authorized by Article 2.6 (commencing with Section 4635) of Chapter 2 of Part 2 of Division 4 of the Labor Code and Division 9 (commencing with Section 19000) of the Welfare and Institutions Code.

(24) Community Services Block Grants, as authorized by the Economic Opportunity Act (Public Law 97-35).

(25) Employment and training services for homeless persons, as authorized by the Stewart B. McKinney Act (Public Law 100-77).

(26) Senior Community Service Employment programs, as authorized by Title V of the Older Americans Act (Subchapter 7 (commencing with Section 3056) of Chapter 35 of Title 42 of the United States Code) and Section 9000 of the Welfare and Institutions Code.

(27) California Community College programs, as authorized by Division 7 (commencing with Section 70900) of Title 3 of the Education Code.

(28) The Enterprise Zone Act, as authorized by Chapter 12.8 (commencing with Section 7070), and the Employment and Economic Incentive Act, as authorized by Chapter 12.9 (commencing with Section 7080), of Division 7 of Title 1 of the Government Code.

(29) Programs for Disadvantaged Pupils, as authorized by Part 29 (commencing with Section 54000) of the Education Code.

SEC. 16. Section 10525 is added to the Unemployment Insurance Code, to read:

10525. The coordination and special services plan shall also include a dislocated workers assistance plan to provide services to eligible workers pursuant to Chapter 7.5 (commencing with Section 15075) of Division 8. The dislocated workers assistance plan shall meet the requirements of Title III of the federal Job Training Partnership Act, as amended, and include all of the following:

(a) The specific responsibilities of each of the state agencies administering dislocated workers assistance programs.

(b) Procedures for the exchange of information and coordination

between the Employment Development Department and the Department of Commerce for the purpose of developing strategies to avert plant closings or mass layoffs and to accelerate the reemployment of affected individuals.

(c) Provide that services to a substantial number of members of a labor organization shall be established only after full consultation with the labor organization.

(d) Prescribe program standards, including, but not limited to, standards based on job placement and job retention.

(e) Integration of displaced worker services with services and payments made available under the Trade Act of 1974, as amended, unemployment insurance benefits, the Job Service, vocational education programs, and other programs provided under this division.

(f) Coordination of local dislocated worker rapid response assistance planning with the federal Worker Adjustment and Retraining Notification Act, Public Law 100-379, by designation of local service delivery area grant administrators as local governmental entities which will also formally receive the 60-day notice required under the federal act.

SEC. 17. Section 10527 of the Unemployment Insurance Code is amended to read:

10527. The coordination and special services plan prepared by the State Job Training Coordinating Council, in accordance with Sections 121 and 314 of the federal Job Training Partnership Act, shall include provisions allowable under the federal act to facilitate employee ownership, as defined by Section 91502.1 of the Government Code.

SEC. 18. Article 3 (commencing with Section 10530) is added to Chapter 4.5 of Division 3 of the Unemployment Insurance Code, to read:

Article 3. Coordination of Labor Market Information

10530. It is the intent of the Legislature to establish a statewide comprehensive labor market and occupational supply and demand information system to coordinate the labor market information needs, including those specified in the statutes cited below, for the following entities:

(1) The Board of Governors of the California Community Colleges pursuant to its responsibilities under Sections 70901, 70901.5, 71050, 78015, and 78016 of the Education Code.

(2) The State Department of Education, pursuant to its responsibilities under Sections 321, 323, 332, 341, 343, 421, 422, and 423 of the federal Carl D. Perkins Vocational Education Act (20 U.S.C. Sec. 2301 et seq.), and Sections 8031, 8081, 8500, 51228, 52300, 52301.5, 52302, 52302.3, 52302.5, 52304, 52309, 52381, 52519, 52520, 52910, 52911, and 52912 of the Education Code.

(3) The Employment Development Department, pursuant to its

responsibilities under Article 1 (commencing with Section 1251) and Article 1.5 (commencing with Section 1266) of Chapter 5 of Part 1 of Division 1, Chapter 9 (commencing with Section 2051) of Part 1 of Division 1, Article 2 (commencing with Section 10521) of Chapter 4.5 of Part 1 of Division 3, and Chapter 6 (commencing with Section 15050) and Chapter 7.5 (commencing with Section 15075) of Division 8.

(4) The Employment Training Panel, pursuant to its responsibilities under Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(5) The Department of Rehabilitation, pursuant to its responsibilities under Section 19152 of the Welfare and Institutions Code.

(6) The State Department of Social Services, pursuant to its responsibilities under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code.

(7) The State Job Training Coordinating Council, pursuant to its responsibilities under Chapter 4.5 (commencing with Section 10510) of Part 1 of Division 3, and Chapter 3 (commencing with Section 15020.1), Chapter 4 (commencing with Section 15030), Chapter 4.5 (commencing with Section 15035), and Chapter 7.5 (commencing with Section 15075) of Division 8.

15031. There is in state government a California Occupational Information Coordinating Committee composed of the Director of Employment Development, the Director of Commerce, the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the Director of Rehabilitation, and the chair of the State Job Training Coordinating Council, the Executive Director of the Employment Training Panel, the Director of Social Services, and the Executive Secretary of the Council for Private Postsecondary and Vocational Education, or their designees. This committee is established for the purposes of Section 422 of the federal Carl D. Perkins Vocational Education Act and Section 125 of the Job Training Partnership Act, for the purposes of this article, and for other purposes authorized by the Legislature.

10532. (a) The California Occupational Information Coordinating Committee shall develop and annually revise a plan for the use of available resources to design and implement a statewide comprehensive labor market and occupational supply and demand information system as specified in Section 1535 of Title 29 of the United States Code. The plan shall be submitted to the State Job Training Coordinating Council no later than May 1 of each year. The plan and the comments by the council shall be submitted to the Governor and the Legislature no later than June 30 of each year.

(b) The plan shall, at the minimum, include the following:

(1) The proposed design of a labor market and occupational supply and demand information system for this state, meeting the requirements of Section 1535 of Title 29 of the United States Code.

(2) Proposed activities in implementing the labor market and occupational supply and demand information system for the fiscal year.

(3) The amount and proposed use of each funding source available for the labor market and occupational supply and demand information system.

(c) The California Occupational Information Coordinating Committee shall seek and obtain funds or in-kind contributions to the maximum extent possible from the National Occupational Information Coordinating Committee and other federal, state, and private sources, and may accept and use any such funds or in-kind contributions for the purposes of this section.

(d) The California Occupational Information Coordinating Committee shall act as an advisory body to the Employment Development Department in the department's operation of the State-Local Cooperative Labor Market Information Program.

10533. (a) The Employment Development Department shall operate the State-Local Cooperative Labor Market Information Program as the primary component of the comprehensive labor market and occupational supply and demand information system provided in Section 10532. The department shall consult with agencies listed in Section 10530 in the development and operation of this program.

(b) The objectives of this program shall be to produce, through extensive local participation and for distribution in effective formats to all local users, reliable occupational information, and to achieve cost-efficient production by avoiding duplication of efforts. The program shall be a primary source for local and statewide occupational information and shall be available in all labor market areas in the state.

(c) In producing this information, state and local agencies shall use state occupational forecasts and other indicators of occupational growth, combined with local employer surveys of recruitment practices, job qualifications, earnings and hours, advancement and outlook, to provide statistically valid occupational analyses for local job training and education programs.

(d) Local labor market information studies shall be conducted under the direction of the department by a local entity and shall include the participation of local users of the information.

(e) Funding for this program shall be provided annually through Budget Act appropriations to the Employment Development Department, except that no more than 50 percent of the funding shall be appropriated from the Employment Training Fund.

SEC. 19. Section 15002 of the Unemployment Insurance Code is amended to read:

15002. The following definitions shall govern the construction of this division:

(a) "Director" means the Director of the department selected by the Governor to administer the provisions of this division.

(b) "Department" means the department selected by the Governor to administer the provisions of this division.

(c) "Local council" means the private industry council established in accordance with the provisions of this division.

(d) "State council" means the State Job Training Coordinating Council established under Chapter 4.5 (commencing with Section 15035) of Division 8.

(e) "Service delivery area plan" means that plan prepared for the service delivery area which satisfies the requirements of a Job Training Plan under the provisions of the federal Job Training Partnership Act and the additional requirements of this division.

SEC. 20. Section 15026 of the Unemployment Insurance Code is amended to read:

15026. (a) In order to assure the proper and efficient management of the job preparation and training services system, service delivery areas shall participate in a statewide reporting system for management information and fiscal reporting to meet federal, state, and local information, auditing, and control requirements. Establishment and maintenance of these systems shall be the responsibility of the department and shall include participant social security number and other information deemed necessary by the department to provide required federal and state reporting. Reports shall be provided to the department containing such information as the department requires. The reporting requirements shall be determined with the assistance of local elected officials and private industry councils. Except as provided in Section 322, the information gathered pursuant to this section shall be subject to the confidentiality requirements contained in Section 1094.

(b) The information systems established pursuant to this section shall, where appropriate, complement the information system authorized in Chapter 4.1 (commencing with Section 10815) of Part 2 of Division 9 of the Welfare and Institutions Code.

SEC. 21. Section 15037 of the Unemployment Insurance Code is amended to read:

15037. The state council shall:

(a) Develop and recommend to the Governor and the Legislature a coordination and special services plan, which includes a dislocated workers assistance plan, in accordance with Chapter 4.5 (commencing with Section 10510) of Part 1 of Division 3.

(b) Report to the Legislature on or before February 1 of each year concerning the degree to which local job training plans and program performance meet regional and state labor market needs, as identified in the local plans and by the state council.

(c) Recommend to the Governor local service delivery areas. To the extent permitted by federal law, designation of service delivery areas shall reflect the intent of the Legislature to integrate and coordinate employment and training services, public assistance programs, and other educational and training efforts as may exist which are designed to assist individuals in preparing for participation

in the labor force.

(d) To the extent permitted by federal law, establish policies which shall be followed by the department in performing all of the following functions:

(1) Approval of local service delivery area plans.

(2) Establishment of standards, criteria, and reporting requirements established by the department pursuant to this division with respect to local service delivery area plans.

(3) Allocation of funds for local service delivery area plans, including funds for plans submitted under Chapter 7.5 (commencing with Section 15075).

(e) Plan, review and approve the allocation, recapture, and reallocation of federal funds received by the state pursuant to the federal Job Training Partnership Act. Funds received by the state in accordance with Section 202(b)(1) of that act shall be allocated to the Superintendent of Public Instruction as necessary to meet the need determined by the superintendent pursuant to Section 33117.5 of the Education Code. The state council shall be deemed to have approved the disbursement of funds when the Governor approves a decision of the state council specifying a budget for an authorized program or activity and designating the department or agency responsible for the expenditure of the budgeted funds. An agreement shall be entered into between the Employment Development Department and the State Department of Education and shall provide that Job Training Partnership Act funds provided for the purposes of Section 33117.5 of the Education Code shall be utilized for payment to local educational agencies.

(f) Review and approve the annual labor market and occupational supply and demand information plan developed pursuant to Section 10532.

(g) Consider and advise the director on all matters connected with the administration of this code as submitted to it by the director, and may upon its own initiative recommend changes in administration as it deems necessary.

(h) Review and comment to the Governor and the Legislature on the annual report prepared in accordance with Section 15064.

(i) Serve as the body responsible for making recommendations to the Governor when the director proposes to withdraw funding pursuant to Section 15028.

SEC. 21.3. Section 15038.5 of the Unemployment Insurance Code is amended to read:

15038.5. (a) The state council shall meet at such times and in such places as it deems necessary.

(b) Under no circumstances shall the state council permit absentee or proxy voting at any of its proceedings.

SEC. 21.7. Section 15038.51 of the Unemployment Insurance Code is repealed.

SEC. 22. Section 15057.5 of the Unemployment Insurance Code is repealed.

SEC. 23. Section 15064 of the Unemployment Insurance Code is amended to read:

15064. The department, in cooperation with the State Department of Social Services, shall report to the Legislature, not later than February 1 of each year, on the effectiveness of the program established under this division, including Dislocated Workers Assistance programs provided by Chapter 7.5. The department's report shall detail any economic and other advantages to the people of this state which have resulted from the program including the effect upon state costs, the reduction in public assistance and unemployment insurance costs, and increased revenues in the form of taxes paid by program participants.

SEC. 24. The heading of Chapter 7.5 (commencing with Section 15075) of Division 8 of the Unemployment Insurance Code is amended to read:

CHAPTER 7.5. DISLOCATED WORKERS ASSISTANCE

SEC. 25. Section 15075 of the Unemployment Insurance Code is amended to read:

15075. The Legislature recognizes that fundamental shifts occur within the economy which result in the closure of existing production facilities, retail establishments, and business institutions, or in severe reduction in employment opportunities, which bring about mass layoffs and consequent economic hardship to many California families. In order to assist these families in regaining economic security, and in conformance with the provisions of Title III of the federal Job Training Partnership Act, as amended, and Chapter 6 (commencing with Section 15050), the Dislocated Workers Assistance Program is hereby established.

SEC. 26. Section 15075.1 is added to the Unemployment Insurance Code, to read:

15075.1. Each service delivery area shall be a substate area and the administrative entity of each service delivery area shall be the substate grantee for purposes of Title III of the Job Training Partnership Act, except when groups of service delivery areas elect to become consortium substate areas with the approval of the State Job Training Coordinating Council.

SEC. 27. Section 15076 of the Unemployment Insurance Code is amended to read:

15076. The private industry councils in each service delivery area shall recommend and approve an employment and training plan for displaced workers, which shall meet the requirements of the federal Job Training Partnership Act, and in addition provide for each of the following:

(a) Identification, in conjunction with the Employment Development Department, of individuals eligible for assistance due to any of the following facts:

(1) The individuals have been terminated or laid off or have

received a notice of termination or layoff from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation.

(2) The individuals have been terminated from employment, or have received a notice of termination of employment, as a result of any permanent closure of, or substantial layoff at, a plant, facility, or enterprise.

(3) The individuals are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which they reside, including older individuals who have had substantial barriers to employment by reason of age.

(4) The individuals were self-employed (including farmers and ranchers) and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters.

(5) The individuals are displaced homemakers who may be provided services as additional dislocated workers without adversely affecting the delivery of services to eligible dislocated workers.

(b) Determination of job opportunities which exist within the local labor market area or outside the labor market area for which displaced workers could be retrained, and determination of what training for identified employment opportunities exists or could be provided within the local area. This determination shall be undertaken by use of both of the following:

(1) The State-Local Cooperative Labor Market Information Program established in Section 15074.

(2) As appropriate, representatives of the Employment Training Panel in accordance with its functions pursuant to Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3, and representatives of the Department of Commerce as provided in Article 3.5 (commencing with Section 15340) of Chapter 1 of Part 6.7 of Division 3 of the Government Code.

(c) Informing eligible displaced workers of training opportunities. This process shall be undertaken in conjunction with the Employment Development Department.

(d) A program for dislocated workers assistance drawing, as appropriate, upon existing facilities and resources, which may include, but not be limited to, all of the following:

(1) Dislocated worker employment services and related assistance, provided that employment-related services are coordinated with, and do not duplicate, those available and accessible services of the Employment Development Department, including all of the following:

(A) Job search assistance.

(B) Job development.

(C) Support services, such as financial and personal counseling, child care and related children's services, and assistance in obtaining

equipment and supplies necessary for retraining or new employment.

(D) Relocation assistance, if it is determined that an eligible individual cannot obtain employment in the commuting area and has secured suitable long duration employment or a bona fide job offer.

(E) Prelayoff assistance.

(F) Programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of closures of plants or facilities.

(2) Training in job skills for which demand exceeds supply, including, where feasible, job training administered by the Employment Training Panel pursuant to Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(3) Commuting assistance, consistent with the Displaced Worker Transportation Program established pursuant to Section 14002.5 of the Government Code.

(e) Consultation with affected labor organizations, in the case of any assistance program which will provide services to a substantial number of members of these labor organizations.

(f) Involvement of displaced workers in program delivery, including, as appropriate, paid employment for these individuals in providing services under the program.

(g) Utilization of services and resources from other sources, public and private, and specific procedures for coordination with other programs, in order to maximize services for displaced workers and their families and increase employment and training opportunities. Examples of programs to be included are the following:

(1) Other employment and training and education programs.

(2) Social services, including child care and related children's services.

(3) Housing programs, including low-income weatherization and home energy conservation programs.

(4) Transportation related programs, including highway, bridge, and mass transit construction and repair.

(5) Other programs related to infrastructure development and repair.

(6) Economic development programs deemed applicable.

(h) Contracting with the Employment Development Department in order to provide funding for special services the department is to provide under the local displaced worker assistance program.

(i) Coordination with neighboring jurisdictions, in cases of plant closings or mass layoffs which cross service delivery areas.

(j) A system of program and fiscal accountability to ensure maximum benefit from the expenditure of federal and state funds and which is consistent with procedures established in the state's job training plan pursuant to Section 121 of the federal Job Training Partnership Act, as amended, including all of the following:

(1) Performance goals and standards, established by the State Job Training Coordinating Council, including standards for both of the following:

(A) Placement and retention in unsubsidized employment.

(B) Earnings and wages.

(2) Procedures for reporting on the outcome of the program, which include all of the following:

(A) A description of activities conducted.

(B) Characteristics of participants.

(C) The extent to which the activities conducted achieved relevant performance goals.

(3) Fiscal control, accounting, audit and related provisions.

(k) Identification of the administrative entity of the local service delivery area or consortium which shall also receive the 60-day notification required to be given to units of local government pursuant to the federal Worker Adjustment and Retraining Notification Act, Public Law 100-379.

(*l*) Integration of services and benefits available under Chapter 2 of Title II of the Trade Act of 1974 and Article 1.5 (commencing with Section 1266) of Chapter 5 of Part 1 of Division 1.

The plan shall be reviewed and approved according to Sections 15045 and 15046.

SEC. 28. Section 15076.5 is added to the Unemployment Insurance Code, to read:

15076.5. The State Job Training Coordinating Council shall do all of the following:

(a) Be the lead state agency to establish policies for:

(1) Alleviating adverse conditions that might cause plant closures and, where closures are unavoidable, assisting local efforts to secure alternative employment and retraining opportunities for displaced workers.

(2) Marshaling available state and federal resources to aid workers and communities affected by major plant closures and to foster long-term economic vitality, industrial growth, and job opportunities.

(3) Integrating appropriate activities of the Department of Commerce, the Employment Development Department, the Employment Training Panel, the Department of Industrial Relations, the State Department of Education, the Chancellor's Office of the California Community Colleges, and the Governor's Office of Planning and Research with the State Dislocated Worker Unit.

(4) Collection of data and preparation of economic analyses and reporting, intended to provide better and more detailed assessments of future trends within the industrial, commercial, and agricultural sectors of the economy.

(b) Review and comment on the plans for displaced worker assistance programs submitted pursuant to Section 15076.

(c) Recommend to the Governor necessary components of state

plans under the jurisdiction of other state offices, departments, or agencies which administer programs appropriate for coordination with dislocated worker assistance programs authorized by this chapter.

(d) Review and make recommendations to the Governor and the Legislature regarding changes needed in current federal and state statutes and programs in order to minimize adverse consequences of plant closures and promote rapid reemployment of workers and revitalization of communities.

SEC. 29. Section 15077 of the Unemployment Insurance Code is amended to read:

15077. The Employment Development Department shall do all of the following:

(a) Review and approve the plans for displaced workers' assistance submitted pursuant to Section 15076.

(b) According to policies established by the State Job Training Coordinating Council and state law, coordinate displaced workers assistance efforts in situations where plant closures or layoffs within an industry have a significant statewide impact.

(c) Encourage and coordinate early identification of situations of potential plant closures, and provide any assistance which may be necessary to alleviate economic dislocation.

(d) Provide assistance to the Department of Commerce in active recruitment of replacement industries or establishments.

(e) Cooperate with the Employment Training Panel in the coordination of training and services for displaced workers eligible under Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(f) Serve as the state agency providing any information and procedural activities which may be required by the federal government to ensure federal funding for dislocated workers assistance.

(g) Provide for the submission of applications to the United States Secretary of Labor for additional federal funding to the state in accordance with Title III of the federal Job Training Partnership Act, as amended.

(h) Operate a monitoring, reporting, and management system which provides an adequate information base for effective program planning, management, review, and evaluation.

(i) Administer federal and state funds appropriated for the support of demonstration and special assistance programs for dislocated workers.

(j) Provide specific periodic notification to employers of 100 or more employees of their potential responsibilities under the federal Worker Adjustment and Retraining Notification Act (P.L. 100-379), the availability of services to employees and employers under this and other state laws, and instructions on how to comply with those laws and obtain appropriate services.

SEC. 30. Section 15077.5 of the Unemployment Insurance Code

is amended to read:

15077.5. To assure rapid response assistance to dislocated workers and their communities, there shall be in the Employment Development Department a State Dislocated Worker Unit, which shall do all of the following:

(a) Provide a special statewide program of assistance for displaced workers, consistent with the requirements for local programs under this chapter. This program shall be available to address sudden or severe economic dislocation under any of the following circumstances:

(1) A community, through its private industry council, board of supervisors, or other applicable local elected officials, requests or accepts state services.

(2) The private industry council or substate grantee does not respond within 30 days after notification by the Employment Development Department of a plant closure or mass layoff, or if the Employment Development Department determines that the plan does not sufficiently meet the needs of displaced workers.

(3) Where a plant closure or substantial reduction in employment at a worksite affects workers residing in more than one service delivery area, and there is no coordinated plan among affected areas.

(b) In accordance with policies established by the state council, provide special initiatives in statewide economic development programs, including, but not limited to, employer contracts with the state to provide services, and contracts to work with employers and labor organizations in promoting labor-management cooperation to achieve the goals of this chapter.

(c) Be the designated state agency for purposes of receiving the 60-day notification required by the federal Worker Adjustment and Retraining Notification Act, Public Law 100-379.

(d) Provide for rapid onsite response, pursuant to local plans described in Section 15076, to permanent closures and substantial layoffs throughout the state to assess the need for, and initially provide, appropriate services to dislocated workers.

(e) Provide immediate information to local entities about state and federal programs, including economic development assistance, which can serve displaced workers, their families, and communities.

(f) Assist in the coordination of programs provided under Title III of the Job Training Partnership Act, as amended, with programs and services provided by state and local education and training agencies, public assistance agencies, the Employment Development Department, rehabilitation agencies, economic development agencies, and other entities which carry out activities pertinent to successful positive adjustment on the part of displaced workers and their families and communities.

(g) Prepare a plan, to be included in the coordination and special services plan required by Chapter 4.5 (commencing with Section 10510) of Part 1 of Division 3, to assure rapid and effective state response to local entities requesting assistance in developing

programs for displaced workers, which shall be submitted for approval to the State Job Training Coordinating Council for inclusion in the plan required by Section 10525. The plan shall include specific procedures for enabling private industry councils, entities administering job training plans for displaced workers under the federal Job Training Partnership Act, as amended, workers, firms, and communities to access each of the federal and state resources appropriate for serving displaced workers. The plan shall facilitate development and implementation of local dislocated workers assistance programs pursuant to this chapter.

(h) Report to the State Job Training Coordinating Council on the type and number of requests it receives and the results of its assistance.

(i) Seek the participation and advice of individuals representative of local government, business, and labor in fulfilling its responsibilities. The advice of those persons shall be drawn upon to assure effective assistance by the state, responsive to particular community needs and circumstances.

SEC. 31. Section 15078 of the Unemployment Insurance Code is repealed.

SEC. 32. Section 15078 is added to the Unemployment Insurance Code, to read:

15078. Funds allocated to the state under Section 302(d) of the federal Job Training Partnership Act, as amended, shall be allocated to service delivery areas based on an allocation formula which shall utilize the most appropriate information needed to distribute funds to address the state's dislocated worker readjustment needs, and shall include, but not be limited to, all of the following, in accordance with federal law:

(a) Insured unemployment data.

(b) Unemployment concentrations.

(c) Plant closing and mass layoff data.

(d) Declining industries data.

(e) Farmer-rancher economic hardship data.

(f) Long-term unemployment data.

Upon approval of the State Job Training Coordinating Council, the director shall promptly publish the allocation formula.

Nothing in this section shall prohibit the council from establishing a minimum level of funding for service delivery areas.

SEC. 33. Section 15079 of the Unemployment Insurance Code is amended to read:

15079. (a) In order to maximize employment and training services to displaced workers, it is the intent of the Legislature that unemployment insurance benefits be payable to unemployed workers enrolled in retraining, in accordance with Article 1.5 (commencing with Section 1266) of Chapter 5 of Part 1 of Division 1. The Employment Development Department shall annually report on program outcomes and estimated costs to the Unemployment Fund for this purpose.

(b) Service delivery areas may provide, to the extent permitted by federal law, needs-related payments to eligible dislocated workers who do not qualify for, or have exhausted, unemployment insurance benefits, in order to enable these workers to participate in job training and education programs authorized by this chapter.

SEC. 34. Section 15082 of the Unemployment Insurance Code is amended to read:

15082. Federal and state funds to be transferred to the Consolidated Work Program Fund shall include all of the following:

(a) That portion of the federal employment and training funds received by the state that is designated for the purpose of local delivery of employment and training services, except for those funds designated for employment activities under Title IV-A and IV-C of the federal Social Security Act (42 U.S.C. Sec. 601, et seq. and Sec. 630, et seq.) and the Food Stamp Act (7 U.S.C. Sec. 2011, et seq.).

(b) Reinvestment of a portion of state public assistance grant savings reasonably attributable to the operation of this program. The Governor's Budget shall annually identify the savings resulting from the prior fiscal year's program operations and recommend the portion, if any, to be applied toward program funding during the budget year.

(c) Federal funds received by the state pursuant to Section 202(b) and Title III of the federal Job Training Partnership Act. However, these funds shall be allocated pursuant to subdivision (e) of Section 15037 and Section 15078.

SEC. 35. Section 15086 of the Unemployment Insurance Code is repealed.

SEC. 36. Section 13 of this bill incorporates amendments to Section 1611 of the Unemployment Insurance Code proposed by both this bill and AB 2694. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 1611 of the Unemployment Insurance Code, and (3) this bill is enacted after AB 2694, in which case Section 12.5 of this bill shall not become operative.

CHAPTER 1668

An act to amend Sections 976.6, 1611, 1612, 10201, 10205, 10206, and 10218 of the Unemployment Insurance Code, relating to employment training, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 976.6 of the Unemployment Insurance Code is amended to read:

976.6. In addition to other contributions required by this division, every employer, except an employer defined by Section 676, 684, or 685, and except an employer which has elected an alternate method of financing its liability for unemployment compensation benefits pursuant to Article 5 (commencing with Section 801), or Article 6 (commencing with Section 821) of Chapter 3, shall pay into the Employment Training Fund contributions at the rate of 0.1 percent of wages specified in Section 930. The contributions shall be collected in the same manner and at the same time as any contributions required under Sections 977 and 977.5.

This section shall remain in effect only until January 1, 1994, and on that date is repealed, unless a later enacted statute, which is enacted before January 1, 1994, deletes or extends that date.

SEC. 1.5. Section 1611 of the Unemployment Insurance Code is amended to read:

1611. Money in the Employment Training Fund shall be expended only for the purposes of Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3, and for the costs of administering this article and Section 976.6, except:

(a) Commencing with the 1991–92 fiscal year, to the extent that interest is earned on the money in the fund, that interest shall be used to fund the activities of the Employment Development Department Service Center Program established by Executive Order 66-11, July 1966, at the program levels authorized by the 1990 Budget Act, and to fund up to 50 percent of the costs of the State-Local Cooperative Labor Market Information Program established by Section 10533.

(b) Any interest earned on the money in the fund which is not expended pursuant to subdivision (a) shall be available to the panel for the purposes of Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3.

(c) With the approval of the Legislature, the fund or contributions to it may be used to pay interest charged on federal loans to the Unemployment Fund.

SEC. 2. Section 1612 of the Unemployment Insurance Code is amended to read:

1612. This article shall remain in effect only until January 1, 1994, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1994, deletes or extends that date.

SEC. 3. Section 10201 of the Unemployment Insurance Code is amended to read:

10201. As used in this chapter:

(a) "Employer" means any employer subject to Part 1 (commencing with Section 100) of Division 1, except any public entity, or any nonprofit organization which has elected an alternate

method of financing its liability for unemployment insurance compensation benefits pursuant to Article 5 (commencing with Section 801), or Article 6 (commencing with Section 821) of Chapter 3.

Any public entity or nonprofit organization which has elected an alternate method of financing its liability for unemployment insurance compensation benefits pursuant to Article 5 (commencing with Section 801), or Article 6 (commencing with Section 821) of Chapter 3, shall be deemed to be an employer only for purposes of placement of new hire trainees who received training as an incidental part of a training project designed to meet the needs of one or more private sector employers.

(b) "Eligible participant" means any person who, prior to beginning training or employment pursuant to this chapter, is any of the following:

(1) Unemployed and has established an unemployment insurance claim, or has exhausted eligibility for unemployment insurance benefits within the previous 24 months.

(2) Employed, but is determined by the panel to be likely to be displaced and therefore claiming unemployment insurance benefits because of reductions in overall employment within a business, elimination of the person's current job, or a substantial change in the skills required to remain employed due to technological change or other factors. In making a finding of eligibility under this paragraph, the panel shall require the employer or contractor to provide, at the option of the employer or the contractor, either of the following:

(A) Certification of the specific facts which threaten the continued employment of the trainee, and a plan for assuring with reasonable certainty that the training being proposed will contribute to the long-term job security of the trainee. The plan shall include, but not be limited to, a general description, with respect to the facility at which the trainee is employed, of other actions planned by the employer, such as technological changes, additional training, management adjustments, and organizational changes, for the purposes of enhancing the effectiveness of the proposed training. The plan shall also include methods for assessing the effect on productivity attributable to the training and a statement of how the training will impact the regional and state economy. The panel may modify the specific requirements of this subparagraph as they apply to small employers and to employers or contractors proposing projects which involve training for a significant number of small employers in the same project.

(B) Evidence that the workers proposed to receive retraining have been given written notice that their employment will be terminated within two years of the date the application is presented to the panel.

(3) Employed, but who is determined by the panel to be qualified to be trained or retrained in skills for which there is a demonstrable shortage and in a field where new employment opportunities will be

created for other persons defined in paragraph (1) if this retraining takes place. In making a finding of eligibility under this paragraph, the panel shall require the employer or contractor to provide a job for at least one unemployed person for each person retrained.

(c) "Panel" means the Employment Training Panel created by Section 10202.

(d) "Fund" means the Employment Training Fund created by Section 1610.

(e) "Department" means the Employment Development Department.

(f) "Training agency" means any private training entity or local educational agency.

(g) "Job" means employment on a basis customarily considered full time for the occupation and industry. The employment shall have definite career potential and a substantial likelihood of providing long-term job security. Furthermore, the employment shall provide earnings, upon completion of the employment requirement specified in subdivision (f) of Section 10209, equal to 55 percent, in the case of new hire training, or 65 percent, in the case of retraining, of the state average hourly wage. However, the panel may adjust these minimum wage requirements for specific occupations in specific regions of the state if it determines, after a review of labor market information, that the wage requirements are unreasonable, and provided that the adjusted wage requirement does not create unfair wage competition within the industry or region.

(h) "Private industry council" means an entity established pursuant to Section 15030.

(i) "New hire training" means employment training, including job-related literacy training, for persons who, at the start of training, are unemployed.

(j) "Retraining" means employment related skill and literacy training for persons who are employed prior to enrollment in training and will continue to be employed by the same employer for at least 90 days following completion of training.

(k) "Trainee" means an eligible participant.

(*l*) "State average hourly wage" means the average weekly wage paid by employers to employees covered by unemployment insurance, as reported to the Employment Development Department for the four calendar quarters ending June 30 of the preceding calendar year, divided by 40 hours.

SEC. 4. Section 10205 of the Unemployment Insurance Code is amended to read:

10205. The panel shall do all of the following:

(a) 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. The plan shall be submitted to the Governor and the Legislature. In carrying out this section, the panel shall review

information in the following areas:

(1) Labor market information, including the state-local labor market information program in the Employment Development Department, and economic forecasts.

(2) Evaluations of the effectiveness of training as measured by increased security of employment for workers and benefits to the California economy.

(3) The demand for training by industry, type of training, and size of employer.

(4) Changes in skills necessary to perform jobs, including changes in basic literacy skills.

(5) Evaluations of the effectiveness of training previously funded by the panel in improving security of employment for workers and benefiting the California economy. As part of these evaluations, the panel shall compare the wages of trainees in the year before training and in the year after training as reflected in the department's unemployment insurance tax records, and shall evaluate the effect of previous training projects on the productivity of participating firms and on the economy of the state.

(6) Changes in the demographics of the labor force and the population entering the labor market.

(7) Proposed expenditures by other agencies of federal Job Training Partnership Act funds and other state and federal training and vocational education funds on eligible participants.

(b) Submit its first annual plan by July 1, 1990. The panel shall maintain a system to continously monitor economic and other data required under this plan. If this data changes significantly during the life of the plan, the plan shall be amended by the panel. Each plan shall include all of the following:

(1) The panel's objectives with respect to the distribution of funds between new hire training and retraining.

(2) The identification of specific industries, production and quality control techniques, and regions of the state where employment training funds would most benefit the state's economy and plans to encourage training in these areas, including specific standards and a system for expedited review of proposals which meet the standards.

(3) A system for expedited review of proposals which are substantially similar with respect to employer needs, training curriculum, duration of training, and costs of training, in order to encourage the development of proposals which meet the needs identified in paragraph (2).

(4) The panel's goals and operational objectives with respect to meeting the needs of small employers.

(5) Standards of accountability for retraining contracts that will be used in addition to the standards set forth in subdivision (f) of Section 10209 and elsewhere in this chapter. The additional standards shall provide that all payments not be considered earned until a showing by the contractor has been made that the training has

resulted in measurable productivity or other improvements that result in a net benefit to the California economy. The method to be used for assessing the productivity or other improvements attributable to the training shall be specified in the contract. The standards shall be phased in beginning January 1, 1991, with repeat contracts and larger contracts, and by no later than July 1, 1992, shall be in use in all retraining contracts.

(6) The research objectives of the panel that contribute to the effectiveness of this chapter in benefiting the economy of the state as a whole.

(7) A priority list of skills that are in such short supply that employers are choosing to not locate or expand their businesses in the state or are importing labor in response to these skills shortages. This list should identify those industries in which upgrade training is likely to encourage hiring of the unemployed on a backfill basis.

(c) Solicit proposals and write contracts on the basis of proposals made directly to it and on the basis of the recommendations of the local review panels. Contracts for the purpose of providing employment training may be written with any of the following:

(1) An employer or group of employers.

(2) A training agency.

(3) A private industry council with the approval of the appropriate local elected officials in the service delivery area.

(4) A grant recipient or administrative entity selected pursuant to Section 103 of the Federal Job Training Partnership Act and Section 15021, with the approval of the local private industry council and the appropriate local elected officials.

These contracts shall be in the form of fixed-fee performance contracts. Notwithstanding any provision of law to the contrary, contracts entered into pursuant to this chapter shall not be subject to competitive bidding procedures. However, the panel shall set contracting objectives with respect to minority and woman owned businesses that are substantially similar to those required by Chapter 6 (commencing with Section 16850) of Part 3 of Division 4 of Title 2 of the Government Code, Section 10108.5 of the Public Contract Code, and Article 1.5 (commencing with Section 10115 of Chapter 1 of Part 2 of Division 2 of the Public Contract Code). No trainee shall receive employment training under this chapter for a period of more than 18 months. Contracts for training may be written for a period not to exceed 24 months for the purpose of administration by the panel and the contracting employer or any group of employers acting jointly or any training agency for the purpose of providing employment training.

(d) Allocate the Employment Training Fund. In doing so, the panel shall seek to facilitate the employment of the maximum number of eligible participants in jobs with definite career potential and long-term job security, and to provide retraining to existing workers whose skills are outmoded due to changes in technology or the need to increase productivity. In no case shall the statewide

allocation be based solely on population. In funding contracts, the panel shall give priority to proposals in the following order, except that within each priority category, proposals jointly developed by business management and worker representatives shall be given special consideration:

(1) New hire training and retraining for workers who have received notification of actual layoff.

(2) Retraining of eligible participants employed at the start of training by small businesses.

(3) Retraining for workers whose jobs are threatened by increased competition from outside the state.

(4) All other proposals.

Nothing in this chapter shall be construed to require the panel to set aside funds based on the priorities established in this subdivision, or to preclude the panel from entering into contracts for the provision of training in multijurisdictional areas of the state. In making determinations under this section, the panel shall give special consideration to proposals for training for new employees of firms locating or expanding in California, to new hire and retraining for firms located in enterprise zones and economic incentive areas designated by the Department of Commerce, and to training for veterans, and to training which supports approved apprenticeship programs. The panel shall provide technical assistance to encourage the development of these proposals.

(e) Establish minimum standards for the consideration of proposals, which shall include, but not be limited to, the identification of employers who have been contacted by the contractor and who have provided reasonable assurance that they will employ successful trainees, the number of jobs available, the skill requirements for the identified jobs, the projected cost per person trained, hired, and retained in employment, the wages paid successful trainees upon placement, and the curriculum for the training. No proposal shall be considered or approved which proposes training for employment covered by a collective bargaining agreement unless the signatory labor organization agrees in writing.

(f) Ensure the provision of adequate fiscal and accounting controls for, monitoring and auditing of, and other appropriate technical and administrative assistance to, projects funded by this chapter.

(g) Provide for evaluation of projects funded by this chapter. Individual project evaluations shall contain a summary description of the project, the number of persons entering training, the number of persons completing training, the number of persons employed at the end of the project, the number of persons still employed three months after the end of the project, the wages paid, the total costs of the project, and the total reimbursement received from the Employment Training Fund.

(h) Report annually to the Legislature, by November 30, on projects operating during the previous state fiscal year. These annual

reports shall provide separate summaries of all of the following:

(1) Projects completed during the year, including their individual and aggregate performance and cost.

(2) Projects not completed during the year, briefly describing each project and identifying approved contract amounts by contract and for this category as a whole, and identifying any projects in which funds are expected to be disencumbered.

(3) Projects terminated prior to completion and the reasons for the termination.

(4) A full report of all training provided to participants who qualified pursuant to paragraph (3) of subdivision (b) of Section 10201.

(5) A description of the amount, type, and effectiveness of literacy training funded by the panel.

In addition, based upon its experience in administering job training projects, the panel shall include in these reports policy recommendations concerning the impact of job training and the panel's program on economic development, labor-management relations, employment security, and other related issues. To assist in the preparation of the policy recommendations, the chair of the panel may appoint an advisory research council.

(i) Expedite the processing of contracts for firms considering locating or expanding businesses in the state, as determined by the Department of Commerce.

(j) Coordinate and consult regularly with business groups and labor organizations, the State Job Training Coordinating Council, the State Department of Education, the office of the Chancellor of the California Community Colleges, the Employment Development Department, and the Department of Commerce.

(k) Adopt by regulation procedures for the conduct of panel business, including the scheduling and conduct of meetings, the review of proposals, the disclosure of contacts between panel members and parties at interest concerning particular proposals, contracts or cases before the panel or its staff, the awarding of contracts, the administration of contracts, and the payment of amounts due to contractors. All decisions by the panel shall be made by resolution of the panel and any adverse decision shall include a statement of the reason for the decision.

(*l*) Adopt regulations and procedures providing reasonable confidentiality for the proprietary information of employers seeking training funds from the panel if the public disclosure of that information would result in an unfair competitive disadvantage to the employer supplying the information. In no case shall the panel withhold information from the public regarding its operations, procedures, and decisions which would otherwise be subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(m) Review and comment on the budget and performance of any

program, project, or activity utilitizing funds collected pursuant to Section 976.6.

SEC. 5. Section 10206 of the Unemployment Insurance Code is amended to read:

10206. (a) The panel may allocate money in the fund for any of the following purposes:

(1) Reimbursement of reasonable training costs and administrative costs incurred by contractors. In making a determination of costs to be reimbursed under this paragraph, the panel may allocate funds in accordance with any of the following methods:

(A) For purposes of providing simplified fixed-fee performance contracts, a flat rate per hour for categories of training that are substantially similar with respect to content, methodology, and duration, as determined by the panel, not to exceed the reasonable and normal costs for the training, based upon the panel's experience. The panel shall periodically adjust the standardized rates established pursuant to this paragraph to reflect changes in training costs.

(B) A complete review of the proposal and its costs, including a budget listing the planned costs of training, including personnel, fringe benefits, equipment, supplies, fees for consulting or administrative services, and other costs attributable to training; the services provided by subcontractors; the length and complexity of the training; the method of training; the wages and occupations following training; whether the trainees are new hires or retrainees; and the cost of similar training that the panel has funded previously. The cost of program administration shall not exceed 15 percent of the training costs under this paragraph, except that for new hire training the panel may fund administrative costs of up to 25 percent of the training cost.

(2) Costs of program administration incurred under this chapter. These costs shall be reviewed annually by the Department of Finance and the Legislature and determined through the normal budgetary process.

The panel's administrative costs exclusive of the cost of administering Section 976.6 shall not exceed 15 percent of the amount collected pursuant to Section 976.6. Expenditures for marketing and research provided under contract to the panel under paragraph (1) which otherwise would have been provided directly by the panel shall not be included in this limitation.

(3) Costs of an impartial evaluation of the program authorized by this chapter. This evaluation shall include, but not be limited to, a review of the effects of the program on eligible participants, on employers, and on productivity and competitiveness. The evaluation shall also address issues of program administration. The evaluation shall be completed and submitted to the Governor, and the appropriate policy and fiscal committees of the Legislature, by November 15, 1992. The Auditor General, following consultation with the panel, shall designate either a public or a private entity to

conduct this evaluation.

(4) Service related to the purposes of this chapter provided by the Small Business Development Centers pursuant to an interagency agreement with the Department of Commerce.

(b) The panel may modify the specific requirements of paragraph (1) of subdivision (a) as they apply to employers or contractors proposing projects which involve training for a significant number of small employers in the same project.

(c) For all training contracts, the panel shall establish requirements for in-kind contributions by either the contractor or the employer that reflect a substantial commitment on the part of the contractor or the employer to the value of the training. In developing these requirements, the panel shall take into account the ability of the contractor or the employer, because of size or financial condition, to make such a contribution, and the ability of the Employment Training Fund to meet the demand for training authorized by this chapter. In developing policies regarding in-kind contributions, the panel shall hold public hearings.

(d) In order to encourage successful new hire training, the panel shall develop a new hire cost reimbursement system. The new hire cost reimbursement system shall recognize the additional risk attendent to new hire training if the contractor successfully meets at least 60 percent of the training and placement goals of a new hire contract. The reimbursement system authorized by this subdivision shall discourage excessive overenrollment at the beginning of the contract, and shall not provide reimbursements if the training and placement goals are achieved primarily through modification of the original contract.

(e) No more than two million seven hundred thousand dollars ($2,700,000) of the annually appropriated funds in the Employment Training Fund shall be allocated for purposes of training persons eligible under paragraph (3) of subdivision (b) of Section 10201.

(f) The panel shall give special consideration for funding to those projects that provide special opportunities to veterans and shall provide technical assistance to encourage the development of those projects.

SEC. 6. Section 10218 of the Unemployment Insurance Code is amended to read:

10218. On January 1, 1990, the terms of all previously appointed members of the panel shall be deemed to have expired. The appointing authorities shall appoint members to serve new terms beginning on that date. Members of the panel shall serve two-year terms, except that one of the members appointed by each appointing authority to serve terms starting on January 1, 1990, shall serve for a one-year term.

SEC. 7. It is the intent of the Legislature that the change in the terms of office made by Section 5 of this act shall apply to members of the Employment Training Panel appointed pursuant to Section 10218 of the Unemployment Insurance Code, regardless of when the

member was appointed.

SEC. 8. The Employment Training Panel shall establish all requirements and adopt all regulations and procedures necessary to fully implement the purposes of Chapter 926 of the Statutes of 1989, by November 30, 1990.

SEC. 9. Notwithstanding Section 1611 and Chapter 3.5 (commencing with Section 10200) of Part 1 of Division 3 of the Unemployment Insurance Code, on or before February 1, 1991, two million five hundred thousand dollars ($2,500,000) from interest earned from moneys in the Employment Training Fund shall be transferred to the Department of Industrial Relations for the support of the Division of Apprenticeship Standards.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that workers, contractors, and employers are provided with information necessary to participate in the Employment Training Panel's program as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 1669

An act relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eighty million dollars ($80,000,000) is hereby transferred from the Special Fund for Economic Uncertainties to the San Francisco-Oakland Bay Bridge and I-880 Cypress Structure Disaster Fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide essential relief to victims of the San Francisco-Oakland Bay Bridge and I-880 Cypress structure collapse caused by the earthquake on October 17, 1989, as soon as possible, it is necessary for this act to take effect immediately.

CHAPTER 1670

An act to add and repeal Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 9250.14 is added to the Vehicle Code, to read:

9250.14. (a) In addition to any other fees specified in this code and the Revenue and Taxation Code, upon the adoption of a resolution by any county board of supervisors, a fee of one dollar ($1) shall be paid at the time of registration or renewal of registration of every vehicle registered to an address within that county except those expressly exempted from payment of registration fees. The fees, after deduction of the administrative costs incurred by the department in carrying out this section, shall be paid quarterly to the Controller.

(b) Notwithstanding Section 13340 of the Government Code, the money paid to the Controller is continuously appropriated, without regard to fiscal years, for the administrative costs of the Controller, and for disbursement by the Controller to each county which has adopted a resolution pursuant to subdivision (a), based upon the number of vehicles registered, or whose registration is renewed, to an address within that county.

(c) Money allocated to a county shall be expended to fund programs which enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes. A program shall be eligible for funding under this subdivision if, on an annual basis, more than one-half of all the personnel time and other resources funded are expended for the exclusive purpose of deterring, investigating, or prosecuting vehicle theft crimes.

(d) Any funds received by a county pursuant to this section which are not expended to deter, investigate, or prosecute vehicle theft crimes prior to January 1, 1996, shall be returned to the Controller, for deposit in the Motor Vehicle Account in the State Transportation Fund.

(e) No money collected pursuant to this section shall be expended to offset a reduction in any other source of funds.

(f) This section shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

CHAPTER 1671

An act to amend Sections 2761 and 2762 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 2761 of the Fish and Game Code is amended to read:

2761. The Legislature finds and declares as follows:

(a) Many of California's significant fish and wildlife resources in inland and coastal waters have declined as the result of many development projects which have provided valuable economic growth.

(b) Fish and wildlife have been adversely affected by water developments that have significantly altered water flows in many of California's rivers and streams, thereby affecting fish and wildlife, their habitat, adjacent riparian habitat, spawning areas, and migration routes.

(c) Fish and wildlife are important public resources with significant economical, environmental, recreational, aesthetic, and educational values.

(d) California intends to make reasonable efforts to prevent further declines in fish and wildlife, to restore fish and wildlife to historic levels where possible, and to enhance fish and wildlife resources where possible.

(e) Protection of, and an increase in, the naturally spawning salmon and steelhead trout resources of the state would provide a valuable public resource to the residents, a large statewide economic benefit, and would, in addition, provide employment opportunities not otherwise available to the citizens of this state, particularly in rural areas of underemployment.

(f) The protection of, and increase in, the naturally spawning salmon and steelhead trout resources of the state should be accomplished primarily through the improvement of stream habitat.

(g) The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act (Ch. 8 (commencing with Sec. 6900), Pt. 1, Div. 6), declares that it is the policy of the state to increase the state's salmon and steelhead trout resources, and directs the department to develop a plan and program that strives to double the salmon and steelhead trout resources.

SEC. 2. Section 2762 of the Fish and Game Code is amended to read:

2762. (a) The Fisheries Restoration Account is hereby created in the Fish and Game Preservation Fund. The moneys in the Fisheries Restoration Account are hereby appropriated to the department for

expenditure in fiscal years 1991–92 to 1993–94, inclusive, pursuant to subdivision (b).

(b) (1) The moneys in the Fisheries Restoration Account may be expended for the construction, operation, and administration of projects designated in the plan developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act (Ch. 8 (commencing with Section 6900), Pt. 1, Div. 6), and projects designed to restore and maintain fishery resources and their habitat that have been damaged by past water diversions and projects and other development activities. Expenditures shall not be authorized for a project to be funded under this subdivision before a date which is 30 days after the department has furnished a copy of the proposal for the project to be funded, together with supporting descriptions, to the Joint Committee on Fisheries and Aquaculture and to the Joint Legislative Budget Committee. These projects shall have as their primary objective the restoration of fishery resources identified in the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act. Projects may include, but shall not be limited to, the acquisition of lands, restoration of habitat, restoration or creation of spawning areas, construction of fish screens or fish ladders, stream rehabilitation, and installation of pollution control facilities. Projects for restoration or creation of spawning areas shall utilize natural spawning rather than hatcheries to the extent possible.

Under no circumstances shall any water project be absolved under this subdivision of any mitigation requirements which are placed upon it under existing law.

No land shall be acquired pursuant to this chapter by eminent domain proceedings.

(2) The department may expend up to eight hundred thousand dollars ($800,000) of the funds in the Fisheries Restoration Account during fiscal years 1991–92 to 1993–94, inclusive, to acquire heavy equipment needed to improve salmon and steelhead spawning habitat and other fish habitat. The department may expend up to two million dollars ($2,000,000) of the funds in the Fisheries Restoration Account during fiscal years 1991–92 to 1993–94, inclusive, to complete watershed assessments and fisheries restoration planning in coastal waterways.

(c) Priority for funding shall be given to projects that employ fishermen, fish processing workers, and others who are unemployed or underemployed due to the elimination of a commercial fishing season as a result of restrictions imposed by federal regulations. This priority shall remain in effect only as long as those restrictions are in force.

(d) Expenditures shall not be authorized for multiyear projects funded under subdivision (b) before a date which is 30 days after the department has submitted an annual progress report on the project and a copy of the work schedule for subsequent year funding of the project to the Joint Committee on Fisheries and Aquaculture and to

the Joint Legislative Budget Committee.

(e) The department shall conduct a preproject and postproject evaluation on each project recommended in the plan and program developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act for which money has been appropriated from the Fisheries Restoration Account.

(f) The department may expend not more than 5 percent of the funds annually appropriated from the Fisheries Restoration Account for the administration of projects.

(g) The department may contract for services for the purpose of conducting a preproject and postproject evaluation or for the administration of projects.

(h) The department shall, during the last fiscal year of funding, conduct a review of all previous and ongoing projects to determine if the elements of the plan and program developed by the department pursuant to the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act are being met, including the goal of doubling the 1988 population of salmon and steelhead trout, as declared in Section 6902.

CHAPTER 1672

An act to repeal Chapter 6 (commencing with Section 6500) and Chapter 10 (commencing with Section 7300) of, and to add Chapter 10 (commencing with Section 7301) to Division 3 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code is repealed.

SEC. 2. Chapter 10 (commencing with Section 7300) of Division 3 of the Business and Professions Code is repealed.

SEC. 3. Chapter 10 (commencing with Section 7301) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 10. BARBERING AND COSMETOLOGY

Article 1. Administration

7301. This chapter constitutes the chapter on hair, skin, nail care and electrolysis and may be known and cited as the Barbering and Cosmetology Act.

7302. There is in the Department of Consumer Affairs a State

Board of Barbering and Cosmetology which consists of nine members. The members of the board shall consist of five public members and four members representing the professions.

Wherever in this chapter "board" is used it refers to the State Board of Barbering and Cosmetology.

7303. (a) A member of the board shall:

(1) Be a citizen of the United States of America.

(2) Be a resident of the State of California.

(3) Not be connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale, or distribution of barber, cosmetology or electrolysis appliances or supplies.

(b) A member representing the professions shall be licensed by the board and shall be currently engaged in, and have at least five years' practical experience in, the specified licensed activity.

(c) Public members shall not be nor ever have been licensees of the board.

7304. Members of the board shall receive per diem and expenses as provided in Section 103.

7305. Public members of the board may assist in the preparation or review of an examination administered by the board, but no board member who participates in the management or ownership of a school shall assist in the preparation, approval, or review of those examinations.

7306. (a) Members shall be appointed for four-year terms expiring June 1 of the fourth year following the year in which the previous term expired. Members shall hold office until the appointment and qualification of their successors or until one year shall have elapsed since the expiration of the term for which they were appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms.

Vacancies occurring during a term shall be filled for the unexpired term.

The Governor shall appoint three of the public members, one licensed cosmetologist and one licensed barber who shall not be affiliated with any school, as defined in Article 8 (commencing with Section 7362) nor have dual licensure in cosmetology, barbering, or electrolysis, and two other members representing the professions. The Senate Rules Committee and the Speaker of the Assembly shall each appoint one public member.

Notwithstanding any other provision of law, the Director of Consumer Affairs may make a formal recommendation to the appointing power that a board member be removed for cause, provided that the director must provide prior written notice to the appointing power and to the member stating the basis for the recommendation.

The appointing powers shall give consideration to members of the Board of Barber Examiners and the Board of Cosmetology holding office on June 1, 1992, in making first appointments to the new board, provided those members' terms were scheduled to expire after June

1, 1992, and they would have been eligible for reappointment to the Board of Barber Examiners or the Board of Cosmetology.

(b) The first four members selected as first appointments to the new board shall be appointed for two-year terms expiring June 1 of the second year following the year of their appointment.

7307. The members of the board shall annually elect a president and vice president.

The annual election shall occur at the second meeting after the deadline for new appointments has passed. No board election may occur prior to the annual deadline for appointments except as necessary due to a vacancy in the office of board president. The member who finishes second in the vote for board president shall become vice president.

The vice president shall assume the functions and duties of the president in the event the president is unable to perform those functions and duties.

7308. The board shall hold meetings at least four times a year, twice in northern California and twice in southern California. The board may hold other meetings as may be necessary.

7309. The board shall establish a principal office, and may establish branch offices and examination facilities in the state as may be deemed necessary for the board to conduct its business.

7310. (a) The board shall appoint an executive officer exempt from civil service, who shall not be a board member, who shall exercise the powers and perform the duties delegated by the board and vested in that person by this chapter.

(b) The board shall also have the authority to employ a deputy executive officer.

(c) The board's appointment of an executive officer shall be subject to confirmation by the Director of Consumer Affairs. The director may reject the board's appointment of its executive officer, or may recommend dismissal of the executive officer to the board, provided that the recommendation be for good cause specifically stated to the board in writing.

(d) The executive officer shall employ examiners, inspectors and all other personnel as necessary to carry out this chapter. Their compensation, and all expenses incurred by the board, shall be paid exclusively from the special funds received by the board.

(e) The board shall employ through its executive officer sufficient inspectors to ensure that the health and safety of consumers is met.

(f) The board shall prescribe through its executive officer the qualifications and duties of its employees in accordance with established civil service guidelines and collective bargaining agreements.

7311. The board shall adopt and use a common seal for the authentication of its records.

7312. The board shall do all of the following:

(a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.

(b) Conduct and administer examinations of applicants for licensure.

(c) Issue licenses to those applicants that may be entitled thereto.

(d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.

(e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

7313. (a) To assure compliance with the laws and regulations of this chapter, the board's executive officer and authorized representatives shall, except as provided by Section 159.5, have access to, and shall inspect, any establishment or mobile unit at any time during business hours in which barbering, cosmetology, or electrolysis are being performed. It is the intent of the Legislature that inspections be conducted on Saturdays and Sundays as well as weekdays, if collective bargaining agreements and civil service provisions permit.

(b) To assure compliance with health and safety requirements adopted by the board, the executive officer and authorized representatives shall, except as provided in Section 159.5, have access to, and shall inspect the premises of, all schools in which the practice of barbering, cosmetology, or electrolysis is performed on the public. Notices of violation shall be issued to schools for violations of regulations governing conditions related to the health and safety of patrons. Each notice shall specify the section violated and a timespan within which the violation must be corrected. A copy of the notice of violation shall be provided to the Council for Private Postsecondary and Vocational Education.

With prior written authorization from the board or its executive officer, any member of the board may enter and visit, in his or her capacity as a board member, any establishment, during business hours or at any time when barbering, cosmetology, or electrolysis is being performed. The visitation by a board member shall be for the purpose of conducting official board business, but shall not be used as a basis for any licensing disciplinary action by the board.

7314. The board shall keep a record of its proceedings relating to its public meetings, meetings of committees, and records relating to the issuance, refusal, renewal, suspension and revocation of licenses.

The board shall keep a registration record of each licensee containing the name, address, license number and date issued. This record shall also contain any facts that the applicants may have stated

in their application for examination for licensure.

7315. A majority of the board may, in any meeting properly noticed in accordance with the Bagley-Keene Open Meeting Act, exercise all the duties and powers devolving upon the board.

Article 2. Application of Chapter

7316. (a) The practice of barbering is all or any combination of the following practices:

(1) Shaving or trimming the beard or cutting the hair.

(2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.

(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.

(4) Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, or neck.

(5) Hair styling of all textures of hair by standard methods which are current at the time of the hair styling.

(b) The practice of cosmetology is all or any combination of the following practices:

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, applying hair tonics, beautifying, or otherwise treating by any means the hair of any person.

(2) Massaging, cleaning or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person.

(6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.

(c) Within the practice of cosmetology there exist the specialty branches of skin care, and nail care.

(1) Skin care is any one or more of the following practices:

(A) Giving facials, applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.

(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(C) Massaging, cleaning, or stimulating the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(2) Nail care is the practice of cutting, trimming, polishing, coloring, tinting, cleansing, or manicuring the nails of any person or massaging, cleansing, or beautifying the hands or feet of any person.

(d) Electrolysis is the practice of removing hair from, or destroying hair on, the human body by the use of an electric needle only.

"Electrolysis" as used in this chapter includes electrolysis or thermolysis.

7317. Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is a misdemeanor.

7318. This chapter does not prohibit the administration of any practice subject to this chapter outside of a licensed establishment, when necessary due to the illness or other physical or mental incapacitation of the recipient of the service, and when performed by a licensee obtained for the purpose from a licensed establishment.

7319. The following persons are exempt from this chapter:

(a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, pharmacy, osteopathy, chiropractic, naturopathy, podiatry, or nursing and acting within the scope of practice for which they are licensed.

(b) Commissioned officers of the United States Army, Navy, Air Force, Marine Corps, members of the United States Public Health Service, and attendants attached to those services when engaged in the actual performance of their official duties.

(c) Persons employed to render barbering, cosmetology, or electrolysis services in the course of and incidental to the business of employers engaged in the theatrical, radio, television or motion picture production industry.

(d) Persons engaged in any practice within its scope when done outside of a licensed establishment, without compensation.

(e) Persons engaged in the administration of hair, skin, or nail products for the exclusive purpose of recommending, demonstrating, or selling those products.

(f) All persons engaged in training while enrolled as students or

acting as instructors in a school approved by the board.

7320. This chapter confers no authority to practice medicine or surgery.

7320.1. When providing a manicure or pedicure, no metal instruments shall be used except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

7320.2. Any licensee who uses an X-ray appliance, apparatus or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being, or who applies to any human being a solution of phenol greater than 10 percent, or corrosive sublimate (mercury) or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred, is guilty of a misdemeanor.

7320.3. Persons who are not licensed to perform all of the practices of a cosmetologist may not represent themselves as a cosmetologist.

7320.4. Persons who are not licensed as barbers in this state may not represent themselves as barbers.

Article 3. Qualifications for Examination

7321. The board shall admit to examination for a license as a cosmetologist to practice cosmetology any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in cosmetology from a school approved by the board.

(2) Practiced cosmetology as defined in this chapter outside of this state for a period of five years.

(3) Holds a license as a barber in this state and has completed a cosmetology crossover course in a school approved by the board.

(4) Completed a barbering course in a school approved by the board and has completed a cosmetology crossover course in a school approved by the board.

7321.5. The board shall admit to examination for a license as a barber to practice barbering, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in barbering from a school approved by the board.

(2) Completed an apprenticeship program in barbering approved by the board as conducted under the provisions of the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(3) Practiced barbering as defined in this chapter outside of this state for a period of three years.

(4) Holds a license as a cosmetologist in this state and has completed a barber crossover course in a school approved by the board.

(5) Completed a cosmetology course in a school approved by the board and has completed a barber crossover course in a school approved by the board.

7324. The board shall admit to examination for a license as an esthetician to practice skin care, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in skin care from a school approved by the board.

(2) Practiced skin care, as defined in this chapter, outside of this state for a period of 18 months.

7326. The board shall admit to examination for a license as a manicurist to practice nail care, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in nail care from a school approved by the board.

(2) Practiced nail care, as defined in this chapter, outside of this state for a period of 10½ months.

7330. The board shall admit to examination for a license as an electrologist to practice electrolysis, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 12th grade or an accredited senior high school course of study in public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course of training in electrolysis from a school approved by the board.

(2) Practiced electrolysis, as defined in this chapter, for a period of 18 months outside of this state within the five years immediately preceding application.

7331. Any person who fails to qualify for admission to an examination because the person's practice outside this state does not fulfill the requirements of this chapter shall receive credit for that practice or study and training outside this state, or for the number of hours of study and training completed outside this state, which is substantially equivalent to the study and training required in this state, as determined by the board.

Those persons shall be qualified for examination upon completion of supplementary study and training in an approved school in this state.

Article 4. Apprenticeship

7332. An apprentice is any person who is licensed by the board to engage in learning or acquiring a knowledge of barbering in a licensed establishment under the supervision of a licensee approved by the board.

7333. The apprentice training program shall be conducted in compliance with the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, according to apprenticeship standards approved by the administrator of apprenticeship. A copy of the act shall be maintained on file with the board.

7334. (a) The board may license as an apprentice in barbering any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is over 16 years of age.

(2) Has completed the 10th grade in the public schools of this state or its equivalent.

(b) The board may license as an apprentice in electrolysis any person who has made application to the board upon the proper form, has paid the fee required by this chapter, and who is qualified as follows:

(1) Is not less than 17 years 6 months of age.

(2) Has completed the 12th grade or an accredited senior high school course of study in schools of this state or its equivalent.

(c) All persons making application as an apprentice in barbering shall also be qualified as follows:

(1) Is not subject to denial pursuant to Section 480.

(2) Has submitted evidence acceptable to the board that any training the apprentice is required by law to obtain shall be conducted in a licensed establishment and under the supervision of a licensee approved by the board.

(3) Completes a minimum of 39 hours of preapprentice training in a facility approved by the board prior to serving the general public.

7335. The license of an apprentice shall expire two years from the date the license was issued, or on the date the apprentice is issued a license following the license examination, or if the apprentice fails the license examination twice, on the date the results of the second examination are issued, whichever occurs first.

No person holding a license as an apprentice shall work more than six months after completing the required training without applying for and taking the examination for licensure.

7336. An apprentice may do any or all of the acts for which he or she is licensed only in the licensed establishment and under the supervision and employment of a licensee approved by the board.

Article 5. Examinations

7337. Every application for admission to examination and licensure shall be in writing, on forms prepared and furnished by the board.

Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination and licensure. It shall be verified by the oath of the applicant. Every applicant shall, as a condition of admittance to the examination facility, present satisfactory proof of identification. Satisfactory proof of identification shall be in the form of a driver's license or identification card, containing the photograph of the person to whom it was issued, issued by any state, federal, or other government entity.

7338. The examination of applicants for a license shall include both a practical demonstration and a written test and shall embrace the subjects typically taught in a program approved by the board.

The examination shall not be confined to any particular system or method. It shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.

In the conduct and grading of examinations, practical demonstrations shall prevail over written tests.

The scope of examinations shall be consistent with the definition of the activities licensed under this chapter, and shall be as the board, by regulation, may require to protect the health and safety of consumers of the services provided by licensees.

The board's examinations shall be limited to clearly job-related questions, activities, and practical services. Examinations shall also include written tests in antisepsis, disinfection, sanitation, the use of mechanical apparatus and electricity as applicable to the practice of barbering, cosmetology, or electrolysis. They may include other demonstrations and tests as the board, in its discretion, may require.

7340. All examinations shall be prepared by or under the direction of the board but shall be administered and graded by examiners employed pursuant to this chapter. The board shall establish standards and procedures governing administration and grading and shall exercise supervision as may be necessary to assure compliance therewith.

7341. The board shall mail or deliver to every person failing any examination provided for in this chapter the total grade received on the examination.

An unsuccessful applicant for licensure, after taking an examination and within 90 days after the results thereof have been declared, shall have the right to inspect his or her examination paper in the city in which the examination was taken.

7342. Licenses in the practice of the occupation for which the license was sought shall be issued by the board to any applicant who satisfactorily passes an examination, who possesses the other qualifications required by law and who has remitted the license fee required by this chapter. The license shall entitle the holder to engage in the practice of that occupation in a licensed establishment.

7343. Any applicant who without good cause, as defined in the regulations of the board, fails to appear for examination after being duly notified by the board of his or her eligibility therefor shall forfeit his or her examination fee and may again become eligible only upon filing a new application and paying a new examination fee.

7344. The board may contract or otherwise arrange for reasonably required physical accommodations and facilities to conduct examinations.

7345. If an applicant fails to complete his or her application within one year after it has been filed, or fails to take the examination within one year after becoming eligible therefor, the application shall be considered abandoned and the fee forfeited. An application submitted after the abandonment of a former application shall be treated as a new application and shall be required to meet all of the requirements for an initial license.

Article 6. Establishments

7346. An establishment is any premises, building or part of a building where any activity licensed under this chapter is practiced.

7347. Any person, firm or corporation desiring to operate an establishment shall make an application to the board for a license accompanied by the fee prescribed by this chapter. The applicant shall not have committed acts or crimes which are grounds for denial of licensure in effect at the time the new application is submitted pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the establishment only at the location for which the license is issued. Operation of the establishment at any other location shall be unlawful unless a license for the new location has been obtained upon compliance with this section, applicable to

the issuance of a license in the first instance.

7348. An establishment shall at all times be in the charge of a licensee of the board except an apprentice.

7349. It is unlawful for any person, firm or corporation to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the board.

Any person violating this section is subject to citation and fine pursuant to Section 7406 and is also guilty of a misdemeanor.

7349.1. It is an unfair business practice for any person, firm, or corporation who engages in a practice regulated under this chapter to use the traditional symbol known as the barber pole, which comprises a striped vertical cylinder with a ball on top, with the intent to mislead the public in any manner that would make the public believe that barbering was being practiced in, or that a licensed barber is employed in, an establishment that does not employ licensed barbers.

7350. No person having charge of an establishment, whether as an owner or an employee, shall permit any room or part thereof in which any occupation regulated under this chapter is conducted or practiced to be used for residential purposes or for any other purpose that would tend to make the room unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

An establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

A violation of this section is a misdemeanor.

7351. Every establishment shall provide at least one public toilet room located on or near the premises for its patrons. Any toilet room installed on or after July 1, 1992, shall be not less than 18 square feet in area. The entrance to the room shall be effectively screened so that no toilet compartment is visible from any workroom. The room shall be kept in a clean condition and in good repair, well lighted and ventilated to the outside air, and effectively screened against insects and free from rodents. The floor shall be of concrete, tile laid in cement, vitrified brick, or other nonabsorbent material. All sewer drains shall be connected to an approved disposal system, and shall be properly trapped. No restroom shall be used for storage.

7352. Every establishment shall provide adequate and convenient handwashing facilities, including running water, soap and approved sanitary towels.

7353. Within 90 days after issuance of the establishment license, the board or its agents or assistants shall inspect the establishment for compliance with the applicable requirements of this chapter and the applicable rules and regulations of the board adopted pursuant to this chapter. Each establishment shall be inspected at least twice a year for compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments.

Article 7. Mobile Units

7354. For purposes of this article, "mobile unit" means any self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length which is licensed as an establishment for the practice of any occupation licensed by the board and which complies with this article and all health and safety regulations established by the board.

7355. (a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the board for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the unit only within those geographical boundaries designated by the board. Operation of the unit outside of the geographical boundaries for which the license is issued shall be unlawful, unless a license for the expanded geographic area has been obtained upon compliance with this article applicable to the issuance of a license in the first instance.

(b) Each application shall include the following:

(1) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit in compliance with this article.

(2) Proof of purchase or lease of the mobile unit and shop equipment.

(3) The required fee.

(4) Copies of applicable county and city licenses or permits to provide the mobile barbering, cosmetology, or electrolysis services in each county and city of operation and the locations therein where the services will be offered.

(5) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(6) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

(7) A permanent base address from which the mobile unit shall operate.

(c) After initial approval of the floor plan and application has been granted, the applicant shall schedule an appointment to show the mobile unit to the board, or representative of the board, for final approval.

7356. An application to transfer ownership or control of an existing licensed mobile unit shall be filed by the purchaser or lessor with the board within 10 days after purchase. Each application shall include the following:

(a) A detailed floor plan showing the location of doors, windows, restroom facilities, sinks, lift or ramps, ventilation, equipment, and dimensions of the mobile unit.

(b) Bills of sale or lease documents proving purchase or lease of existing equipment and the mobile unit.

(c) The existing mobile unit license.

(d) The required fee.

(e) Copies of applicable city and county licenses or permits to provide the mobile services in each county and city of operation issued in the new owner's name.

(f) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(g) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

7357. (a) Mobile units shall comply with regulations adopted by the board that assure that the unit shall be kept clean, in good repair, and in compliance with this article.

(b) Each mobile unit shall be equipped with each of the following functioning systems:

(1) A self-contained, potable water supply. The potable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity. In the event of depletion of potable water, operation shall cease until the supply is replenished.

(2) Continuous, on-demand hot water tanks which shall be not less than six-gallon capacity.

(3) Self-contained, recirculating, flush chemical toilet with holding tank.

(4) A covered galvanized, stainless steel, or other noncorrosive metal container for purposes of depositing hair clippings, refuse, and other waste materials.

(5) A split-lead generator with a remote starter, muffler, and a vent to the outside.

(6) A sealed combustible heater with an outside vent.

7358. A mobile unit shall at all times be in the charge of a licensee of the board except an apprentice.

7359. It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the board.

Any person violating this section is guilty of a misdemeanor.

7360. No person having charge of a mobile unit, whether as an owner or an employee, shall permit any room, or part thereof, in which any occupation regulated under this chapter is conducted or practiced, to be used for residential purposes or for any other purpose that would tend to make the unit unsanitary, unhealthy, or unsafe, or endanger the health and safety of the consuming public.

This section shall not apply when the mobile unit is used for purposes other than the practice of any occupation regulated under this chapter outside of the designated geographical boundaries for which it is licensed.

7361. All laws governing establishments under this chapter, except Article 6 (commencing with Section 7346), apply to mobile

units, unless otherwise provided.

Article 8. Schools, Instructors, and Curricula

7362. (a) A school approved by the board is one which is licensed by the Council for Private Postsecondary and Vocational Education, or a public school in this state, and provides a course of instruction approved by the board.

(b) The board shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject, and shall determine how much training is required before a student may begin performing services on paying patrons.

7362.1. A school of cosmetology approved by the board shall also meet all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 25 cosmetology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of cosmetology at least 25 bona fide, full-time students for the cosmetology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of cosmetology and has committed to attend a full course in cosmetology.

(c) Maintain a course of practical training and technical instruction for the full cosmetology course as specified in this chapter and in board regulations. A course of instruction in any branch of cosmetology shall be taught in a school of cosmetology.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7362.5. (a) A course in barbering established by a school shall consist of not less than 1,500 hours of practical training and technical instruction in the practice of barbering as defined in Section 7316.

(b) A course in cosmetology established by a school shall consist of not less than 1,600 hours of practical training and technical instruction in the practice of cosmetology as defined in Section 7316, except as provided in this chapter.

7364. A skin care course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7365. A nail care course established by a school shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7366. An electrolysis course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7367. For students who change from one program of instruction to another, the board shall grant credit for training obtained in one course that is identical to training required in another course.

7368. No school shall advertise barbering, cosmetology or electrolysis services to the public through any medium unless those services are expressly designated as student work.

7389. The board shall develop or adopt a health and safety course on hazardous substances which shall be taught in schools approved by the board. Course development shall include pilot testing of the course and training classes to prepare instructors to effectively use the course.

7389.5. A course of training in barbering or cosmetology established by federal or state correctional institutions in California may qualify a person thereby trained to take the examination for licensure as a barber or cosmetologist provided the course complies with all applicable provisions of this act and the regulations adopted pursuant thereto.

7390. A cosmetology or barbering instructor training course shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7391. The board shall admit to examination for license as a cosmetology or barbering instructor any person who has made application to the board in the proper form, who has paid the fee required by this chapter, and who meets the following qualifications:

(a) Has completed the 12th grade or an accredited senior high school course of study in public schools of this state or its equivalent.

(b) Is not subject to denial pursuant to Section 480.

(c) Holds a valid license to practice cosmetology or barbering in this state.

(d) Has done at least one of the following:

(1) Completed a cosmetology or barbering instructor training course in an approved school in this state or equivalent training in an approved school in another state.

(2) Completed not less than the equivalent of 10 months of practice as a teacher assistant or teacher aide in a school approved by the board.

(3) Practiced cosmetology or barbering in a licensed establishment in this state for a period of one year within the three years immediately preceding application, or its equivalent in another state. An applicant using practical experience to qualify under this section shall submit an affidavit signed by his or her employers attesting to the qualifying experience.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which

becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7392. Each licensed instructor shall complete at least 30 clock hours of continuing education in the teaching of vocational education during each two-year licensing period. This section does not apply to an instructor who holds a credential to teach vocational education full time in a public school in this state.

For purposes of this section, programs designed for continuing education in the teaching of vocational education may include, but not be limited to, development of understanding and competency in the learning process, instructional techniques, curriculum and media, instructional evaluation, counseling and guidance, and the special needs of students.

The board shall adopt regulations establishing standards for the approval of continuing education courses and for the effective administration and enforcement of its continuing education requirements.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7393. As a condition of the renewal of the license of an instructor, the board may periodically require instructors to demonstrate current competence through continuing education as provided for in this chapter.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7394. The board's continuing education requirements shall not apply to instructors whose licenses are on inactive status according to the records maintained by the board.

Instructors whose licenses are on inactive status may not be employed as instructors in schools approved by the board.

Instructors whose licenses are on inactive status must complete at least 30 hours of continuing education in the teaching of vocational education as a condition of reinstatement to active status.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7395. If an instructor with an active license status does not provide proof of compliance with the continuing education requirements provided for in this chapter within 45 days of a request from the board, the instructor's license shall revert to inactive status until proof of compliance is provided to the board.

This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the

dates on which it becomes inoperative and is repealed.

Article 10. Licenses

7396. The form and content of a license issued by the board shall be determined in accordance with Section 164.

The license shall prominently state that the holder is licensed as a barber, cosmetologist, esthetician, manicurist, electrologist, or apprentice, and shall contain a photograph of the licensee.

7397. Every licensee shall display the license in a conspicuous place in his or her place of business or place of employment.

7398. A duplicate license shall be issued upon the filing of a statement explaining the loss, verified by the oath of the applicant, and accompanied by the fee required by this chapter.

7399. Under no circumstances shall a temporary license be issued.

7400. Every licensee of the board, except establishments shall, within 30 days after a change of address, notify the board of the new address, and, upon receipt of the notification, the board shall make the necessary changes in the register.

7402. Any person, firm, association or corporation violating this chapter, for which violation there is no specific penalty otherwise provided, is guilty of a misdemeanor and subject to a fine not to exceed two thousand five hundred dollars ($2,500) or imprisonment in the county jail not to exceed six months, or both a fine and imprisonment.

Article 11. Disciplinary Proceedings

7403. (a) The board may revoke, suspend, or deny at any time any license required by this chapter on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) In any case in which the administrative law judge recommends that the board revoke, suspend or deny a license, the administrative law judge may, upon presentation of suitable proof, order the licensee to pay the board the reasonable costs of the investigation and adjudication of the case. For purposes of this section, "costs" include charges by the board for investigating the case, charges incurred by the office of the Attorney General for investigating and presenting the case, and charges incurred by the Office of Administrative Hearings for hearing the case and issuing a proposed decision.

(c) The costs to be assessed shall be fixed by the administrative law judge and shall not, in any event, be increased by the board. When the board does not adopt a proposed decision and remands the

case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

(d) The board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(e) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f) All costs recovered under this section shall be deposited in the board's contingent fund as a reimbursement in the fiscal year in which the costs were incurred.

7404. The grounds for disciplinary action are as follows:

(a) Failure of a person, firm or corporation operating an establishment, or engaged in any practice regulated by this chapter to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Health Services, for the regulation of establishments, or any practice licensed and regulated under this chapter.

(c) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(d) Gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology or disregard for the health and safety of patrons.

(e) Repeated similar negligent acts.

(f) Incompetence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology.

(g) Continued practice by a person knowingly having an infectious or contagious disease.

(h) Habitual drunkenness, habitual use of or addiction to the use of any controlled substance.

(i) Advertising by means of knowingly false or deceptive statements.

(j) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(k) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(*l*) Engaging, outside of a licensed establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is provided because of illness or other physical or mental incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed establishment.

(m) Conviction of any crime substantially related to the

qualifications, functions, or duties of the license holder, in which case the record of conviction or a certified copy, shall be conclusive evidence thereof.

(n) Permitting a license to be used where the holder is not personally, actively and continuously engaged in business.

(o) The making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter.

(p) Refusal to permit or interference with an inspection authorized under this chapter.

(q) Any action or conduct which would have warranted the denial of a license.

7404.1. Any person, firm, association, or corporation violating this chapter is guilty of a misdemeanor unless a specific penalty is otherwise provided.

7405. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

Article 12. Administrative Fines and Citations

7406. In addition to the authority to conduct disciplinary proceedings under this chapter, the board, through its duly authorized representatives, shall have authority to assess administrative fines for the violation of any section of this chapter or the violation of any rules and regulations adopted by the board under this chapter.

7407. The board shall establish by regulation a schedule of administrative fines for violations of this chapter. All moneys collected under this section shall be deposited in the board's contingent fund.

The schedule shall indicate for each type of violation whether, in the board's discretion, the violation can be corrected.

7408. The board, through its duly authorized representatives, shall issue a citation with respect to any violation for which an administrative fine may be assessed. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the specific provision alleged to have been violated. The administrative fine, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to correction, as determined

by the board pursuant to Section 7406.

7409. Any licensee served with a citation may avoid the payment of the associated administrative fine by presentation of written proof satisfactory to the board, or its executive officer, that the violation has been corrected. This provision applies only to a licensee's first violation in any three-year period of any single provision of this chapter or the rules and regulations adopted pursuant to this chapter. Proof of correction shall be presented to the board, through its executive officer, in a time and manner prescribed by the board. The board may, in its discretion, extend for a reasonable period the time within which to correct the violation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the administrative fine shall be paid.

7410. Persons to whom a notice of violation or a citation is issued and an administrative fine assessed may appeal the administrative fine to a disciplinary review committee established by regulation by the board. All appeals of administrative fines shall be submitted in writing to the board within 30 days of the date the notice of violation or a citation was issued. Appeals of administrative fines which are not submitted in a timely manner shall be rejected.

After a timely appeal has been filed with the board, the administrative fine shall be stayed until the appeal has been adjudicated.

Persons appealing a notice of violation for which an administrative fine has been assessed, or their appointed representatives, shall appear in person before the board or its designated representative, or an administrative law judge. The appellant may present written or oral evidence relating to the facts and circumstances relating to the notice of violation for which an administrative fine was issued.

7411. If a licensee notifies the board that he or she intends to contest a citation, the board shall afford an opportunity for a hearing. The board shall thereafter issue a decision, based on findings of fact, affirming, modifying or vacating the citation or penalty, or directing other appropriate relief. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all powers granted therein.

7412. The board or its representative who conducts the appeal hearing may, after the appeal has been concluded, affirm, reduce, dismiss, or alter any charges filed in the notice of violation or any penalties assessed. In no event shall the infractions in the citation or notice of violation or the administrative fine be increased.

The appellant shall be provided with a written copy of the board's decision relating to the appeal. All decisions rendered by the board or its representative under this section shall become final and there shall be no administrative appeal, except as otherwise provided by law.

7413. Appeals of administrative fines not filed in a timely manner or failure of the appellant or the appellant's representative to appear

before the board at the appointed time except when good cause is shown, shall cause the administrative fine to become final and there shall be no administrative appeal except as otherwise provided by law.

7414. Persons who fail to pay administrative fines shall not be allowed to renew any certificates issued to them until all fines are paid in addition to any renewal or restoration fees which are required.

Article 13. Revenue

7415. (a) Licenses issued under this chapter, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of issuance by the board.

(b) The board shall establish procedures for administration of license renewals on a two-year continuous renewal cycle. The program shall include, but not be limited to, the establishment of pro rata formula for the payment of fees by licentiates affected by the implementation of that program. The renewal program shall provide that a relatively equal number of licenses expire annually and in a manner as to best distribute the renewal work of the board in a uniform manner.

7416. The board shall, with the cooperation of the department, modify its license renewal applications to all licensees to designate whether or not they are currently employed in the occupation for which they are licensed.

7417. Except as otherwise provided in this article, a license which has expired for failure of the licensee to renew within the time fixed by this article may be renewed at any time within five years following its expiration upon application and payment of the current renewal fees. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee and meet current continuing education requirements, if applicable, prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, or on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in this article which next occurs following the effective date of the renewal, when it shall expire if it is not again renewed.

7418. Except as otherwise provided in this article, a license which has not been renewed within five years following its expiration shall be deemed canceled and may not be renewed, restored, reinstated, or reissued thereafter. The holder of the canceled license may obtain a new license only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the license for the first time.

7419. A suspended license is subject to expiration and shall be

renewed by the licensee as provided in this article, but that renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order or judgment by which the license was suspended.

7420. A revoked license is subject to expiration as provided in this article, but may not be renewed. If it is reinstated pursuant to the Administrative Procedure Act after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the current renewal fee.

7422. All fees collected on behalf of the board and all receipts of every kind and nature, shall be reported to the Controller at the beginning of each month for the month preceding. At the same time the entire amount of collections shall be paid into the State Treasury, and shall be credited to the Board of Barbering and Cosmetology Contingent Fund, which fund is hereby created.

The moneys in the contingent fund shall be appropriated to the board pursuant to the annual Budget Act and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect this chapter.

7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) Cosmetologist application, examination and initial license fee shall be not more than fifty dollars ($50).

(b) Esthetician application, examination and initial license fee shall be not more than forty dollars ($40).

(c) Manicurist application, examination and initial license fee shall be not more than twenty-five dollars ($25).

(d) Barber application, examination and initial license fee shall be not more than fifty dollars ($50).

(e) Electrologist application, examination and license fee shall be not more than fifty dollars ($50).

(f) Apprentice application and license fee shall be not more than twenty-five dollars ($25).

(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars ($50).

(h) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.

7423.5. The fee for instructor application, examination, and license shall be not more than fifty dollars ($50).

This section shall become inoperative on July 1, 1997, and as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

7424. The amounts of the fees payable under this chapter relating to licenses to operate an establishment are as follows:

(a) The application and initial license fee shall be not more than eighty dollars ($80).

(b) The renewal fee shall be not more than forty dollars ($40).

(c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.

7425. The amounts of the fees payable under this chapter relating to licenses to operate a mobile unit are as follows:

(a) The application fee shall be not more than fifty dollars ($50).

(b) The initial inspection and license fee shall not be more than one hundred dollars ($100).

(c) The renewal fee shall be not more than forty dollars ($40).

(d) The delinquency fee shall be 50 percent of the renewal fee for barber, cosmetologist, esthetician, electrologist, or instructor in effect on the date of renewal.

The fees shall be set by the board, within the limits set forth in this section, in amounts necessary to cover the expenses of the board in performing its duties under this chapter.

7426. The fee for a duplicate license as provided for in Section 7398 shall be ten dollars ($10).

SEC. 4. The Board of Barbering and Cosmetology shall retain the authority previously vested with the Board of Barber Examiners and the Board of Cosmetology to conduct all investigations, inquiries, disciplinary actions or proceedings unresolved under the Board of Barber Examiners and Board of Cosmetology authority.

SEC. 5. Until the time as the Board of Barbering and Cosmetology promulgates regulations as provided for in this act, it shall retain the authority to operate under and enforce the regulations existing prior to July 1, 1992, as contained in Chapter 3 (commencing with Section 200) and Chapter 9 (commencing with Section 900) of Title 16 of the California Code of Regulations.

SEC. 6. If a conflict exists between provisions of this act and the regulations, the provisions of this act shall take precedence over the regulations.

SEC. 7. All persons qualifying as applicants for examination or licensure under the Barber Act and Cosmetology Act prior to July 1, 1992, shall be accepted by the Board of Barbering and Cosmetology and considered for examination and licensure in accordance with this act.

SEC. 8. All persons licensed under the Barber Act and Cosmetology Act shall be considered licensed by the Board of Barbering and Cosmetology.

SEC. 9. Revenues collected under the Barber Act and the Cosmetology Act and held in their respective contingent funds shall be transferred to the Board of Barbering and Cosmetology Contingent Fund established by this act for that board.

SEC. 10. Sections 1, 2, 3, 4, and 5 of this act shall become operative on July 1, 1992, except that prior to July 1, 1992, the Board of Barber Examiners and the Board of Cosmetology shall conduct joint public hearings for the purpose of developing and recommending regulations for adoption by the board.

SEC. 11. The board and the Department of Consumer Affairs

shall assess the results of merging the Board of Barber Examiners and the Cosmetology Board and report to the Legislature on or before June 30, 1995. The results of merger shall be assessed in terms of its impact on licensees and the health and safety of the general public, including any cost savings attributable to the program.

SEC. 12. The Department of Consumer Affairs shall report to the appropriate policy committees of the Legislature no later than January 1, 1992, on the hours and curriculum required by schools of cosmetology and barbering in this state. The report shall include an assessment on the appropriateness of the current number of hours in each subject area and the curriculum's relationship to the respective scopes of practice of cosmetology and barbering, including recommendations, if any, on the need to revise the current hour and curriculum requirements.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1673

An act to amend Sections 6548, 6560, 6625, 6630, 6632, 6633, 6634, 6635, and 6635.2 of, and to amend, repeal, and add Sections 6529 and 6636 of, the Business and Professions Code, relating to barbers, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 6529 of the Business and Professions Code is amended to read:

6529. No fee shall exceed the maximum amount allowable for fees for any purpose in this chapter.

This section shall be operative until January 1, 1994, and on that date is repealed.

SEC. 2. Section 6529 is added to the Business and Professions Code, to read:

6529. No raise in fees for any one category of fees imposed by the Board of Barber Examiners in any given biennial renewal period shall exceed the sum of five dollars ($5) for any one category of fees

except for barber colleges, which fees shall not exceed twenty-five dollars ($25). No fee shall exceed the maximum amount allowable for fees for any purpose set forth in this chapter.

This section shall become operative on January 1, 1994.

SEC. 3. Section 6548 of the Business and Professions Code is amended to read:

6548. (a) Not less than four times each year, two times in the southern part of the state and two times in the northern part of the state, the board shall conduct examinations to ascertain the educational qualifications of each of the following:

(1) Applicants for certificates of registration to practice as registered barbers.

(2) Applicants for certificates of registration to practice as instructors in a barber college.

(b) The examination of applicants for certificates of registration as registered barbers shall include both a practical demonstration and a written test and shall embrace the subjects usually taught in colleges of barbering approved by the board. The examination for a certificate of registration as a registered barber shall include the standard methods for dressing all textures of hair, including hair relaxing. The written examination shall be limited to clearly job-related questions on the following subjects:

(1) Sanitation, antiseptics, sterilization, hygiene, bacteria, and health and safety aspects of consumer protection.

(2) Hair tonics, hairdressing preparations, and rinses.

(3) Facials and scalp massages or treatments with creams, lotions, oils, or other cosmetic preparations either by hand or mechanical appliances which are not galvanic or faradic.

(4) Implements of barbering.

(5) Laws and regulations governing the practice of barbering.

(6) Common skin and hair diseases of the scalp, face, and neck.

(7) The structure and functions of the skin and hair of the scalp, face, and neck.

(8) Cosmetic preparations and chemicals used in the practice of barbering.

(9) Circulation, muscles, nerves, and cells of the scalp, face, and neck only as those subjects are related to massaging or other acts of barbering.

(10) Fundamentals of hair coloring and bleaching.

(11) Fundamentals of hair straightening (also known as hair relaxing).

(12) Chemical waving of hair.

(c) Any applicant who without good cause, as defined in the regulations of the board, fails to appear for the examination after being duly notified by the board of his or her eligibility therefor shall forfeit his or her examination fee, and may again become eligible for examination only upon notification to the board and payment of a new examination fee.

SEC. 4. Section 6560 of the Business and Professions Code is

amended to read:

6560. An applicant shall be granted a certificate of registration to practice barbering upon compliance with each of the following:

(a) Files an application with the board in such form as it may prescribe, accompanied by the application fee and an amount equal to the examination fee.

(b) The applicant is at least 17 years of age.

(c) The applicant is not subject to denial pursuant to Section 480.

(d) The applicant has completed the proper grade in school as provided in Section 6560.5, or has an equivalent education as determined by an examination conducted by an examining agency prescribed by the board.

(e) The applicant has either:

(1) A valid license or certificate of registration as a practicing barber or apprentice from another state or country which has substantially the same requirements for licensing or registering barbers or apprentices as required by this chapter for barbers and as required by this chapter for apprentices prior to the amendments made to this chapter during the 1979 portion of the 1979–80 Regular Session affecting the authorization to practice as an apprentice.

(2) Affidavits from at least two persons stating that the applicant has practiced as a barber or an apprentice in another state or country for a period of at least two years within the last five years immediately prior to filing the application in this state and has passed a satisfactory examination conducted by the board.

(f) Has paid the certificate fee required by this chapter.

Any applicant who fails to pass the examination may file a new application accompanied by the required fees and take another examination. In no event will a person be permitted to practice barbering without having received a certificate of registration as a registered barber. Any applicant who without good cause, as defined in the regulations of the board, fails to appear for the examination after being duly notified by the board of his or her eligibility therefor shall forfeit his or her examination fee, and may again become eligible for the examination only upon notification to the board and payment of a new examination fee.

SEC. 4.5. Section 6625 of the Business and Professions Code is amended to read:

6625. (a) Certificates to operate a barbershop, barber college, or a facility at which barbering is taught expire at 12 midnight on September 30 of each year.

(b) All other certificates shall expire biennially and on and after October 1, 1991, shall be renewed cyclically.

SEC. 5. Section 6630 of the Business and Professions Code is amended to read:

6630. A duplicate certificate shall be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting two 3″ x 5″ signed photographs, and upon the payment of a fee fixed by the board at not more than ten dollars

($10) until January 1, 1992, and on and after that date at not more than fifteen dollars ($15) for the issuance of the certificate.

SEC. 6. Section 6632 of the Business and Professions Code is amended to read:

6632. The amount of the fees payable in connection with certificates of registration to practice barbering is as follows:

(a) The application fee shall be fixed by the board at not more than ten dollars ($10) until January 1, 1992, and on and after that date at not more than fifteen dollars ($15).

(b) The examination fee shall be fixed by the board at not more than twenty dollars ($20) until January 1, 1992, and on and after that date at not more than twenty-five dollars ($25).

(c) The fee for issuance of the certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(d) The renewal fee shall be fixed by the board at not more than sixty dollars ($60) until January 1, 1992, and on and after that date at not more than seventy-five dollars ($75) for each biennial renewal period.

(e) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

The board shall report to the appropriate policy and fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this chapter and shall specify the rationale and justification for that increase.

SEC. 7. Section 6633 of the Business and Professions Code is amended to read:

6633. The amount of the fees payable in connection with certificates of registration to practice as an apprentice is as follows:

(a) The registration fee shall be fixed by the board at not more than thirty dollars ($30) until January 1, 1992, and on and after that date at not more than forty dollars ($40).

(b) The fee for issuance of the certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(c) The renewal fee shall be fixed by the board at not more than forty-five dollars ($45) until January 1, 1992, and on and after that date at not more than sixty dollars ($60) for each biennial renewal period.

(d) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

SEC. 8. Section 6634 of the Business and Professions Code is amended to read:

6634. The amount of the fees payable in connection with certificates to conduct a barbershop is as follows:

(a) The inspection fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location shall be fixed by the board at not more than sixty-five dollars ($65) until January 1, 1992, and on and after that date at not more than eighty-five dollars ($85).

(b) The certificate fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location shall be fixed by the board at not more than sixty dollars ($60) until January 1, 1992, and on and after that date at not more than seventy-five dollars ($75), except that if the certificate will expire less than one year after its issuance, then the fee is 50 percent of the certificate fee.

(c) The fee to be paid by an applicant to conduct an existing barbershop under new ownership shall be fixed by the board at not more than thirty dollars and fifty cents ($30.50) until January 1, 1992, and on and after that date at not more than forty dollars ($40).

(d) The renewal fee shall be fixed by the board at not more than sixty dollars ($60) until January 1, 1992, and on and after that date at not more than seventy-five dollars ($75) for each renewal period.

(e) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

SEC. 9. Section 6635 of the Business and Professions Code is amended to read:

6635. The amount of the fees payable in connection with certificates of registration for a barber college is as follows:

(a) The application fee shall be fixed by the board at not more than one hundred fifty dollars ($150) until January 1, 1992, and on and after that date at not more than two hundred dollars ($200).

(b) The inspection fee to be paid by an applicant to conduct a new barber college or an existing barber college under a new owner shall be fixed by the board at not more than seventy-five dollars ($75) until January 1, 1992, and on and after that date at not more than one hundred fifty dollars ($150).

(c) The fee for the issuance of a certificate shall be fixed by the board at not more than two hundred twenty-five dollars ($225) until January 1, 1992, and on and after that date at not more than three hundred dollars ($300).

(d) The annual renewal fee shall be fixed by the board at not more than two hundred twenty-five dollars ($225) until January 1, 1992, and on and after that date at not more than three hundred dollars ($300).

(e) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

SEC. 10. Section 6635.2 of the Business and Professions Code is amended to read:

6635.2. The enrollment fees for students enrolling in a barber college shall be fixed by the board at not more than ten dollars ($10) until January 1, 1992, and on and after that date at not more than fifteen dollars ($15).

SEC. 11. Section 6636 of the Business and Professions Code is amended to read:

6636. The amount of the fees payable in connection with certificates of registration as an instructor in a barber college is as follows:

(a) The application fee shall be fixed by the board at not more than fifteen dollars ($15).

(b) The examination fee shall be fixed by the board at not more than fifty-five dollars ($55).

(c) The fee for issuance of a certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(d) The renewal fee for the biennial renewal period shall be fixed by the board at not more than sixty dollars ($60).

(e) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

This section shall be operative until January 1, 1992, and on that date is repealed.

SEC. 12. Section 6636 is added to the Business and Professions Code, to read:

6636. The amount of the fees payable in connection with certificate of registration as an instructor in a barber college is as follows:

(a) The application fee shall be fixed by the board at not more than twenty dollars ($20).

(b) The examination fee shall be fixed by the board at not more than seventy dollars ($70).

(c) The fee for issuance of a certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued.

(d) The renewal fee for the biennial renewal period shall be fixed by the board at not more than sixty dollars ($60).

(e) The restoration fee is an amount equal to 150 percent of the renewal fee in effect when the application for restoration is filed.

CHAPTER 1674

An act to amend Sections 7302, 7311, 7312, 7314, 7320, 7322, 7373, 7384, 7412, 7420, 7431, 7436, 7437, 7437.3, and 7442, to amend and renumber Section 7314.5 of, to add Sections 7314.2, 7403, and 7431.5 to, to repeal Sections 7332.6, 7332.7, 7332.8, 7346, 7432, 7438, 7445, and 7446 of, and to repeal and add Article 8 (commencing with Section 7390) of Chapter 10 of Division 3 of, to the Business and Professions Code, relating to cosmetology.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 7302 of the Business and Professions Code is amended to read:

7302. A person appointed as a member of the board:

(a) With the exception of a public member, shall be registered as a cosmetologist, or any of its branches, or electrologist under this chapter.

(b) With the exception of a public member, shall be, at the time of appointment, either actually engaged in conducting a cosmetology establishment, or actually engaged in the practice of cosmetology, or any of its branches, or electrology.

(c) Shall be of good moral character.

(d) Shall not be connected, directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of cosmetology appliances or supplies.

(e) With the exception of a public member, shall have had at least five years' experience in the actual practice of cosmetology, or any of its branches, or electrology in this state immediately prior to the appointment.

(f) Shall be at least 25 years of age.

The public members shall not be licensees of the board.

SEC. 2. Section 7311 of the Business and Professions Code is amended to read:

7311. The board may adopt rules governing sanitary conditions, and precautions to be employed, as are reasonably necessary to protect the public health and safety in cosmetology establishments, schools in which cosmetology or any of its branches is performed for the public for compensation, in the practice of a cosmetologist, and in any branch of cosmetology. The rules shall be adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code), and shall be submitted to the State Department of Health Services, and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

SEC. 3. Section 7312 of the Business and Professions Code is amended to read:

7312. The board shall keep a registration record of each licensee containing the name, known places of business, number of the license and date issued, together with the name and addresses of all cosmetology establishments, registered under this chapter. This record shall also contain those facts as the applicants may have stated in their application for examination for registration and license.

SEC. 4. Section 7314 of the Business and Professions Code is amended to read:

7314. The board shall have the authority to employ examiners, inspectors, deputies, clerks, and other assistants as it may deem necessary to carry out this chapter and to fix their compensation, which compensation and all reasonable expenses incurred by the board, shall not be paid from the general revenue funds of the state.

An examiner in any branch of cosmetology, except electrology, shall hold a current, valid license as a cosmetology instructor at the time of his or her appointment and an examiner in electrology shall hold a current valid license as an electrologist at the time of his or her appointment.

SEC. 5. Section 7314.2 is added to the Business and Professions Code, to read:

7314.2. Notice of violation shall be issued to schools in which the practice of cosmetology or any of its branches is performed on the public for compensation for violations of regulations governing sanitary conditions. The notices of violations shall specify the section violated and a time in which the violation must be corrected. A copy of the notice of violation shall be retained by the board and a copy shall be sent to the Council for Private Postsecondary and Vocational Education.

SEC. 6. Section 7314.5 of the Business and Professions Code is amended and renumbered to read:

7314.1. To assure compliance with the laws and regulations governing the practice of cosmetology or any of its branches, the board's authorized representatives shall, subject to Section 7392.1, have access to, and may inspect the premises of, all cosmetology establishments and schools in which the practice of cosmetology or any of its branches is performed for the public for compensation, or places in which the acts of cosmetology or any of its branches are being performed.

SEC. 7. Section 7320 of the Business and Professions Code is amended to read:

7320. No person, firm or corporation shall conduct or operate a cosmetology establishment, or any other place of business in which the art of cosmetology or any of its branches is taught or practiced, except the branch of manicuring as practiced in a barbershop, unless licensed under this chapter and complying with this chapter relating to sanitation. Any violation of this section is a misdemeanor.

SEC. 8. Section 7322 of the Business and Professions Code is

amended to read:

7322. This chapter does not prohibit any practice within its scope in cases of emergency nor does it prohibit the domestic administration of any practice without compensation, nor the administration of any practice outside of a licensed cosmetology establishment when necessary because of the illness or other physical incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed cosmetology establishment.

SEC. 9. Section 7332.6 of the Business and Professions Code is repealed.

SEC. 10. Section 7332.7 of the Business and Professions Code is repealed.

SEC. 11. Section 7332.8 of the Business and Professions Code is repealed.

SEC. 12. Section 7346 of the Business and Professions Code is repealed.

SEC. 13. Section 7373 of the Business and Professions Code is amended to read:

7373. Every applicant for a license as a cosmetologist, electrologist, manicurist, cosmetician, or cosmetology instructor, satisfactorily passing the examination provided by the board to determine fitness to engage in the practice of the occupation for which the license is sought shall receive from the board a license which entitles the holder to engage in the practice of that occupation in a licensed cosmetology establishment.

SEC. 14. Section 7384 of the Business and Professions Code is amended to read:

7384. No person having charge of a cosmetology establishment, whether as an owner or an employee, shall permit any room or part thereof in which any of the branches or practices of cosmetology are conducted, to be used for sleeping or residential purposes or for any other purpose that would tend to make the room unsanitary.

A cosmetology establishment shall have a direct entrance, separate and distinct from any entrance in connection with private quarters.

A violation of this section is a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than four hundred dollars ($400) or by imprisonment for a term of not less than 50 nor more than 180 days, or by both fine and imprisonment.

SEC. 15. Article 8 (commencing with Section 7391) of Chapter 10 of Division 3 of the Business and Professions Code is repealed.

SEC. 16. Article 8 (commencing with Section 7390) is added to Chapter 10 of Division 3 of the Business and Professions Code, to read:

Article 8. Schools of Cosmetology

7390. (a) A school approved by the board is one that is licensed by the Council for Private Postsecondary and Vocational Education,

or is a public school in this state, and provides a course of instruction approved by the board.

(b) The board shall determine by regulation the required subjects of instruction to be completed in all approved courses, including the minimum hours of technical instruction and minimum number of practical operations for each subject.

7391. A school of cosmetology approved by the board shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of 25 cosmetology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of cosmetology at least 25 bona fide, full-time students for the cosmetology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of cosmetology and has committed to attend a full course in cosmetology.

(c) Maintain a course of practical training and technical instruction for the full cosmetology course as specified in this chapter and in board regulations.

(d) Every school of cosmetology shall maintain a school term of not less than 1,600 hours and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a cosmetologist.

It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

7392. A skin care course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7393. A nail care course established by a school shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7394. An electrolysis course established by a school shall consist of not less than 500 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

7395. Nothing in this chapter shall preclude the board from promulgating regulations which give a student credit for training obtained in one course that is identical to training required in another course.

7396. The receipt by student of monetary commissions or payments from a school for cosmetology services rendered to a patron in a school in which cosmetology or any of its branches is performed for the public for compensation constitutes engaging in the practice of cosmetology for compensation without holding a valid license, and is unlawful pursuant to Section 7326.

7397. No school in which cosmetology or any of its branches is performed for the public for compensation shall advertise services to

the public through any medium, including radio, unless such services are expressly designated as student work.

7398. A student who transfers from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive credit for total clock hours completed equal to that calculated by a method determined by the rules and regulations of the board, and shall receive credit and a balance for the minimum hours of technical instruction and the minimum practical operations required in each applicable subject equal to that calculated by a method determined by the rules and regulations of the board.

7399. In every school in which cosmetology or any of its branches is performed for the public for compensation, a student for a license as a cosmetologist, after 200 hours of instruction, may engage, in the school and as a student, in work connected with any branch or any combination of the branches of cosmetology taught in the school upon a patron who is paying for service or materials and a student for a license as a manicurist, after 50 hours of instruction, may engage, in the school and as a student, in work connected with manicuring taught in the school upon a patron who is paying for service or materials and a student for a license as a cosmetician after 75 hours of instructions may engage, in the school and as a student, in work connected with being a cosmetician taught in the school upon a patron who is paying for service or materials, and a student for a license as an electrologist, after 150 hours of instruction, may engage, in the school and as a student, in work connected with being an electrologist taught in the school upon a patron who is paying for service or materials.

No student may engage in any work upon a patron who is paying for service or materials until the student has had the required number of hours of instruction.

7400. This article shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

SEC. 17. Section 7403 is added to the Business and Professions Code, to read:

7403. The board shall develop a health and safety course on hazardous substances which shall be taught in schools offering vocational training in cosmetology or any of its branches. Course development shall include the pilot testing of the course and training classes to prepare instructors to effectively use the course.

SEC. 18. Section 7412 of the Business and Professions Code is amended to read:

7412. Every registered or licensed cosmetologist, junior operator, electrologist, junior electrologist, manicurist, cosmetology instructor, and cosmetician, shall, within 30 days after a change of address, as designated on the books of the board, notify the executive officer of the new address, and, upon receipt of the notification, the executive officer shall make the necessary changes in the register.

SEC. 19. Section 7420 of the Business and Professions Code is amended to read:

7420. Any person who fails to qualify for admission to an examination because the person's practice or study and training outside this state does not fulfill the requirements of this chapter shall receive credit for such practice outside this state or for the number of hours of study and training completed outside this state which is substantially equivalent to the study and training required in this state and shall be qualified for examination upon completion of such supplementary study and training in a school in this state which has a curriculum that meets the requirements adopted by the board and as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in a licensed school in this state only.

For the purposes of this chapter, each three months of practice outside this state shall be deemed the equivalent of 100 hours of study and training required in order to qualify for a license.

SEC. 20. Section 7431 of the Business and Professions Code is amended to read:

7431. The grounds for disciplinary action are as follows:

(a) Failure of a person, firm or corporation operating a cosmetology establishment or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter.

(b) Failure to comply with the rules governing sanitary conditions, adopted by the board and approved by the State Department of Health, for the regulation of cosmetology establishments or the practice of cosmetology.

(c) Failure to comply with the rules adopted by the board for the regulation of cosmetology establishments, or the practice of cosmetology.

(d) Obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation.

(e) Gross negligence.

(f) Repeated similar negligent acts.

(g) Incompetence.

(h) Continued practice by a person knowingly having an infectious or contagious disease.

(i) Habitual drunkenness, or addiction to the use of any controlled substance.

(j) Advertisement by means of knowingly false or deceptive statements.

(k) Permitting a certificate of registration or license to be used where the holder is not personally, actively and continuously engaged in business.

(*l*) Failure to display the license or sanitary rules and regulations in a conspicuous place.

(m) Conviction of any crime substantially related to the qualifications, functions, or duties of the registration or license

holder, in which case the record of conviction or a certified copy, shall be conclusive evidence thereof.

(n) Engaging, outside of a licensed cosmetology establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when the service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetology establishment.

(o) Any action or conduct which would have warranted the denial of a certificate or license.

SEC. 20.5. Section 7431.5 is added to the Business and Professions Code, to read:

7431.5. On and after January 1, 1991, jurisdiction for disciplinary action commenced by the board against licensed schools of cosmetology or electrology, and pending final disposition in accordance with the terms of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, shall be transferred to the Council for Private Postsecondary and Vocational Education. The council may proceed to refile, recharge, or continue to prosecute in any appropriate forum, causes for license discipline previously commenced by the board which constitute grounds for license discipline by the council. All investigative files pertaining to open and pending investigations of schools previously licensed by the board shall be transferred to the council.

SEC. 21. Section 7432 of the Business and Professions Code is repealed.

SEC. 22. Section 7436 of the Business and Professions Code is amended to read:

7436. (a) Licenses issued under this chapter, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of the date of issuance established by the board.

(b) The board may establish procedures for administration of a two-year continuous renewal program. The program shall include, but not be limited to, the establishment of a pro rata formula for the payment of fees by licentiates affected by the implementation of that program. The renewal program shall provide that a relatively equal number of licenses expire annually and in a manner as to best distribute the renewal and reregistration work of the board in a uniform manner.

(c) As a condition for the renewal of the license of a cosmetology instructor the board shall require instructors to periodically demonstrate their current competency through continuing education in the "teaching of vocational education," pursuant to subdivision (c) of Section 7332.5. The board shall adopt rules and regulations establishing standards for the approval of continuing education courses and for the effective administration and enforcement of this subdivision.

(d) Cosmetology instructors with an inactive license status shall not be required to meet the continuing education requirements of subdivision (c), but shall complete at least 30 hours of continuing education in the teaching of vocational education as a condition of reinstatement to active status.

(e) If a cosmetology instructor with an active license status does not provide proof of compliance with subdivision (c) of Section 7332.5 within 45 days of a request by the board, the cosmetology instructor's license shall be automatically converted to an inactive status until proof of compliance with subdivision (c) of Section 7332.5 is provided to the board.

SEC. 23. Section 7437 of the Business and Professions Code is amended to read:

7437. Except as otherwise provided in this article, a license of a cosmetologist, cosmetology instructor, electrologist, manicurist, cosmetician, or cosmetology establishment which has expired for failure of the licensee to renew within the time fixed by Section 7436 may be renewed within five years of the date of expiration upon application therefor and upon payment of the renewal fee in effect on the last regular renewal date. If the license is renewed more than 30 days after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7436 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 24. Section 7437.3 of the Business and Professions Code is amended to read:

7437.3. A license as a cosmetologist, cosmetology instructor, electrologist, cosmetician, or manicurist which has not been renewed within five years following its expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of the expired license may obtain a new license only by submitting an application, paying all required fees, and qualifying for and passing the examination that would be required if the holder were applying for the license for the first time.

SEC. 25. Section 7438 of the Business and Professions Code is repealed.

SEC. 26. Section 7442 of the Business and Professions Code is amended to read:

7442. The amount of the fees required by this chapter relating to licenses for cosmetologists, electrologists, manicurists, cosmeticians, junior operators, junior electrologists, cosmetology instructors, shall be set by the board at not more than the amounts shown in the following schedule:

(a) Cosmetologist application, examination and initial license fee

shall be not more than thirty-two dollars ($32).

(b) Electrologist application, examination and initial license fee shall be not more than thirty-two dollars ($32).

(c) Manicurist application, examination and initial license fee shall be not more than twenty-one dollars ($21).

(d) Junior operator application and license fee shall be not more than eighteen dollars ($18).

(e) Junior electrologist application and license fee shall be not more than eighteen dollars ($18).

(f) Cosmetology instructor application, examination and initial license fee shall be not more than thirty-eight dollars ($38).

(g) Cosmetologist, cosmetology instructor, electrologist, manicurist and cosmetician license renewal fees shall be not more than twenty dollars ($20).

(h) Cosmetician application, examination and initial license fee shall be not more than thirty-two dollars ($32).

(i) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal.

SEC. 27. Section 7445 of the Business and Professions Code is repealed.

SEC. 28. Section 7446 of the Business and Professions Code is repealed.

SEC. 29. Section 7442 of the Business and Professions Code, as amended by Section 26 of this bill, shall not become effective if Senate Bill 1992 of the 1989–90 Regular Session of the Legislature is enacted and becomes effective on or before January 1, 1991, and amends Section 7442 of the Business and Professions Code.

CHAPTER 1675

An act to amend Sections 7442 and 7444 of the Business and Professions Code, relating to cosmetology, and making an appropriation therefor.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 7442 of the Business and Professions Code is amended to read:

7442. The amount of the fees required by this chapter relating to licenses for cosmetologists, electrologists, manicurists, cosmeticians, junior operators, junior electrologists, cosmetology instructors, electrology instructors, and provisional instructors, shall be set by the board at not more than the amounts shown in the following schedule:

(a) Cosmetologist application, examination and initial license fee shall be not more than forty dollars ($40).

(b) Electrologist application, examination and initial license fee shall be not more than forty dollars ($40).

(c) Manicurist application, examination and initial license fee shall be not more than twenty-six dollars ($26).

(d) Junior operator application and license fee shall be not more than twenty-two dollars ($22).

(e) Junior electrologist application and initial license fee shall be not more than twenty-two dollars ($22).

(f) Cosmetology instructor application, examination and initial license fee shall be not more than forty-eight dollars ($48).

(g) Electrology instructor application, examination and initial license fee shall be not more than forty-four dollars ($44).

(h) Provisional instructor application and license fee shall be not more than forty-eight dollars ($48).

(i) Cosmetologist, electrologist, manicurist, cosmetician, cosmetology instructor and electrology instructor license renewal fees shall be not more than forty dollars ($40).

(j) Cosmetician application, examination and initial license fee shall be not more than forty dollars ($40).

(k) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal.

SEC. 2. Section 7444 of the Business and Professions Code is amended to read:

7444. The amount of the fees payable under this chapter relating to licenses to operate a cosmetology establishment is as follows:

(a) The registration fee is an amount equal to the renewal fee in effect on the date on which the license is issued, except that, if the license will expire less than one year after its issuance, then the fee is an amount equal to 50 percent of the renewal fee in effect on the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(b) The renewal fee shall be set by the board at not more than forty dollars ($40).

(c) The delinquency fee is 50 percent of the renewal fee in effect on the date of renewal.

The board shall report to the appropriate policy and fiscal committees of each house of the Legislature whenever the board increases any fee pursuant to this section and shall specify the rationale and justification for that increase.

CHAPTER 1676

An act to amend Sections 22754.1, 22790, 22825, and 77208 of, and to add Section 22816.32 to, the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 22754.1 of the Government Code is amended to read:

22754.1. As used in this part, unless the context otherwise requires, the term "employee" includes any judge of a municipal court or justice court, and the terms "employer" and "contracting agency" with respect to any such judge enrolled in a health benefits plan include the county in which the municipal court or justice court is located, provided that adoption of a resolution under Section 22850 shall not be required. The state is not obligated to make any contribution to health benefit plans for active and retired municipal or justice court judges, except for municipal or justice court judges serving on senior judge status and then only during the time as a municipal or justice court judge is actively serving as a senior judge. A municipal or justice court judge may elect to come under the provisions of this part only within 90 days of assuming office for the first time as such a judge. If a municipal or justice court judge elects to come under the provisions of this part, the county employing the judge shall contribute to the Public Employees' Contingency Reserve Fund the sums as it would have otherwise contributed to a health benefit plan provided for county employees, unless the municipal or justice court judge elects to enroll under the county health benefit plan. Those contributions shall be applied first to the contribution required of it as an employer under Section 22831 and any remainder shall be applied to the contribution required under Sections 22825 and 22825.6. The municipal or justice court judge whether enrolled as an employee or annuitant shall contribute the cost of such enrollment plus the amount required of an employer under Section 22831 less the amount, if any, contributed by his or her county. A county shall not be required to contribute any portion of the cost of a health benefits plan under this part for a judge after retirement unless the health benefits plan provided for county employees provides such coverage.

SEC. 2. Section 22790 of the Government Code is amended to read:

22790. (a) The board may contract with carriers for health benefits plans for employees and annuitants and major medical plans or approve health benefit plans offered by employee organizations, provided that the carriers have operated successfully in the prepaid

hospital and medical care field prior to the contracting for or approval thereof. The plans may include hospital benefits, surgical benefits, in-hospital medical benefits, outpatient benefits, and obstetrical benefits, and benefits offered by a bona fide church, sect, denomination or organization whose principles include healing entirely by prayer or spiritual means. The board shall contract with a sufficient number of carriers and plans that provide chiropractic services so that every employee and annuitant shall have a reasonable opportunity to enroll in a plan that provides chiropractic services without prior referral by a physician. The board may contract with health maintenance organizations approved under Title XIII of the federal Public Health Services Act.

Notwithstanding any other provision of this part, the board also may contract with health plans offering unique or specialized health services.

The board shall approve any employee association health benefits plan which was approved by the board in the 1984–85 contract year, provided the plan continues to meet the minimum standards prescribed by the board.

(b) The board shall provide and administer any health benefits or other coverage extended at county cost under Section 77208, upon receipt of a resolution from a county board of supervisors electing to come under the administrative provisions of this part for the coverage specified in the resolution.

SEC. 3. Section 22816.32 is added to the Government Code, to read:

22816.32. When a county, pursuant to Section 77208, chooses to provide health benefits to judges retired from municipal or justice courts within that county substantially similar to those provided retired superior court judges, any continuation of health benefits coverage under Section 22754.1 shall be administered by the board.

SEC. 4. Section 22825 of the Government Code is amended to read:

22825. (a) The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his or her enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, sixteen dollars ($16) per month. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him or her under the plan or plans less the portion thereof to be contributed by the employer.

(b) With respect to an annuitant who is a retired municipal or justice court judge continuing coverage under Section 22816.32, the employer shall not be required to make any contribution toward the cost of benefit coverage. Whether a county chooses to make a contribution toward the monthly cost of the coverage pursuant to Section 22816.32, subdivision (b) of Section 22790, or Section 77208 or not, the annuitant's contribution shall be computed pursuant to subdivision (a) of this section.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 5. Section 77208 of the Government Code is amended to read:

77208. Except as provided in Sections 73642, 73952, 74342, and 74742 with respect to San Diego County, the board of supervisors of an option county may, at county cost, provide municipal and justice court judges serving in any municipal or justice court in the county or retired therefrom with retiree health benefits substantially equal to the retiree health benefits provided to superior court judges.

CHAPTER 1677

An act to amend Section 22790 of, and to add Section 22790.5 to, the Government Code, relating to public employees.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 22790 of the Government Code is amended to read:

22790. The board may contract with carriers for health benefits plans for employees and annuitants and major medical plans or approve health benefit plans offered by employee organizations, provided that the carriers have operated successfully in the prepaid hospital and medical care field prior to the contracting for or approval thereof. The plans may include hospital benefits, surgical benefits, in-hospital medical benefits, outpatient benefits, and obstetrical benefits, and benefits offered by a bona fide church, sect, denomination or organization whose principles include healing entirely by prayer or spiritual means. The board shall contract with a sufficient number of carriers and plans that provide chiropractic services so that every employee and annuitant shall have a

reasonable opportunity to enroll in a plan that provides chiropractic services without prior referral by a physician. The board may contract with health maintenance organizations approved under Title XIII of the federal Public Health Services Act (42 U.S.C. Sec. 201 et seq.).

Notwithstanding any other provision of this part, the board also may contract with health plans offering unique or specialized health services. The board shall contract with one or more carriers or plans in order that state annuitants may have vision care benefits comparable to those provided state employees under plans contracted for by the Department of Personnel Administration. The vision care benefit plans shall each contain a proven nationwide network of providers in order to meet the needs of annuitants. The vision care benefit plans may only vary from the vision care benefit plan provided to state employees in the areas of deductibles and frequency of service.

The board shall approve any employee association health benefits plan which was approved by the board in the 1984–85 contract year, provided the plan continues to meet the minimum standards prescribed by the board.

SEC. 2. Section 22790.5 is added to the Government Code, to read:

22790.5. There is in the State Treasury the State Annuitants' Vision Care Benefits Fund which is, upon appropriation by the Legislature, available to the board for expenditure solely for the provision of vision care benefits to state annuitants pursuant to this part.

SEC. 3. This act shall become operative on August 1, 1991, if funds are appropriated therefor in the 1991–92 Budget Act.

CHAPTER 1678

An act to amend Sections 5771, 5775, 5777, and 12844 of, and to add Section 5774.5 to, the Food and Agricultural Code, and to add Section 39664 to the Health and Safety Code, relating to pest control.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 5771 of the Food and Agricultural Code is amended to read:

5771. When the director proclaims an eradication project in an urban area pursuant to Article 4 (commencing with Section 5761), the director or the commissioner, pursuant to this article, shall notify residents and physicians practicing in the area, and the local broadcast and print media, before aerially applying an economic

poison to effect the eradication.

SEC. 2. Section 5774.5 is added to the Food and Agricultural Code, to read:

5774.5. (a) In addition to any other notice requirements of this article, if the director determines that it may become necessary to use aerial application of an economic poison in a pest eradication program over an urban area, the director shall notify, as soon as it is feasible, the city and county in that affected area of the possibility of an aerial application.

SEC. 3. Section 5775 of the Food and Agricultural Code is amended to read:

575. If the date of an economic poison application is changed, the notice required by this article shall be redistributed and contain the revised information. Additionally, the director shall transmit the revised information to the local broadcast and print media, including not less than two radio stations providing the broadest coverage in the eradication area. No economic poison shall be applied within 96 hours from the date of that change.

SEC. 4. Section 5777 of the Food and Agricultural Code is amended to read:

5777. The notice, other than the notice specified in Section 5774.5, shall be in both English and in any other language in a city or county in the area where the economic poison is to be applied in which over 5 percent of the persons receiving the notice speak only that other language.

SEC. 5. Section 12844 of the Food and Agricultural Code is amended to read:

12844. Notwithstanding Section 12784, the director shall pay five-eighths of the money received pursuant to this article to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of Division 6 (commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101) of this division, and shall pay one percent of the money received annually pursuant to this article during the 1991–92 to 2000–2001 fiscal years, inclusive, to the State Department of Health Services to conduct the study required pursuant to Section 39664 of the Health and Safety Code.

The development of regulations pursuant to this section shall be the joint and mutual responsibility of the director and the county agricultural commissioners. After public hearing, the director shall adopt regulations specifying the criteria to be used in allocating pesticide mill assessment funds to the counties based upon each county's pest control activities, costs, workload, and performance. The criteria shall include, but is not limited to, the following:

(a) The effectiveness of the pesticide use enforcement program in each county.

(b) The number, comprehensiveness, and effectiveness of pest control inspections performed in each county.

(c) The number of licensed pest control advisers, pesticide dealers, pest control operators, and other persons, firms, and agencies using pesticides in each county.

(d) The work hours expended by certified pesticide use enforcement personnel in each county.

(e) The total amount of dollars expended by each county relating to pesticide regulatory activities.

(f) The number of private applicators certified in each county.

(g) The volume and type of pesticides used and the number of pesticide applications in each county.

SEC. 6. Section 39664 is added to the Health and Safety Code, to read:

39664. The State Department of Health Services shall conduct an epidemiological study, over a period of up to 10 years, of possible long-term health effects related to the aerial application of pesticides in urban areas, including, but not limited to, cancer, birth defects, and respiratory illnesses.

CHAPTER 1679

An act to amend Sections 12841 and 12844 of the Food and Agricultural Code, relating to pesticides, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 12841 of the Food and Agricultural Code is amended to read:

12841. (a) Each registrant shall pay to the director an assessment not to exceed nine mills ($0.009) per dollar of sales for all sales of his or her registered and labeled economic poisons for use in this state. From July 1, 1990, to June 30, 1992, inclusive, each registrant shall pay an additional assessment of nine mills ($0.009) per dollar of sales for all sales of his or her registered and labeled economic poisons for use in this state. A registrant is not required to pay an assessment on his or her products registered and labeled only for use in further manufacturing or formulating of economic poisons. The director may reduce the assessment if he or she determines that a lesser assessment rate, together with other available funds, will provide adequate revenue to administer and enforce Division 6 (commencing with Section 11401), this chapter, Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101). Revenue received pursuant to this subdivision shall be credited to the fiscal year in which the sales occur on which the assessment is based.

(b) Upon application of any registrant, the director shall determine whether a fertilizer or paper product is used as a carrier for economic poison, and is sold in combination, and whether the mill assessment under this section shall be on the economic poison value only, when the product is designed, developed, manufactured, and sold primarily for other than an economic poison use. If the director finds that the combination product has such a major component and is designed, developed, manufactured, and sold primarily for other than an economic poison use, the assessment provided by this section shall be paid on the equivalent percentage of the sales price of the active ingredients of the economic poison product. The director shall establish this percentage of the sales price. The percentage shall be the ratio of that portion of the sales price attributable to the economic poison portion to the total sales price of the combination product.

(c) For purposes of this section, "active ingredient" means any active ingredient which is required to be stated on the label on any registered economic poison under Section 12883.

(d) It has been and continues to be the intent of the Legislature that this division requires the department to register all economic poisons prior to their sale for use in this state and, except as otherwise provided by law, requires the department to regulate and control the use of economic poison in accordance with this division. The department shall continue to collect the mill tax as provided in this section at the same rate on all registered agricultural and registered nonagricultural economic poisons.

(e) The director shall conduct a study to evaluate the department's pesticide regulatory programs funded with the assessment provided for in subdivision (a) to determine which program components can be modified or eliminated in order to avoid duplication of any other state or federal requirements. The director shall submit his or her conclusions in a report to the Agriculture Committee of the Assembly, the Agriculture and Water Resources Committee of the Senate, the budget committee of both houses, and the Joint Legislative Budget Committee, on or before July 1, 1991. In addition, the director shall include, in the report, a description of each program, the amount of the assessment utilized by each program annually, the number and type of positions in each program, and any other information the director decides to include. This subdivision shall remain operative only until January 1, 1992.

SEC. 2. Section 12844 of the Food and Agricultural Code is amended to read:

12844. Notwithstanding Section 12784, from July 1, 1990, to June 30, 1992, inclusive, the director shall pay 31.25 percent of the money received pursuant to this article to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of Division 6 (commencing with Section 11401) and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101).

Commencing July 1, 1992, the director shall pay five-eighths of the money received pursuant to this article to the counties in the administration and enforcement of Division 6 (commencing with Section 11401), and Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), and Chapter 3.5 (commencing with Section 14101).

The development of regulations pursuant to this section shall be the joint and mutual responsibility of the director and the county agricultural commissioners. After public hearing, the director shall adopt regulations specifying the criteria to be used in allocating pesticide mill assessment funds to the counties based upon each county's pest control activities, costs, workload, and performance. The criteria shall include, but is not limited to, the following:

(a) The effectiveness of the pesticide use enforcement program in each county.

(b) The number, comprehensiveness, and effectiveness of pest control inspections performed in each county.

(c) The number of licensed pest control advisers, pesticide dealers, pest control operators, and other persons, firms, and agencies using pesticides in each county.

(d) The work hours expended by certified pesticide use enforcement personnel in each county.

(e) The total amount of dollars expended by each county relating to pesticide regulatory activities.

(f) The number of private applicators certified in each county.

(g) The volume and type of pesticides used and the number of pesticide applications in each county.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to increase the assessment as soon as possible on registrants of economic poisons in order to provide funds for the administration and enforcement of the statutes regulating their registration and use, it is necessary that this act take effect immediately.

CHAPTER 1680

An act to add Section 1367.19 to the Health and Safety Code, and to add Sections 10123.141 and 11512.178 to the Insurance Code, relating to insurance.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 1367.19 is added to the Health and Safety Code, to read:

1367.19. On and after January 1, 1991, every health care service plan, except a specialized health care service plan, that covers hospital, medical, or surgical expenses on a group basis shall offer coverage as an option for special footwear needed by persons who suffer from foot disfigurement under such terms and conditions as may be agreed upon between the group contract holder and the plan.

As used in this section, foot disfigurement shall include, but not be limited to, disfigurement from cerebral palsy, arthritis, polio, spinabifida, diabetes, and foot disfigurement caused by accident or developmental disability.

SEC. 2. Section 10123.141 is added to the Insurance Code, to read:

10123.141. Every policy of expense incurred hospital, medical, or surgical insurance issued, amended, or renewed on or after January 1, 1991, on a group basis, except for policies which only provide coverage for specified diseases or other limited benefit coverage, shall offer coverage as an option for special footwear needed by persons who suffer from foot disfigurement under such terms and conditions as may be agreed upon between the group contract holder and the insurer.

As used in this section, foot disfigurement shall include, but not be limited to, disfigurement from cerebral palsy, arthritis, polio, spinabifida, diabetes, and foot disfigurement caused by accident or developmental disability.

SEC. 3. Section 11512.178 is added to the Insurance Code, to read:

11512.178. On and after January 1, 1991, every nonprofit hospital service plan that covers hospital, medical, or surgical expenses on a group basis shall offer coverage as an option for special footwear needed by persons who suffer from foot disfigurement under such terms and conditions as may be agreed upon between the group contract holder and the plan.

As used in this section, foot disfigurement shall include, but not be limited to, disfigurement from cerebral palsy, arthritis, polio, spinabifida, diabetes, and foot disfigurement caused by accident or developmental disability.

CHAPTER 1681

An act to amend Sections 1052.5, 1055, 1055.3, and 1070 of, and to add Section 1050.5 to, the Fish and Game Code, relating to fish and game, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 1050.5 is added to the Fish and Game Code, to read:

1050.5. The department may accept a credit card charge as a method of payment of fees for licenses, certificates, permits, license tags, applications for license tags and stamps, license stamps, area passes, permits, and punch cards. Any contract executed by the department with credit card issuers or draft purchasers shall be consistent with Section 6159 of the Government Code. Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, the department may impose a surcharge in an amount to cover the cost of providing the credit card service, including reimbursement for any fee or discount charged by the credit card issuer.

SEC. 2. Section 1052.5 of the Fish and Game Code is amended to read:

1052.5. Any license stamp issued pursuant to this article is not valid unless affixed to the appropriate license document.

SEC. 3. Section 1055 of the Fish and Game Code is amended to read:

1055. (a) The department may authorize any person, except a commissioner or an officer or employee of the department, to be a license agent to issue punch cards, licenses, license stamps, and license tags. It may consign punch cards, licenses, license stamps, and license tags to license agents without receiving payment therefor, upon application of the license agent and upon the giving of a bond or assigning a certificate of deposit, payable to the department, as provided in this article. It shall not consign any punch cards, licenses, license stamps, and license tags to any license agent who fails to submit the report required by subdivision (a) of Section 1055.5 within one month and 20 days following the last day of that calendar month or who otherwise fails to fully comply with Section 1055.5.

(b) A license agent authorized under subdivision (a) shall add a handling charge to the fees, which fees are prescribed in this code or in regulations adopted pursuant to this code, for applications, punch cards, licenses, license stamps, and license tags issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents ($0.05).

(c) The handling charge added under subdivision (b) shall be incorporated into the total amount collected for issuing the punch card, license, license stamp, or license tag, but the handling charge shall not be included when determining license fees in accordance with Section 713. No license agent shall collect from the license applicant any amount which is less than the fee prescribed in this code, or in regulations adopted pursuant to this code, for any punch card, license, license stamp, or license tag issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. No other additional fee or charge shall be made by the license agent for issuing punch cards, licenses, license stamps, or license tags authorized under this section.

(e) In order to facilitate the prompt remittance of fees and more accurate accounting of licenses, license stamps, and license tags provided for issuance to license agents, the department shall provide them in books containing licenses, license stamps, or license tags that do not exceed the total fees for 20 resident sportfishing licenses. This subdivision does not apply to nonresident licenses and nonresident license tags. This subdivision applies only to license years commencing on or after July 1, 1986.

(f) At any single business location, a license agent shall issue all items from a single book before commencing to issue licenses, license stamps, or license tags of the same series from another book.

(g) The department, alternatively, may provide for the issuance of punch cards, licenses, license stamps, and license tags to authorized license agents and shall collect, in cash or cashier's check, at the time the documents are provided an amount equal to the fees for all of the punch cards, licenses, license stamps, and license tags provided. Any license agent who pays the fees for punch cards, licenses, license stamps, and license tags provided is exempt from subdivisions (a) and (e) of Section 1055.5, Section 1056, and Section 1059. Punch cards, licenses, license stamps, and license tags provided pursuant to this subdivision and remaining unissued at the end of the license year may be returned to the department, within 60 days of their expiration date, for refund or credit, or a combination thereof.

(h) All unissued and expired punch cards, licenses, license stamps, and license tags shall be returned to the department. Any license agent who does not return them within one month and 20 days following the last day of the license year shall not be provided additional punch cards, licenses, license stamps, or license tags until the unissued and expired punch cards, licenses, license stamps, and license tags have been returned to the department. In addition, any unissued and expired item that is not returned within 60 days following the last day of the license year shall be billed to the license agent. Items may be returned for credit after the 60 days; however, the license agent shall pay interest and penalties on the returned items as prescribed in subdivision (b) of Section 1059. No credit shall be allowed after six months following the last day of the license year.

SEC. 4. Section 1055.3 of the Fish and Game Code is amended to

read:

1055.3. The department may authorize any person, except a commissioner or an officer or employee of the department, to issue, as an agent of the department, annual wildlife area passes and native species stamps, and to sell promotional materials and nature study aids pursuant to, and subject to the requirements of, this article. Any agent thus authorized may add a handling charge pursuant to subdivision (b) of Section 1055 to the fee prescribed in Article 3 (commencing with Section 1760) of Chapter 7.5 of Division 2 for each annual wildlife area pass or native species stamp issued.

SEC. 5. Section 1070 of the Fish and Game Code is amended to read:

1070. The department shall transmit monthly to the Department of Finance, for review, a summary report of the fee remittances and accounting reports received under Section 1055.5 and a delinquency report containing the name and address of any person who failed or refused to fully comply with Section 1055.5. The summary fee remittance and accounting report and the delinquency report shall be transmitted to the Department of Finance not later than 45 days following the last day of the calendar month for which the fee remittances and accounting reports were due under Section 1055.5.

SEC. 6. The sum of six million five hundred fifty-six thousand dollars ($6,556,000) is hereby appropriated, as follows:

(a) Three million five hundred fifty-six thousand dollars ($3,556,000) from the Environmental License Plate Fund as a loan to the Fish and Game Preservation Fund to pay for expenditures made pursuant to Item 3600-001-140 of the Budget Act of 1989 (Chapter 93 of the Statutes of 1989). One million seven hundred seventy-eight thousand dollars ($1,778,000) shall be repaid from the Fish and Game Preservation Fund to the Environmental License Plate Fund on or before June 30, 1992, and the remaining balance shall be repaid on or before June 30, 1993. Both amounts shall be repaid with interest at the average rate of interest earned by funds in the Pooled Money Investment Account.

(b) Three million dollars ($3,000,000) from the Off-Highway Vehicle Fund as a loan to the Fish and Game Preservation Fund to pay for expenditures made pursuant to Item 3600-001-200 of the Budget Act of 1989 (Chapter 93 of the Statutes of 1989). One million five hundred thousand dollars ($1,500,000) shall be repaid from the Fish and Game Preservation Fund to the Off-Highway Vehicle Fund on or before June 30, 1992, and the remaining balance shall be repaid on or before June 30, 1993. Both amounts shall be repaid with interest at the average rate of interest earned by funds in the Pooled Money Investment Account.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the changes to the license fees and commissions

paid to license agents for licenses issued during this calendar year and to make appropriations to fund the activities of the Department of Fish and Game during this calendar year, it is necessary for this act to take effect immediately.

CHAPTER 1682

An act to repeal and add Sections 3 and 7 of, and to repeal Sections 7½, 7¾, 7⅝, and 7⅞ of, the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) and to repeal and add Sections 3 and 7 of, and to repeal Sections 7½, 7¾, 7⅝, and 7⅞ of, the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915), relating to special districts.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 2. Section 3 is added to the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913), to read:

Sec. 3. Elections shall be held by the district at the time and in the manner prescribed for reclamation districts as provided in Part 4 (commencing with Section 50700) of Division 15 of the Water Code. All references to the principal county, the board of supervisors, or the clerk, shall be deemed to refer to Yolo County. The drainage commissioners serving on January 1, 1991, shall draw straws with the terms of three commissioners expiring in 1991 and the terms of the two remaining commissioners expiring in 1993. Each commissioner shall be elected for a term of four years.

SEC. 3. Section 7 of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 4. Section 7 is added to the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913), to read:

Sec. 7. Except as otherwise inconsistent with this act, all assessments shall be levied and collected by the district in the manner prescribed for reclamation districts as provided in Part 7 (commencing with Section 51200) of Division 15 of the Water Code. All references to the principal county, the board of supervisors, or the clerk, shall be deemed to refer to Yolo County. The assessment roll for the district shall remain in effect until modified pursuant to this section.

SEC. 5. Section 7½ of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 6. Section 7¾ of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 7. Section 7⅝ of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 8. Section 7⅞ of the Knight's Landing Ridge Drainage District Act (Chapter 99 of the Statutes of 1913) is repealed.

SEC. 9. Section 3 of the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915) is repealed.

SEC. 10. Section 3 is added to the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915), to read:

Sec. 3. Elections shall be held by the district at the time and in the manner prescribed for reclamation districts as provided in Part 4 (commencing with Section 50700) of Division 15 of the Water Code. All references to the principal county, the board of supervisors, or the clerk, shall be deemed to refer to Colusa County. The levee commissioners serving on January 1, 1991, shall draw straws with the terms of three commissioners expiring in 1991 and the terms of the two remaining commissioners expiring in 1993. Each commissioner shall be elected for a term of four years.

SEC. 11. Section 7 of the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915) is repealed.

SEC. 12. Section 7 is added to the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915), to read:

Sec. 7. Except as otherwise inconsistent with this act, all assessments shall be levied and collected by the district in a manner prescribed for reclamation districts as provided in Part 7 (commencing with Section 51200) of Division 15 of the Water Code. All references to the principal county, the board of supervisors, or the clerk, shall be deemed to refer to Colusa County. The assessment roll for the district shall remain in effect until modified or amended, pursuant to this section.

SEC. 13. Section 7½ of the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915) is repealed.

SEC. 14. Section 7¾ of the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915) is repealed.

SEC. 15. Section 7⅝ of the Sacramento River West Side Levee District Act (Chapter 361 of the Statutes of 1915) is repealed.

SEC. 16. Section 7⅞ of the Sacramento River West Side Levee District Act (Chapter 361 Statutes of 1915) is repealed.

SEC. 17. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1683

An act to amend Sections 116.2, 116.220, 116.710, 116.790, 117.8, and 117.12 of, and to add Sections 116.25, 116.231, 116.531, and 117.2 to, the Code of Civil Procedure, relating to courts.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 116.2 of the Code of Civil Procedure is amended to read:

116.2. The small claims division shall have jurisdiction in actions:

(a) Except as provided in subdivision (e), for recovery of money only where the amount of the demand does not exceed five thousand dollars ($5,000).

(b) Except as provided in subdivision (e), to enforce payment of delinquent unsecured personal property taxes in an amount not to exceed five thousand dollars ($5,000), if the legality of the tax is not contested by the defendant.

(c) In unlawful detainer, after default in rent for residential property, where the term of tenancy is not greater than month to month and the amount of the demand does not exceed five thousand dollars ($5,000).

(d) To issue the writ of possession authorized by Section 1861.5 of the Civil Code where the amount of the demand does not exceed five thousand dollars ($5,000).

(e) However, the small claims division shall have jurisdiction over a defendant guarantor who is required to respond based upon the default, actions, or omissions of another, only where the demand does not exceed one thousand five hundred dollars ($1,500).

SEC. 2. Section 116.25 is added to the Code of Civil Procedure, to read:

116.25. No person may file more than two small claims actions in which the amount demanded exceeds two thousand five hundred dollars ($2,500), anywhere in the state in any calendar year. If the amount demanded in any small claims action exceeds two thousand five hundred dollars ($2,500), the party making the demand shall file a declaration under penalty of perjury attesting to the fact that not more than two small claims actions in which the amount of the demand exceeded two thousand five hundred dollars ($2,500) have been filed by that party in this state within the calendar year.

SEC. 3. Section 116.220 of the Code of Civil Procedure, as proposed by Senate Bill 2627, is amended to read:

116.220. (a) The small claims court shall have jurisdiction in the following actions:

(1) Except as provided in subdivision (c), for recovery of money, if the amount of the demand does not exceed five thousand dollars

($5,000).

(2) Except as provided in subdivision (c), to enforce payment of delinquent unsecured personal property taxes in an amount not to exceed five thousand dollars ($5,000), if the legality of the tax is not contested by the defendant.

(3) In unlawful detainer, after default in rent for residential property, if the term of tenancy is not longer than month to month and the amount of the demand does not exceed five thousand dollars ($5,000).

(4) To issue the writ of possession authorized by Section 1861.5 of the Civil Code if the amount of the demand does not exceed five thousand dollars ($5,000).

(b) In any action seeking relief authorized by subdivision (a), the court may grant equitable relief in the form of rescission, restitution, reformation, and specific performance, in lieu of, or in addition to, money damages.

(c) Notwithstanding subdivision (a), the small claims court shall have jurisdiction over a defendant guarantor who is required to respond based upon the default, actions, or omissions of another, only if the demand does not exceed one thousand five hundred dollars ($1,500).

(d) In any case in which the lack of jurisdiction is due solely to an excess in the amount of the demand, the excess may be waived, but any waiver shall not become operative until judgment.

SEC. 4. Section 116.231 is added to the Code of Civil Procedure, to read:

116.231. No person may file more than two small claims actions in which the amount demanded exceeds two thousand five hundred dollars ($2,500), anywhere in the state in any calendar year. If the amount demanded in any small claims action exceeds two thousand five hundred dollars ($2,500), the party making the demand shall file a declaration under penalty of perjury attesting to the fact that not more than two small claims actions in which the amount of the demand exceeded two thousand five hundred dollars ($2,500) have been filed by that party in this state within the calendar year.

SEC. 5. Section 116.531 is added to the Code of Civil Procedure, to read:

116.531. Nothing in this article shall prevent a representative of an insurer or other expert in the matter before the small claims court from rendering assistance to a party in the litigation except during the conduct of the hearing, either before or after the commencement of the action, unless otherwise prohibited by law; nor shall anything in this article prevent those individuals from testifying to facts of which they have personal knowledge and about which they are competent to testify.

SEC. 6. Section 116.710 of the Code of Civil Procedure, as proposed by Senate Bill 2627, is amended to read:

116.710. (a) The plaintiff in a small claims action shall have no right to appeal the judgment on the plaintiff's claim, but a plaintiff

who did not appear at the hearing may file a motion to vacate the judgment in accordance with Section 116.720.

(b) The defendant with respect to the plaintiff's claim, and a plaintiff with respect to a claim of the defendant, may appeal the judgment to the superior court in the county in which the action was heard.

(c) With respect to the plaintiff's claim, the insurer of the defendant may appeal the judgment to the superior court in the county in which the matter was heard if the judgment exceeds two thousand five hundred dollars ($2,500) and the insurer stipulates that its policy with the defendant covers the matter to which the judgment applies.

(d) A defendant who did not appear at the hearing has no right to appeal the judgment, but may file a motion to vacate the judgment in accordance with Section 116.730 or 116.740 and also may appeal the denial of that motion.

SEC. 7. Section 116.790 of the Code of Civil Procedure, as proposed by Senate Bill 2627, is amended to read:

116.790. If the superior court finds that the appeal was without substantial merit and not based on good faith, but was intended to harass or delay the plaintiff, or to encourage the plaintiff to abandon his or her claim, the court may award the plaintiff attorney's fees of up to, but not exceeding, one thousand dollars ($1,000), following a hearing on the matter.

SEC. 8. Section 117.2 is added to the Code of Civil Procedure, to read:

117.2. Nothing in this chapter shall prevent a representative of an insurer or other expert in the matter before the small claims court from rendering assistance to a party in the litigation except during the conduct of the hearing, either before or after the commencement of the action, unless otherwise prohibited by law; nor shall anything in this article prevent those individuals from testifying to facts of which they have personal knowledge and about which they are competent to testify.

SEC. 9. Section 117.8 of the Code of Civil Procedure is amended to read:

117.8. (a) Except as hereinafter provided, the judgment shall be conclusive upon the plaintiff. If the plaintiff failed to appear and judgment against the plaintiff was entered, the plaintiff may file within 30 days after the clerk has mailed by first-class mail, notice of entry of judgment, a motion to vacate the judgment. Upon a showing of good cause, the court may grant the motion, and if all parties are present, and agree, may hear the matter without recalendaring. If the defendant is not present, the judge shall hear the motion in his or her absence. If the motion is granted, the judge or clerk shall reset the matter and notice it in accordance with Section 116.4.

(b) The defendant with respect to the plaintiff's claim, or the plaintiff with respect to a claim of defendant, may appeal the judgment to the superior court in the county in which the matter was

heard.

(c) With respect to the plaintiff's claim, the insurer of the defendant may appeal the judgment to the superior court in the county in which the matter was heard if the judgment exceeds two thousand five hundred dollars ($2,500) and the insurer stipulates that its policy with the defendant covers the matter to which the judgment applies.

(d) If the defendant did not appear at the hearing in the small claims court, as a prerequisite to appeal, the defendant shall have (1) filed, within 30 days after the clerk has mailed by first-class mail notice of entry of judgment, a motion in the small claims court to vacate the judgment, and (2) appeared at any hearing on the motion, or have submitted written justification for not appearing at such hearing and written evidence in support of the motion. In addition the court must have denied or failed to decide the motion within 60 days after it was filed.

(e) If the defendant appeared at the hearing in the small claims court on the motion to vacate the judgment, or has submitted a written justification for not appearing and written evidence in support of the motion, and the motion was denied or not decided within 60 days, the defendant may appeal to the superior court only as to the denial of the motion to vacate the judgment. If the superior court finds that the defendant's motion to vacate the judgment should have been granted, the superior court may hear the defendant's appeal without recalendaring the matter, provided the defendant has previously complied with the practice and procedure established pursuant to Section 117.10.

(f) If the defendant was not properly served pursuant to Section 116.4 and did not appear at the hearing in the small claims court, the defendant may move to vacate the judgment within 180 days after he or she discovers or should have discovered that judgment was entered against him or her. Such motion shall be supported by declaration under penalty of perjury. The court may stay enforcement of the judgment pending a hearing and determination of the motion. The notice of motion and supporting declaration shall be on simple nontechnical forms approved or adopted by the Judicial Council.

SEC. 10. Section 117.12 of the Code of Civil Procedure is amended to read:

117.12. The judgment of the superior court shall be final and not appealable. If the judgment is affirmed in whole or in part or the appeal is dismissed, the defendant shall pay to the plaintiff the amount of the judgment as affirmed, together with interest and costs and the sum of fifteen dollars ($15) as an attorney's fee upon such terms and conditions as the judge shall prescribe. However, if the judge finds that the appeal was without substantial merit and not based on good faith, but intended to harass, delay, or encourage plaintiff to abandon his or her claim, the judge may award attorney's fees of up to, but not exceeding, one thousand dollars ($1,000),

following a hearing on the matter.

SEC. 11. Section 116.220 of the Code of Civil Procedure, as amended by Section 3 of this act, shall become operative only if Senate Bill 2627 is enacted prior to this bill and becomes effective on or before January 1, 1991, in which event Section 116.2 of the Code of Civil Procedure, as amended by Section 1 of this act, shall not become operative.

SEC. 12. Section 116.231 of the Code of Civil Procedure, as added by Section 4 of this bill, shall become operative only if Senate Bill 2627 is enacted prior to this bill and becomes effective on or before January 1, 1991, in which event Section 116.25 of the Code of Civil Procedure, as added by Section 2 of this act, shall not become operative.

SEC. 13. Section 116.531 of the Code of Civil Procedure, as added by Section 5 of this act, shall become operative only if Senate Bill 2627 is enacted prior to this bill and becomes effective on or before January 1, 1991, in which event Section 117.2 of the Code of Civil Procedure, as added by Section 8 of this act, shall not become operative.

SEC. 14. The Judicial Council shall undertake the creation of a small claims reporting system whereby data regarding the nature of actions, size of awards, identity of parties, and frequency of appeals may be compiled and included in the annual report.

SEC. 15. Section 116.710 of the Code of Civil Procedure, as amended by Section 6 of this act, shall become operative only if SB 2627 is enacted prior to this bill and becomes effective on or before January 1, 1991, in which event Section 117.8 of the Code of Civil Procedure as amended by Section 9 of this act, shall not become operative.

SEC. 16. Section 116.790 of the Code of Civil Procedure, as amended by Section 7 of this act, shall become operative only if SB 2627 is enacted prior to this bill and becomes effective on or before January 1, 1991, in which event Section 117.12 of the Code of Civil Procedure, as amended by Section 10 of this act, shall not become operative.

CHAPTER 1684

An act to amend Section 22665 of, and to repeal and add Sections 9250.7 and 22710 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the problem of abandoned vehicles is continuing to grow and recognizes that local governments have insufficient resources to adequately address the problem. The Legislature further finds that the increase in abandoned vehicles is not only a public nuisance, but a danger to the public's health and safety. Therefore, in order to ensure the abatement of abandoned vehicles, the Legislature finds it necessary to provide for the establishment of local service authorities for the purpose of abating abandoned vehicles.

SEC. 2. Section 9250.7 of the Vehicle Code is repealed.

SEC. 3. Section 9250.7 is added to the Vehicle Code, to read:

9250.7. (a) A service authority established under Section 22710 may impose a service fee of one dollar ($1) on vehicles registered to an owner with an address in the county which established the service authority. The fee shall be paid to the department at the time of registration, or renewal of registration, or when renewal becomes delinquent, on or after January 1, 1992, except vehicles that are expressly exempted under this code from the payment of registration fees.

(b) The department, after deducting its administrative costs, shall transmit, at least quarterly, the net amount collected pursuant to subdivision (a) to the Treasurer for deposit in the Abandoned Vehicle Trust Fund which is hereby created. All money in the fund is continuously appropriated to the Controller for allocation to a service authority which has an approved abandoned vehicle abatement program pursuant to Section 22710, and for payment of the administrative costs of the Controller. After deduction of its administrative costs, the Controller shall allocate the money in the Abandoned Vehicle Trust Fund to each service authority in proportion to the revenues received from the fee imposed by that authority pursuant to subdivision (a).

(c) The fee imposed by a service authority shall remain in effect only for a period of five years after the date on which the authority is established.

SEC. 4. Section 22665 of the Vehicle Code is amended to read:

22665. Notwithstanding Section 22710 or any other provision of law, the department may, at the request of a local authority, other than a service authority, administer on behalf of the authority its abandoned vehicle abatement and removal program established pursuant to Section 22660.

SEC. 5. Section 22710 of the Vehicle Code is repealed.

SEC. 6. Section 22710 is added to the Vehicle Code, to read:

22710. (a) A service authority for the abatement of abandoned vehicles may be established, and a one dollar ($1) vehicle registration fee imposed, in any county if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county have

adopted resolutions providing for the establishment of the authority and imposition of the fee. The membership of the authority shall be determined by concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.

(b) The authority may contract and may undertake any act convenient or necessary to carry out any law relating to the authority. The authority shall be staffed by existing county and city personnel.

(c) (1) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the service authority, of costs of administration and that removal and disposal. The actual removal and disposal of vehicles shall be undertaken by an entity which may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(2) The money received by an authority pursuant to Section 9250.7 and this section shall be used only for the abatement, removal, and disposal as public nuisances of any abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private or public property.

(d) (1) An abandoned vehicle abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) The department shall provide guidelines for abandoned vehicle abatement programs. An authority's abandoned vehicle abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls.

(3) The approved plan shall be submitted to the department by August 1, 1991. The department shall review the plan and make recommendations for revision, if any, of the plan by October 1, 1991. The service authority shall submit the plan, as revised, to the department and, if determined by the department to be consistent with the guidelines, shall submit the plan to the Controller by the following January 1. Except as provided in subdivision (e), the Controller shall make no allocations for a calendar year to a service authority for which an approved plan was not received on or before January 1 of that year.

(e) Any approved plan which was adopted by the authority pursuant to subdivision (d) may be revised pursuant to the procedure prescribed in subdivision (d), including compliance with

any dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed. Compliance with that procedure shall only be required if the revisions are substantial. A service authority which is newly formed and has not complied with subdivision (d) may so comply after the dates specified in subdivision (d) by submitting an approved plan on or before those dates in the year in which the plan is submitted.

(f) A service authority shall cease to exist on the date that all revenues received by the authority pursuant to this section and Section 9250.7 have been expended.

SEC. 7. The Department of the California Highway Patrol shall report to the Legislature by January 1, 1996, on the effectiveness of the abandoned vehicle abatement programs conducted pursuant to Sections 9250.7 and 22710 of the Vehicle Code. Upon request of the Deparment of the California Highway Patrol, a service authority created pursuant to Section 22710 shall submit data relative to the operation of its abandoned vehicle abatement program to the department.

CHAPTER 1685

An act to amend Sections 3584 and 3593 of, and to add Sections 215.6, 215.7, 1071.5, 3558, 3587, 3588, 3595, 3595.5, and 4848.5 to, the Public Utilities Code, and to add Section 34516 to the Vehicle Code, relating to carriers.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the California Clean Food Transport Act of 1990.

SEC. 1.5. The Legislature finds and declares all of the following:

(a) The transportation of food by truck for human consumption is a matter of the utmost importance, both to the producers and shippers of food and to consumers.

(b) The danger of unintentional contamination of food from its transportation in vehicles used for the transportation of other products and commodities is significant, and appropriate safeguards should be taken to minimize that danger.

SEC. 2. Section 215.6 is added to the Public Utilities Code, to read:

215.6. "Food products for human consumption" means articles used for human food or drink and articles used as components of any of those articles.

SEC. 2.5. Section 215.7 is added to the Public Utilities Code, to

read:

215.7. "Nonfood product" means any article, material, substance, or product which is not food.

SEC. 3. Section 1071.5 is added to the Public Utilities Code, to read:

1071.5. (a) No highway common carrier, shipper, consignor, or consignee shall use or arrange for the use of a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) In addition to any other penalty imposed by law, a violation of this section is grounds for the suspension or revocation of the carrier's operating authority.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1990 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 4. Section 3558 is added to the Public Utilities Code, to read:

3558. (a) No highway permit carrier, shipper, consignor, or consignee shall use or arrange for the use of a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) In addition to any other penalty imposed by law, a violation of this section is grounds for the suspension or revocation of the carrier's operating authority.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1990 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing

evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 5. Section 3584 of the Public Utilities Code is amended to read:

3584. (a) Except as provided in Section 3583, any highway carrier desiring a permit to operate as a livestock carrier or an agricultural carrier shall file an application therefor with the commission. The application shall set forth all of the following:

(1) The name and address of the applicant.

(2) The names and addresses of its officers, if any.

(3) Full information concerning the financial condition and physical properties of the applicant.

(4) Such other information necessary to the enforcement of this article as the commission may require.

(b) The commission shall not issue or authorize the transfer of any permit under this chapter except upon a showing before the commission and a finding by the commission that the applicant or proposed transferee meets all of the following requirements:

(1) Is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

(2) Is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subhaulers, operating vehicles in transportation for compensation under the permit.

(3) Has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

(4) Participates in a program to regularly check the driving records of all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation requiring a class 1 driver's license under the permit.

(5) Has a safety education and training program in effect for all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation.

(6) Will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(7) Has filed with the commission a certificate of workers' compensation insurance coverage for its employees or a certificate of consent to self-insure issued by the Director of Industrial Relations.

(8) Has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this section may be inspected by the

commission and the Department of the California Highway Patrol.

(c) With respect to paragraphs (2) and (6) of subdivision (b), the commission may base a finding on a certification by the commission that an applicant has filed, with the commission, a sworn declaration of ability to comply and intent to comply.

(d) The commission shall, commencing on April 15, 1991, and quarterly thereafter, prepare and submit to the Legislature a report of its implementation of this section. This report may be combined with the report required by Section 1063.5.

SEC. 6. Section 3587 is added to the Public Utilities Code, to read:

3587. (a) Every livestock carrier and agricultural carrier shall furnish the commission annually, as specified by the commission, a list, prepared under oath, of all vehicles used in transportation for compensation during the preceding year. The commission shall furnish a copy of this list to the Department of the California Highway Patrol and to the carrier's insurer, if the carrier's accident liability protection is provided by a policy of insurance.

(b) If the livestock or agricultural carrier's insurer informs the commission that the carrier has failed to obtain insurance coverage for any vehicle reported on the list, the commission may, in addition to any other applicable penalty provided in this chapter, for a first occurrence, suspend the carrier's permit or impose a fine, or both, and for a second or subsequent occurrence may suspend or revoke the permit or impose a fine, or both.

SEC. 7. Section 3588 is added to the Public Utilities Code, to read:

3588. (a) No livestock carrier or agricultural carrier, shipper, consignor, or consignee shall use or arrange for a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) In addition to any other penalty imposed by law, a violation of this section is grounds for the suspension or revocation of the carrier's operating authority.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1990 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 8. Section 3593 of the Public Utilities Code is amended to

read:

3593. (a) Except as provided in Section 3592.5, any highway carrier desiring a permit to operate as a tank truck or vacuum truck carrier shall file a petition therefor with the commission. The petition shall set forth all of the following:

(1) The name and address of the applicant.

(2) The names and addresses of the applicant's officers, if any.

(3) Full information concerning the financial condition and physical properties of the applicant.

(4) Such other information necessary to the enforcement of this chapter as the commission may require.

(b) The commission shall not issue or authorize the transfer of any permit under this chapter except upon a showing before the commission and a finding by the commission that the applicant or proposed transferee meets all of the following requirements:

(1) Is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

(2) Is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subhaulers, operating vehicles in transportation for compensation under the permit.

(3) Has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

(4) Participates in a program to regularly check the driving records of all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation requiring a class 1 driver's license under the permit.

(5) Has a safety education and training program in effect for all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation.

(6) Will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(7) Has filed with the commission a certificate of workers' compensation insurance coverage for its employees or a certificate of consent to self-insure issued by the Director of Industrial Relations.

(8) Has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this section may be inspected by the commission and the Department of the California Highway Patrol.

(c) With respect to paragraphs (2) and (6) of subdivision (b), the commission may base a finding on a certification by the commission that an applicant has filed, with the commission, a sworn declaration

of ability to comply and intent to comply.

(d) The commission shall, commencing on April 15, 1991, and quarterly thereafter, prepare and submit to the Legislature a report of its implementation of this section. This report may be combined with the report required by Section 1063.5.

SEC. 9. Section 3595 is added to the Public Utilities Code, to read:

3595. (a) Every tank truck and vacuum truck carrier shall furnish the commission annually, as specified by the commission, a list, prepared under oath, of all vehicles used in transportation for compensation during the preceding year. The commission shall furnish a copy of this list to the Department of the California Highway Patrol and to the carrier's insurer, if the carrier's accident liability protection is provided by a policy of insurance.

(b) If the tank truck or vacuum truck carrier's insurer informs the commission that the carrier has failed to obtain insurance coverage for any vehicle reported on the list, the commission may, in addition to any other applicable penalty provided in this chapter, for a first occurrence, suspend the carrier's permit or impose a fine, or both, and for a second or subsequent occurrence may suspend or revoke the permit or impose a fine, or both.

SEC. 10. Section 3595.5 is added to the Public Utilities Code, to read:

3595.5. (a) No vacuum truck or tank truck carrier, shipper, consignor, or consignee shall use or arrange for a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) In addition to any other penalty imposed by law, a violation of this section is grounds for the suspension or revocation of the carrier's operating authority.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1990 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 11. Section 4848.5 is added to the Public Utilities Code, to read:

4848.5. (a) No motor transportation broker, shipper, consignor, or consignee shall use or arrange for the use of a refrigerated motor

vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) In addition to any other penalty imposed by law, a violation of this section is grounds for the suspension or revocation of the carrier's operating authority.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1989 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 12. Section 34516 is added to the Vehicle Code, to read:

34516. (a) No person shall use or arrange for the use of a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle, to provide transportation of food products for human consumption if the vehicle has been used to transport solid waste destined for landfills, or if precluded from use in accordance with subdivision (c).

(b) A violation of this section is a misdemeanor.

(c) If, pursuant to a federal statute having the same purposes as the act which added this section to the Public Utilities Code during the 1990 portion of the 1989–90 Regular Session, the United States Secretary of Transportation publishes a list of categories of solid waste or hazardous substances which he or she determines make food unsafe as a result of having been transported in a refrigerated motor vehicle, tank truck, dry van, or other motor vehicle also used to transport food products for human consumption, subdivisions (a) and (b) apply to those substances.

(d) A person or corporation charged with a violation of this section may avoid liability upon a showing by clear and convincing evidence that the transportation alleged to violate this section did not in fact endanger the public health, due to the specific protective or remedial actions taken by the person or corporation charged.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1686

An act to amend Sections 25117.1, 25122.7, 25143.2, 25150, 25150.1, 25153.6, 25180, 25185.6, 25209.1, and 25209.2 of, and to add Section 25143.9 to, the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 25117.1 of the Health and Safety Code is amended to read:

25117.1. "Hazardous waste facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste management units, or combinations of these units.

SEC. 2. Section 25122.7 of the Health and Safety Code is amended to read:

25122.7. "Restricted hazardous waste" includes both of the following:

(a) Any hazardous waste subject to land disposal restrictions pursuant to Section 25179.6 and the regulations adopted by the department pursuant to that section.

(b) Any hazardous waste which contains any of the following substances, in the following concentrations, as determined without considering any dilution which may occur, unless the dilution is a normal part of a manufacturing process:

(1) Liquid hazardous wastes containing free cyanides at concentrations greater than, or equal to, 1,000 milligrams per liter.

(2) Liquid hazardous wastes containing any of the following metals or elements, or compounds of these metals or elements, at concentrations greater than, or equal to, any of the following:

Arsenic	500 milligrams per liter
Cadmium	100 milligrams per liter
Chromium (VI)	500 milligrams per liter
Lead	500 milligrams per liter
Mercury	20 milligrams per liter
Nickel	134 milligrams per liter
Selenium	100 milligrams per liter
Thallium	130 milligrams per liter

(3) Liquid hazardous wastes having a pH less than or equal to two.

(4) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than, or equal to, 50 milligrams per liter.

(5) Hazardous wastes containing halogenated organic compounds in total concentration greater than, or equal to, 1,000 milligrams per kilogram.

SEC. 3. Section 25143.2 of the Health and Safety Code is amended to read:

25143.2. (a) Recyclable materials are subject to the requirements of this chapter which apply to hazardous wastes, unless the department issues a variance pursuant to Section 25143, or except as provided otherwise in subdivision (b), (c), or (d) or the regulations adopted by the department pursuant to Sections 25150 and 25151. For the purposes of this section, recyclable material does not include infectious waste.

(b) Except as otherwise provided in subdivisions (e), (f) and (g), recyclable material which is managed in accordance with Section 25143.9 and is or will be recycled by any of the following methods shall be excluded from classification as a waste:

(1) Used or reused as an ingredient in an industrial process to make a product, if the material is not being reclaimed.

(2) Used or reused as a safe and effective substitute for commercial products, if the material is not being reclaimed.

(3) Returned to the original process from which the material was generated, without first being reclaimed, if the material is returned as a substitute for raw material feedstock, and the process uses raw materials as principal feedstocks.

(c) Except as otherwise provided in subdivisions (b), (d), and (e), any recyclable material may be recycled at a facility which is not authorized by the department pursuant to the applicable hazardous waste facilities permit requirements of Article 9 (commencing with Section 25200) if either of the following requirements is met:

(1) The material is a petroleum refinery waste containing oil which is converted into petroleum coke at the same facility at which the waste was generated, unless the resulting coke product would be identified as a hazardous waste under this chapter. A waste subject to this paragraph is exempt from this chapter to the same extent the waste is exempt from subsections (q), (r), and (s) of Section 6924 of

Title 42 of the United States Code.

(2) The material meets all of the following conditions:

(A) The material is recycled and used at the same facility at which the material was generated.

(B) The material is recycled within 90 days of its generation.

(C) The material is managed in accordance with all applicable requirements for generators of hazardous wastes under this chapter and regulations adopted by the department.

(d) Except as otherwise provided in subdivisions (e), (f), and (g), recyclable material which meets the definition of a non-RCRA hazardous waste in Section 25117.9, is managed in accordance with Section 25143.9, and meets or will meet any of the following requirements is excluded from classification as a waste:

(1) The material can be shown to be recycled and used at the site where the material was generated.

(2) The material qualifies as one or more of the following:

(A) The material is a product, which has been processed from a hazardous waste, or which has been handled, at a facility authorized by the department pursuant to the facility permit requirements of Article 9 (commencing with Section 25200) to process or handle the material, if the product meets both of the following conditions:

(i) The product does not contain constituents, other than those for which the material is being recycled which render the material hazardous under regulations adopted pursuant to Sections 25140 and 25141.

(ii) The product is used, or distributed or sold for use, in a manner for which the product is commonly used.

(B) The material is a petroleum refinery waste containing oil which is converted into petroleum coke at the same facility at which the waste was generated, unless the resulting coke product would be identified as a hazardous waste under this chapter.

(C) The material is oily waste, used oil, or spent nonhalogenated solvent which is managed by the owner or operator of a refinery which is processing primarily crude oil and which is not subject to permit requirements for recycling of used oil, or a public utility, or a corporate subsidiary, corporate parent, or subsidiary of the same corporate parent of the refinery or public utility, and which meets all of the following requirements:

(i) The material is either burned in an industrial boiler, an industrial furnace, an incinerator, or a utility boiler which complies with all applicable federal and state laws, or is recombined with normal process streams to produce a fuel.

(ii) The material is managed at the site where it was generated; managed at another site owned or operated by the generator, a corporate subsidiary of the generator, a subsidiary of the same entity of which the generator is a subsidiary, or the corporate parent of the generator; or, if the material is generated in the course of oil or gas exploration or production, managed by an unrelated refinery receiving the waste through a common pipeline.

(iii) The material does not contain constituents other than those for which the material is being recycled which render the material hazardous under regulations adopted pursuant to Sections 25140 and 25141.

(3) The material is transported between locations operated by the same person who generated the material, if the material is recycled at the last location operated by that person and all of the conditions of clauses (i) to (vi), inclusive, of subparagraph (A) of paragraph (4) are met. If requested by the department or by any law enforcement official, a person handling material subject to this paragraph shall, within 15 days of the request, supply documentation to show that the requirements of this paragraph have been satisfied.

(4) (A) The material is transferred between locations operated by the same person who generated the material, if the material is to be recycled at an authorized offsite hazardous waste facility and if all of the following conditions are met:

(i) The material is transferred by employees of that person in vehicles under the control of that person or by a registered hazardous waste hauler under contract to that person.

(ii) The material is not handled at any interim location.

(iii) The material is not held at any publicly accessible interim location for more than four hours unless required by other provisions of law.

(iv) The material is managed in compliance with the requirements of this chapter and the regulations adopted pursuant to this chapter prior to the initial transportation of the material and after the receipt of the material at the last location operated by that person. Upon receipt of the material at the last location operated by that person, the material shall be deemed to have been generated at that location.

(v) All of the following information is maintained in an operating log at the last location operated by that person:

(I) The name and address of each generator location contributing material to each shipment received.

(II) The quantity and type of material contributed by each generator to each shipment of material.

(III) The destination and intended disposition of all material shipped offsite or received.

(IV) The date of each shipment received or sent offsite.

The log shall be kept for at least three years after receipt of the material at that location.

(vi) If requested by the department, or by any law enforcement official, a person handling material subject to this paragraph shall, within 15 days of the request, supply documentation to show that the requirements of this paragraph have been satisfied.

(B) For purposes of paragraph (3) and subparagraph (A) of paragraph (4), "person" also includes corporate subsidiary, corporate parent, or subsidiary of the same corporate parent.

(C) Persons which are a corporate subsidiary, corporate parent,

or subsidiary of the same corporate parent, and which manage recyclable materials under paragraph (3) or subparagraph (A) of paragraph (4), are jointly and severally liable for any activities exempt from regulation pursuant to this section.

(5) The material is a container which meets all of the following requirements:

(A) The container was last used to hold a hazardous material acquired from a supplier of hazardous materials.

(B) The container is empty pursuant to the standards set forth in Section 261.7 of Title 40 of the Code of Federal Regulations.

(C) The container is returned to a supplier of hazardous materials for the purpose of being refilled.

(D) The container is not treated prior to being returned to the supplier of hazardous materials, except as provided in regulations adopted by the department.

(E) The container is not treated by the supplier of hazardous materials except by rinsing.

(F) The container is refilled by the supplier with hazardous material which is compatible with the hazardous material which the container previously held unless the container has been adequately rinsed.

(G) The container is handled in accordance with any regulations adopted by the department to implement this paragraph.

(6) The material is used or reused as an ingredient in an industrial process to make a product, if the material is not being treated before introduction to that process except by one or more of the following procedures, and if any discharges to air from the following procedures do not contain constituents which are hazardous wastes pursuant to the department's regulations and comply with applicable air pollution control laws:

(A) Filtering.

(B) Screening.

(C) Sorting

(D) Sieving.

(E) Grinding.

(F) Physical or gravity separation, without chemical additive or the addition of external heat.

(G) PH adjustment.

(H) Viscosity adjustment.

(7) The material is used or reused as a safe and effective substitute for commercial products, if the material is not being treated except by one or more of the following procedures, and if any discharges to air from the following procedures do not contain constituents which are hazardous wastes pursuant to the department's regulations and comply with applicable air pollution control laws:

(A) Filtering.

(B) Screening.

(C) Sorting.

(D) Sieving.

(E) Grinding.

(F) Physical or gravity separation, without any chemical additive or the addition of external heat.

(G) PH adjustment.

(H) Viscosity adjustment.

(e) Notwithstanding subdivisions (b), (c), and (d), all of the following recyclable materials are hazardous wastes and subject to full regulation under this chapter, even if the recycling involves use, reuse, or return to the original process as described in subdivision (b), or even if the recycling involves activities or materials described in subdivisions (c) and (d):

(1) Materials which are a RCRA hazardous waste, as defined in Section 25120.2, used in a manner constituting disposal, or used to produce products that are applied to the land including, but not limited to, materials used to produce a fertilizer, soil amendment, agricultural mineral, or an auxiliary soil and plant substance. The department may adopt regulations to exclude materials from regulation pursuant to this paragraph.

(2) Materials which are a non-RCRA hazardous waste, as defined in Section 25117.9, and used in a manner constituting disposal or used to produce products that are applied to the land as a fertilizer, soil amendment, agricultural mineral, or an auxiliary soil and plant substance. The department may adopt regulations to exclude materials from regulation pursuant to this paragraph.

(3) Materials burned for energy recovery, used to produce a fuel, or contained in fuels, except materials exempted under paragraph (1) of subdivision (c) or excluded under subparagraph (B) or (C) of paragraph (2) of subdivision (d).

(4) Materials accumulated speculatively.

(5) Materials determined to be inherently wastelike pursuant to regulations adopted by the department.

(6) Used or spent etchants, stripping solutions, and plating solutions, which are transported to an offsite facility operated by a person other than the generator and which conform to either of the following:

(A) Meet a characteristic or a criterion of a hazardous waste established by the Environmental Protection Agency or the department.

(B) Are listed by the Environmental Protection Agency or the department as a hazardous waste.

(7) Used oil, as defined in subdivision (a) of Section 25250.1, unless one of the following applies:

(A) The used oil meets the definition of recycled oil contained in subdivision (c) of Section 25250.1.

(B) The used oil is excluded under subparagraph (B) or (C) of paragraph (2) of subdivision (d) or under paragraph (4) of subdivision (d) of this section, under subdivision (e) of Section 25250.1, or under Section 25250.3.

(C) The used oil is used or reused on the site where it was

generated or is excluded under paragraph (3) of subdivision (d) of this section and, in either situation, is not any of the following:

(i) Used in a manner constituting disposal or used to produce a product that is applied to land.

(ii) Burned for energy recovery or used to produce a fuel, unless the used oil is excluded under subparagraph (B) or (C) of paragraph (2) of subdivision (d).

(iii) Accumulated speculatively.

(iv) Determined to be inherently wastelike pursuant to regulations adopted by the department.

(f) (1) Any person who manages a recyclable material under a claim that the material qualifies for exclusion or exemption pursuant to this section shall provide, upon request, to the department, the Environmental Protection Agency, or any local agency or official authorized to bring an action as provided in Section 25180, all of the following information:

(A) The name, street and mailing address, and telephone number of the owner or operator of any facility that manages the material.

(B) Any other information related to that person's management of the material requested by the department, the Environmental Protection Agency, or the authorized local agency or official.

(2) Any person claiming an exclusion or an exemption shall maintain adequate records to demonstrate to the satisfaction of the requesting agency or official that there is a known market or disposition for the material, and that the requirements of any exemption or exclusion pursuant to this section are met.

(3) For purposes of determining that the conditions for exclusion from classification as a waste pursuant to this section are met, any person, facility, site, or vehicle engaged in the management of a material under a claim that the material is excluded from classification as a waste pursuant to this section shall be subject to Section 25185.

(g) For purposes of Chapter 6.8 (commencing with Section 25300), recyclable materials excluded from classification as a waste pursuant to this section are not excluded from the definition of hazardous substances in subdivision (g) of Section 25316.

SEC. 4. Section 25143.9 is added to the Health and Safety Code, to read:

25143.9. A recyclable material shall not be excluded from classification as a waste pursuant to subdivision (b) or (d) of Section 25143.2, unless all of the following requirements are met:

(a) If the material is held in a container or tank, the container or tank is labeled, marked, and placarded in accordance with the department's hazardous waste labeling, marking, and placarding requirements which are applicable to generators, except that the container or tank shall be labeled or marked clearly with the words "Excluded Recyclable Material" instead of the words "Hazardous Waste," and manifest document numbers are not applicable.

(b) The owner or operator of the business location where the

material is located has a business plan that meets the requirements of Section 25504, including, but not limited to, emergency response plans and procedures, as described in subdivision (b) of Section 25504, which specifically address the material or that meet the department's emergency response and contingency requirements which are applicable to generators of hazardous waste.

(c) The material shall be stored and handled in accordance with all local ordinances and codes, including, but not limited to, fire codes, governing the storage and handling of the hazardous material. If a local jurisdiction does not have an ordinance or code regulating the storage of the material, including, but not limited to, an ordinance or code requiring secondary containment for hazardous material storage areas, then the material shall be stored in tanks, waste piles, or containers meeting the department's regulations establishing design standards which would be applicable to tanks, waste piles, or containers if the material were not exempt from classification as a hazardous waste.

(d) If the material is being exported to a foreign country, the person exporting the material shall do all of the following:

(1) Notify the department, in writing, four weeks before the initial shipment. The notification may cover export activities extending over a 12 month or lesser period and shall include all of the following information:

(A) The generator's name, site address, mailing address, telephone number, Environmental Protection Agency or state identification number, if applicable, contact person, and signature of exporter.

(B) Each transporter's name, address, telephone number, Environmental Protection Agency or state identification number, if applicable, name of contact person, mode of transportation, and container type used during transport.

(C) A description of the material and, if applicable, United States Department of Transportation proper shipping name, hazard class, and shipping identification number (UN/NA).

(D) The estimated frequency of shipments and total quantity of material to be exported.

(E) All points of departure from the state and intended destinations.

(F) The receiving facility's or facilities' name and address.

(G) A description of the end use of the material, and the basis for the specific exemption provided in Section 25143.2 which is applicable to the material.

(2) For each individual shipment, submit to the department, within 90 days of shipment date, a copy of the waybill, shipping paper, or any document which includes all of the following information specific to that shipment:

(A) The generator's or generators' name and address.

(B) The receiving facility's or facilities' name and address.

(C) The date of shipment.

(D) The type, quantity, and value of the material.

SEC. 5. Section 25150 of the Health and Safety Code is amended to read:

25150. (a) The department shall adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment.

(b) The department shall apply the standards and regulations adopted pursuant to subdivision (a) to the management of hazardous waste.

(c) Except as provided in subdivision (d), the department may limit the application of the standards and regulations adopted or revised pursuant to subdivision (a) at facilities operating pursuant to a hazardous waste facilities permit in any manner which the department determines to be appropriate, including, but not limited to, requiring these facilities to apply for, and receive, a permit modification prior to the application of the standards and regulations.

(d) The department shall not adopt or revise standards and regulations which result in the imposition of any requirements for the management of a RCRA waste which is less stringent than a corresponding requirement adopted by the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.).

(e) The department shall adopt, and revise when appropriate, regulations for the recycling of hazardous waste to protect against hazards to the public health, domestic livestock, wildlife, or to the environment and to encourage the best use of natural resources.

(f) Before the adoption of regulations, the department shall notify all agencies of interested local governments, including, but not limited to, local governing bodies, local planning agencies, local health authorities, local building inspection departments, the Department of Food and Agriculture, the Department of the California Highway Patrol, the Department of Fish and Game, the Department of Industrial Relations, the Division of Industrial Safety, the State Air Resources Board, the State Water Resources Control Board, the State Fire Marshal, regional water quality control boards, the State Building Standards Commission, and the California Integrated Waste Management Board.

SEC. 6. Section 25150.1 of the Health and Safety Code is amended to read:

25150.1. The requirements in Sections 25291 and 25292 apply to the construction, operation, maintenance, monitoring, and testing of underground storage tanks, as defined in subdivision (x) of Section 25281, which are required to obtain hazardous waste facilities permits from the department. The department shall adopt regulations implementing the requirements of Sections 25291 and 25292, for regulating the construction, operation, maintenance, monitoring, and testing of underground storage tanks used for the

storage of hazardous wastes which standards and regulations are necessary to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment. The department shall adopt the regulations by January 1, 1985. If the regulations are not adopted by that date, the regulations adopted by the board implementing Section 25292 shall be deemed to be the regulations of the department pursuant to this section until new regulations are adopted by the department pursuant to this section.

SEC. 7. Section 25153.6 of the Health and Safety Code is amended to read:

25153.6. (a) Any person generating or managing a RCRA hazardous waste shall comply with subsection (a) of Section 3010 of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6930(a)).

(b) Any person generating or managing a non-RCRA hazardous waste shall comply with any notification requirements for non-RCRA hazardous waste which the department adopts by regulation.

SEC. 8. Section 25180 of the Health and Safety Code is amended to read:

25180. (a) The standards in this chapter and regulations adopted by the department to implement this chapter shall be enforced by the department or any local health officer or any local public officer as designated by the director.

(b) In addition to the persons specified in subdivision (a), any traffic officer, as defined by Section 625 of the Vehicle Code, and any peace officer specified in Section 830.1 of the Penal Code, may enforce Section 25160, subdivisions (a) and (e) of Section 25163, subdivision (b) of Section 25169.1, and Sections 25250.8, 25250.18, 25250.19, and 25250.23. Traffic officers and peace officers are authorized representatives of the department for purposes of enforcing the provisions set forth in this subdivision.

(c) Local health officers, or their representatives, or both, shall enforce the regulations adopted by the department pursuant to Section 25157.3.

(d) Notwithstanding any limitations in subdivision (b), a member of the California Highway Patrol may enforce Sections 25185, 25189, 25189.2, 25189.5, 25191, and 25195, and Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1), as those provisions relate to the transportation of hazardous waste.

SEC. 9. Section 25185.6 of the Health and Safety Code is amended to read:

25185.6. The department, in connection with any action authorized by this division, may require any of the following persons to furnish and transmit to the designated offices of the department any existing information relating to hazardous substances, hazardous wastes, or hazardous materials:

(1) Any person who owns or operates any hazardous waste facility.

(2) Any person who generates, stores, treats, transports, disposes

of, or otherwise handles hazardous waste.

(3) Any person who has generated, stored, treated, transported, disposed of, or otherwise handled hazardous waste.

(4) Any person who arranges, or has arranged, by contract or other agreement, to store, treat, transport, dispose of, or otherwise handle hazardous waste.

(5) Any person who applies, or has applied, for any permit, registration, or certification under this chapter.

Any person required to furnish this information shall pay any costs of photocopying or transmitting this information.

When requested by the person furnishing this information the department shall follow the procedures established under Section 25173.

SEC. 10. Section 25209.1 of the Health and Safety Code is amended to read:

25209.1. For purposes of this article, the following definitions apply:

(a) "Discharge" means to place or dispose hazardous wastes in a land treatment unit.

(b) "Facility" has the meaning specified in Section 25117.1.

(c) "Hazardous constituent" has the meaning specified in regulations adopted by the department.

(d) "Hazardous waste" means a hazardous waste, as defined in Section 25117 and "non-RCRA hazardous waste" has the same meaning as defined in Section 25117.9.

(e) "Land treatment unit" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface so that hazardous constituents are degraded, transformed, or immobilized within the treatment zone. A land treatment unit is a disposal unit if the waste will remain after closure.

(f) "Potential source of drinking water" has the meaning specified in subdivision (s) of Section 25208.2.

(g) "Treatment zone" means the portion of a land treatment unit including the soil surface, within which hazardous constituents are degraded, transformed, or immobilized. A treatment zone may not extend more than five feet from the initial soil surface and the base of the treatment zone shall be a minimum of five feet above the highest anticipated elevation of the water table.

(h) "Vadose zone" means the unsaturated zone outside the treatment zone and between the land surface and the water table.

(i) "Waste management unit" has the meaning specified in the regulations adopted by the department.

SEC. 11. Section 25209.2 of the Health and Safety Code is amended to read:

25209.2. (a) Except as provided in Section 25209.5, unless granted a variance pursuant to subdivision (b), or exempted pursuant to Section 25209.6, no person shall discharge hazardous waste into a new land treatment unit at a new or existing facility, any land treatment unit which replaces an existing land treatment unit,

or any laterally expanded portion of an existing land treatment unit that has not been equipped with liners, a leachate collection and removal system, a groundwater monitoring system, and a vadose zone monitoring system which satisfy the requirements of Section 25209.5.

(b) The department may grant a variance from the requirements of subdivision (a) and Section 25209.3, concerning equipping the land treatment unit with liners and a leachate collection and removal system, if the owner or operator demonstrates to the department and the department finds all of the following:

(1) If the land treatment unit is an existing land treatment unit, no hazardous constituents have migrated from the treatment zone of the land treatment unit into the vadose zone or into the waters of the state. In making this demonstration the owner or operator shall take a sufficient number of core samples in, beneath, and surrounding the treatment zone of the land treatment unit to characterize the chemical constituents in the treatment zone, in the immediate area of the vadose zone surrounding the treatment zone, and in the area of the vadose zone beneath the treatment zone and shall submit groundwater monitoring data sufficient in scope to demonstrate that there has been no migration of hazardous constituents into the vadose zone or into the waters of the state. The owner or operator, as an alternative to taking these core samples, may use the data obtained from any land treatment demonstration required by the department before issuing a hazardous waste facilities permit pursuant to Section 25200, if the data were obtained not more than two years prior to the application for the variance and is sufficient in scope to demonstrate that there has been no migration of hazardous constituents into the vadose zone or into the waters of the state.

(2) Notwithstanding the date that the land treatment unit commences operations, the design and operating practices will prevent the migration of hazardous constituents from the treatment zone of the land treatment unit into the vadose zone or into the waters of the state.

(3) Notwithstanding the date that the land treatment unit commences operations, the design and operating practices provide for rapid detection and removal or remediation of any hazardous constituents that migrate from the treatment zone of the land treatment unit into the vadose zone or into the waters of the state.

(c) (1) The department may renew a variance only in those cases where an owner or operator can demonstrate, and the department finds, both of the following:

(A) No hazardous constituents have migrated from the treatment zone of the land treatment unit into the vadose zone or into the waters of the state.

(B) Continuing the operation of the land treatment unit does not pose a significant potential of hazardous constituents migrating from the land treatment unit into the vadose zone or into the waters of the

state.

(2) In making the demonstration for the renewal of a variance pursuant to this subdivision, the owner or operator may use field tests, laboratory analyses, or, operating data.

(d) A variance, or a renewal of a variance, may be issued for a period not to exceed three years.

(e) Except for the exemption from vadose zone monitoring requirements specified in Section 25209.5, neither the requirements of this article nor the variance provisions of subdivision (b) shall relieve the owner or operator from responsibility to comply with all other existing laws and regulations pertinent to land treatment units.

SEC. 12. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1687

An act to add an article heading immediately preceding Section 15364.1 as Article 1 (commencing with Section 15364.1) of, and to add and repeal Article 2 (commencing with Section 15364.20) of, Chapter 1.5 of Part 6.7 of Division 3 of Title 2 of the Government Code, relating to commerce.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) New growth markets for California products reflecting all levels of technology are now emerging throughout the world which present an opportunity for California enterprises to enter these emerging markets. This opportunity results from the market liberalization in Japan, the consolidation of the European Economic Community, the economic maturation of the newly industrialized countries of the Pacific Rim, and the democratization of, and economic transformations in developing nations.

(b) California's preeminence in science and technology, manifest in its institutions of higher education, in its industrial leadership in manufacturing, agriculture, and service sectors, and in its highly

trained research, engineering, and other technological human resources comprises a significant global competitive advantage. Enhanced export capabilities can result in new consumer and industrial markets throughout the world for California products by coordinating these segments.

(c) A significant opportunity exists to strengthen prospects for global peace by facilitating market-orientation, hence democratization, of developing nations' economies, including, among others, selected Asian, Southern African, Central American, Latin American, Caribbean, and Eastern European economies, while creating new consumer and industrial markets globally for California products, and to develop long-term, mutually beneficial collaborations between the people and economic interests of California and counterparts throughout the world.

(d) The geopolitical and market significance to California of recent incipient, yet complex political and economic transformations in the world, including, but not limited to, the democratization of Eastern Europe and Central America, the consolidation of Europe, the gradual opening of Japanese markets, and the potential integration of North American markets, including Canada and Mexico, and the importance of developing mutually advantageous long-term collaborations, warrant focused coordination among private and public sector participants in California by extending California's unique technological expertise by proactively developing new global growth markets.

SEC. 2. A heading designated as Article 1 (commencing with Section 15364.1) is added to Chapter 1.5 of Part 6.7 of Division 3 of Title 2 of the Government Code, to read:

Article 1. General Provisions

SEC. 3. Article 2 (commencing with Section 15364.20) is added to Chapter 1.5 of Part 6.7 of Division 3 of Title 2 of the Government Code, to read:

Article 2. Global Applied Technology Extension Service

15364.20. There is hereby created in the California State World Trade Commission the Global Applied Technology Extension Service (GATES) to be headed by a manager or director designated by, and reporting to, the Executive Director of the California State World Trade Commission.

15364.21. The service shall do all of the following consistent with federal law and national and state policy:

(a) Consult with and coordinate all state government agencies with duties pertaining to international matters, including, but not limited to, the California State World Trade Commission, the State Offices of Trade and Investment, the State Energy Resources Conservation and Development Commission, and the Department

of Food and Agriculture, in order to implement the provisions of this article.

(b) Promote rapid global commercialization of California products and technologies by identifying and developing product and capital market linkages between California universities and colleges (including community colleges), private sector entities engaged in public/private partnerships with these universities and colleges, and their global private and public counterparts.

(c) Contribute to the development of immediate and long-term policy strategies, in close consultation with the Department of Commerce, the California Council on Science and Technology, the President of the University of California, the Chancellor of the California Community Colleges, and the Chancellor of the California State University, with attention to stimulating California's economy towards meeting economic adjustment needs and fulfilling California's yet untapped potential in the six areas of economic development as follows:

(1) Employment generation.

(2) Education and human resource development.

(3) Export development.

(4) Environmental remediation and preservation.

(5) Entrepreneurship.

(6) Equal access to knowledge.

(d) Facilitate global market access for California enterprises by studying the feasibility of, and coordinating the development of, a statewide interactive electronic data base and network utilizing appropriate technologies such as CD-ROM (compact disk - read only memory) and on-line, recording global market needs and resources identified through various state and other sources, and linking these needs with the needs and capabilities of subscribing California enterprises. In studying the feasibility of, and coordinating the development of, the data base and network, the service shall work closely with the President of the University of California, the Chancellor of the California Community Colleges, and the Chancellor of the California State University, and with other California public and private universities and colleges, state and federal government agencies, and industry, including, but not limited to, the following:

(1) The California Education Research and Federation Network headquartered at the San Diego Supercomputer Center, and affiliates, including the California Internet Federation, the Federation of American Research Networks, and the National Research and Education Network.

(2) The Automated Trade Lead System project of the California State World Trade Commission, in association with the California State University of Fresno.

(3) The Pacific Rim Commercial Exchange Project at the California State University at Sacramento.

(4) The MEMEX Institute at the California State University of

Chico.

(5) The California Community Colleges ED-NET system.

(e) Promote access for California enterprises in emerging growth opportunities in developed and developing economies and assist California enterprises in benefiting from the growth of free market forces in developing nations' economies, including selected countries in Asia, Southern Africa, Central America, Latin America, the Caribbean, and Eastern Europe, by doing the following:

(1) Providing assistance and information to private enterprises in these countries, and, with the approval of the United States Secretary of State, to their governments, with the exception of the government of the Republic of South Africa.

(2) Providing support for and assisting, to the extent practicable, in soliciting private sector or other nonstate support and in-kind contributions on behalf of select teams of academicians, technical specialists, and professionals associated with California universities and colleges (including community colleges) for purposes of conducting extended stays and providing onsite technical assistance in regions and to entities indicated in paragraph (1). The service shall select teams on the merits of their ability to contribute to fulfilling the mandate of the service as stipulated in subdivisions (b) to (h), inclusive. While it is the intent of the Legislature that the selected teams be self-funding or funded by nonstate sources to the extent possible, the service may pay for travel expenses and increases in living expenses incurred by the teams. The service may also provide members of the teams with stipends for reports to the Legislature and Governor documenting the respective teams' contributions to fulfilling the mandate of the service.

(3) Providing technical assistance and information to California enterprises, leveraging existing public resources, and utilizing existing delivery systems, including, but not limited to, technical assistance and training networks such as the California Community Colleges Economic Development Network, among others.

(4) Identifying and acting as the intermediary between foreign entities and California-based enterprises with products and services reflecting low, intermediate, and advanced technology capabilities, including, but not limited to, the following disciplines: electronics, biosciences, environmental sciences, commodity and specialty agriculture, food processing, computer hardware and software, telecommunications, and other manufacturing sectors.

(f) Facilitate the transformation of the technological infrastructure of developing countries in order to generate demand for California exports, including California-based information services and technology-based products, among other related services and products, while meeting the needs of the peoples of developing countries in their pursuit of an improved quality of life.

(g) Coordinate and focus existing public and private entities in California towards developing technological collaborations with counterparts throughout the world, with particular attention to

Europe, Japan, the newly industrialized countries of Asia, Australia and nearby nations, and Canada, in addition to developing countries, in order to facilitate the export of California-based information services and technology-based products among other related services and products.

(h) Develop immediate and long-term policy strategies regarding access to global markets for information services and technology-based products, among other related services and products, with attention to stimulating California's economy towards meeting economic adjustment needs and fulfilling California's yet untapped potential in the six areas of economic development specified in subdivision (c).

15364.22. The Executive Director of the California State World Trade Commission and the director or manager of the service shall, in consultation with the Coordinating Council for International Programs created by the Governor's Executive Order No. D84-90, issued April 5, 1990, administer the Global Applied Technology Extension Service pursuant to this article, and shall fund development efforts for purposes of creating and integrating interactive data bases and networks as provided in this article.

15364.23. The Executive Director of the California State World Trade Commission and the director or manager of the service shall consult with the Coordinating Council for International Programs as follows:

(a) To develop guidelines for the operation of the service including technical criteria to direct the nature of the assistance offered to private enterprises and their respective governments in accordance with subdivision (d) of Section 15364.21.

(b) Regarding disbursement of funds appropriated for purposes of the Global Applied Technology Extension Service.

15364.25. The Executive Director of the California State World Trade Commission and the director or manager of the service shall annually report on or before December 31 regarding the activities of the service and shall make recommendations to the Legislature and the Governor.

15364.26. Any costs incurred in carrying out this article shall be met within the existing budget of the California State World Trade Commission.

15364.27. This article shall remain in effect only until January 1, 1996, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1996, deletes or extends that date.

CHAPTER 1688

An act to add Chapter 2 (commencing with Section 11757.50) to Part 1 of Division 10.5 of the Health and Safety Code, relating to alcohol and drug abuse, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 11757.50) is added to Part 1 of Division 10.5 of the Health and Safety Code, to read:

CHAPTER 2. ALCOHOL AND DRUG AFFECTED MOTHERS AND INFANTS

11757.50. This chapter shall be known and may be cited as the Alcohol and Drug Affected Mothers and Infants Act of 1990.

11757.51. The Legislature finds and declares the following:

(1) There has been a rapid and alarming increase in the number of infants born in California who are affected by alcohol or other drugs during their mother's pregnancy. It is conservatively estimated that there were 30,000 of these infants born in this state during the 1988–89 fiscal year.

(2) One neonatal intensive care unit, at Martin Luther King Hospital in Los Angeles, has reported that 61 percent of its admissions are associated with alcohol or other drug problems.

(3) Maxicare Health Plan, Inc., a health maintenance organization, recently terminated its contracts with Medi-Cal to provide health care services in Alameda, San Francisco, and Contra Costa Counties, due to the high cost of cocaine-related complications to pregnancies.

(4) The State Department of Developmental Services and the State Department of Health Services report that their high risk infant projects have seen a 65 percent increase from fiscal year 1985–86 to fiscal year 1987–88 in infants affected by alcohol or other drugs.

(5) Many infants affected by alcohol or other drugs require neonatal intensive care because of low birth weight, prematurity, withdrawal symptoms,. serious birth defects, and other medical problems. Alcohol or drug affected infants are increasingly being placed in neonatal intensive care units and this care is very expensive. The State Department of Health Services reports that, under the Medi-Cal program, the average cost for an infant requiring admission into a neonatal intensive care unit is nineteen thousand dollars ($19,000) and that those costs sometimes reach as high as one

million dollars ($1,000,000). The department also reports that from fiscal year 1983–84 to 1986–87, Medi-Cal program reimbursements for neonatal intensive care jumped 80 percent to one hundred four million dollars ($104,000,000) annually.

(6) Alcohol and other drug affected infants place an expensive burden on the foster care system, regional centers, the public and private health care systems, and the public school system.

(7) The appropriate response to this crisis is prevention, through expanded resources for recovery from alcohol and other drug dependency. The only sure effective means of protecting the health of these infants is to provide the services needed by mothers to address a problem that is addictive, not chosen.

(8) There has been a rapid rise in admission requests for residential alcohol and drug treatment programs. The State Department of Alcohol and Drug Programs reports a 243 percent increase since 1983 of admission requests for residential alcohol and drug treatment programs by women with a primary drug problem of cocaine.

(9) California has more than 1,000,000 women of childbearing age who abuse alcohol or other drugs. Current resources are not adequate to meet the treatment needs of these women. California cannot delay addressing the serious need in this area. California taxpayers and health care consumers currently bear the enormous financial burden of alcohol and other drug affected infants and those costs can only be contained through expansion of treatment services for women who have an alcohol or other drug dependency and prevention services for women at risk of developing an alcohol or other drug dependency.

(10) Comprehensive prevention and treatment services for both mothers and infants need to be provided in a multidisciplinary, multispecialist, and multiagency fashion, necessitating coordination by both state and local governments.

(11) Intervention strategies for women at risk of developing an alcohol or other drug dependency have proven effective and there are programs currently in operation which can be expanded and modified to meet the critical need in this area.

11757.53. (a) The Office of Perinatal Substance Abuse is hereby established within the State Department of Alcohol and Drug Programs. For purposes of this chapter, "office" means the Office of Perinatal Substance Abuse.

(b) The office may do any of the following:

(1) Coordinate pilot projects and planning projects funded by the state which are related to perinatal substance abuse.

(2) Provide technical assistance to counties, public entities, and private entities that are attempting to address the problem of perinatal substance abuse.

(3) Serve as a clearinghouse of information regarding strategies and programs which address perinatal substance abuse.

(4) Encourage innovative responses by public and private entities

that are attempting to address the problem of perinatal substance abuse.

(5) Review proposals of, and develop proposals for, state agencies regarding the funding of programs relating to perinatal substance abuse.

(c) The office shall adopt, amend, or repeal any reasonable rules, regulations, or standards as may be necessary or proper to carry out the purposes and intent of this chapter and to enable the office and the department to exercise the powers and perform the duties conferred upon it by this chapter.

11757.55. (a) The Health and Welfare Agency shall create an interagency task force composed of representatives of the department, the State Department of Health Services, the State Department of Developmental Services, and the State Department of Social Services. The office shall provide the leadership for the interagency task force and may reimburse the other departments specified in this subdivision for their costs associated with the interagency task force activities.

(b) The State Department of Education, the Department of Housing and Community Development, the office of the Attorney General, and the State Department of Mental Health may participate with the interagency task force when necessary to implement the state strategy developed pursuant to subdivision (c).

(c) The office, in consultation with the interagency task force, shall develop a coordinated state strategy for addressing the treatment needs of pregnant women, postpartum women, and their children for alcohol or drug abuse.

11757.57. (a) The office may provide or contract for training regarding alcohol and drug dependency to providers of health, social, educational, and support services to women of childbearing age and their children.

(b) The purpose of any training provided pursuant to subdivision (a) may be to facilitate the taking of appropriate and thorough medical and social histories of women of childbearing age in order to identify those in special need of alcohol or other drug treatment services and skills for providing case management services to alcohol and drug using women and their infants. Additional training topics may be covered, including, but not limited to, how to develop procedures for referring those in need of alcohol and other drug treatment services and how to provide appropriate social and emotional support to, as well as developmental monitoring of, drug affected infants and children and their families.

11757.59. (a) The funds distributed for the expansion of the pilot project, Services for Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants, made available through the budget process, shall be used by counties to fund residential and nonresidential alcohol and drug treatment programs for pregnant women, postpartum women, and their children and to fund other support services directed at bringing pregnant and postpartum

women into treatment and caring for alcohol and drug exposed infants. Any funding provided shall be used to either initiate new and innovative alcohol or other drug dependency treatment programs or other support services tailored to meet the needs of pregnant women, postpartum women, and their children or to strengthen and expand current treatment programs or other support services deemed by the department to be effective in treating pregnant women, postpartum women, and their children for alcohol or drug dependency. Funds may also be used to provide case management services to alcohol and drug abusing women and their children and special recruitment, training, and support services for foster care parents of substance exposed infants.

(b) In selecting counties to receive funds pursuant to subdivision (a), the office may include in its guidelines for selection consideration of the ability of the county to provide or arrange for the special needs of pregnant women and postpartum women who are chemically dependent and who are in need of treatment services. These special needs include, but are not limited to, the following:

(1) Provision for medical services, which may include, but not be limited to, the following:

(A) Low-risk and high-risk prenatal care.

(B) Pediatric followup care, including preventive infant health care.

(C) Developmental followup care.

(D) Nutrition counseling.

(E) Methodone.

(F) Testing and counseling relating to AIDS.

(G) Monthly visits with a physician and surgeon who specializes in treating persons with chemical dependencies.

(2) Provision for nonmedical services, which may include, but not be limited to, the following:

(A) Case management.

(B) Individual or group counseling sessions, which occur at least once a week.

(C) Family counseling, including, but not limited to, counseling services for partners and children of the women.

(D) Health education services, including perinatal chemical dependency classes, addressing topics that include, but are not limited to, the effects of drugs on infants, AIDS, addiction in the family, child development, nutrition, self esteem, and responsible decisionmaking.

(E) Parenting classes.

(F) Adequate child care for participating women.

(G) Encouragment of active participation and support by spouses, domestic partners, family members, and friends.

(H) Opportunities for a women-only treatment environment.

(I) Transportation to outpatient treatment programs.

(J) Followup services, which may include, but not be limited to, assistance with transition into housing in a drug-free environment.

(K) Child development services.

(L) Educational and vocational services for women.

(M) Weekly urine testing.

(N) Special recruitment, training, and support services for foster care parents of substance exposed infants.

(O) Outreach which reflects the cultural and ethnic diversity of the population served.

(c) The alcohol and drug programs funded pursuant to this section may provide treatment for alcohol abuse only, drug abuse only, or both alcohol and drug abuse.

11757.61. (a) Any county that elects to apply to the office for funds distributed under this chapter shall establish a perinatal coordinating council which consists of persons who are experts in the areas of alcohol and drug treatment, client outreach and intervention with alcohol and drug abusing women, child welfare services, maternal and child health services, developmental services, and representatives from other community-based organizations. The county board of supervisors shall select an agency or department of the county to be the lead agency. The coordination efforts provided by the lead agency through the council shall include, but not be limited to, the following:

(1) The identification of the extent of the perinatal alcohol and drug abuse problem in the county based on existing data.

(2) The development of coordinated responses by county health and social service agencies and departments which address the problem of perinatal alcohol and drug abuse in the county.

(3) The definition of the elements of an integrated alcohol and drug abuse recovery system for pregnant women, postpartum women, and their children.

(4) The identification of essential support services to be included into the integrated recovery system defined pursuant to paragraph (3).

(5) The promotion of communitywide understanding of the perinatal alcohol and drug abuse problem in the county and appropriate responses to the problem.

(6) The communication with policymakers at both the state and federal level about prevention and treatment needs for pregnant women, postpartum women, and their children for alcohol and drug abuse that need to be addressed.

(7) The utilization of services which emphasize coordination of treatment services with other health, child welfare, child development, and education services.

11757.62. The office, in consultation with the interagency task force, shall evaluate the effectiveness of the pilot project, Services to Alcohol and Drug Abusing Pregnant and Parenting Women and Their Infants, and shall report its findings to the Legislature no later than June 30, 1994.

11757.63. This chapter shall only apply to the expansion of the pilot project, Services for Alcohol and Drug Abusing Pregnant and

Parenting Women and Their Infants, as specified in Items 4200-001-890 and 4200-101-890 of Section 2.00 of the Budget Act of 1990.

11757.65. Funding for the continuing implementation and expansion of the program established by this chapter shall be through the budget process.

11757.66. On June 1, 1994, the Health and Welfare Agency may transfer the powers and duties of the Office of Perinatal Substance Abuse from the State Department of Alcohol and Drug Programs to another state department.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order immediately to address the treatment needs of pregnant women and postpartum women and their children for alcohol and drug dependency, it is necessary for this bill to take immediate effect.

CHAPTER 1689

An act to amend Section 10131.6 of the Business and Professions Code, relating to mobilehome sales.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 10131.6 of the Business and Professions Code is amended to read:

10131.6. (a) Notwithstanding any other provision of law, a person licensed as a real estate broker may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any mobilehome only if the mobilehome has been registered under Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code.

(b) No real estate broker who engages in the activities authorized by this section shall maintain any place of business where two or more mobilehomes are displayed and offered for sale by the person, unless the broker is also licensed as a mobilehome dealer as provided for by Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code.

(c) As used in this chapter, "mobilehome" means a structure transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. "Mobilehome" does not include a recreational

vehicle, as defined in Section 18010 of the Health and Safety Code, a commercial coach, as defined in Section 18001.8 of the Health and Safety Code, or factory-built housing, as defined in Section 19971 of the Health and Safety Code.

(d) In order to carry out this section, the commissioner shall prescribe by regulation, after consultation with the Department of Housing and Community Development, methods and procedures to assure compliance with requirements of the Health and Safety Code pertaining to mobilehome registration, collection of sales and use taxes, and transaction documentation.

(e) Nothing in this section increases or decreases, or in any way preempts, consumer notice requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 and related regulations which are set forth in Section 5414 of Title 42 of the United States Code and Section 3282.255 of Title 24 of the Code of Federal Regulations.

CHAPTER 1690

An act to amend Section 12020 of the Penal Code, relating to weapons.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code, as amended by Chapter 350 of the Statutes of 1990, is amended to read:

12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any plastic firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag, or who carries concealed upon his or her person any explosive substance, other than fixed ammunition or who carries concealed upon his or her person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in a county jail not exceeding one year or in the state prison. A bullet containing or carrying an explosive

agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by regular, salaried, full-time members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

(3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.

(4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.

(5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(6) Tracer ammunition manufactured for use in shotguns.

(7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess such items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time shall be punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).

(8) Any other weapon as defined in subsection (e) of Section 5845

of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within that year the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred in paragraphs (9) and (10) when engaging in transactions with those entities.

(12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than short-barreled rifles and shotguns, when on duty and the use is authorized by the agency and is within the course and scope of their duties.

(13) Weapons, devices, and ammunition, other than short-barreled rifles and short-barreled shotguns, that are sold by, manufactured by, exposed, or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.

(14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any

wooden club or baton pursuant to Section 12002 by entities that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

(15) Prior to January 1, 1992, the possession of a multiburst trigger activator by a person who is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms.

(c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

(A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

(B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.

(C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

(D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.

(2) As used in this section, a "short-barreled rifle" means any of the following:

(A) A rifle having a barrel or barrels of less than 16 inches in length.

(B) A rifle with an overall length of less than 26 inches.

(C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.

(D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.

(E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.

(3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of

a weapon used in connection with the practice of a system of self-defense such as karate.

(4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if such firearm may be fired while mounted or enclosed in such case.

(5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if such firearm may be fired while mounted or enclosed therein.

(6) As used in this section, a "fléchette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body.

(7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.

(8) As used in this section, a "ballistic knife" means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.

(9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

"Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.

(10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:

(A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.

(C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216)

and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.

(D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

(E) It has a barrel or barrels less than 18 inches in length or an overall length of less than 26 inches.

(11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(12) As used in this section, an "unconventional pistol" means a pistol or revolver that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.

(13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least 2½ inches.

(14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.

(15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.

(16) As used in this section, a "shobi-zue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.

(17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.

(18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.

(19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.

(20) As used in this section, a "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(21) As used in this section, a "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a

smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.

(22) As used in this section, a "plastic firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting a plastic firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means a device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the Calfiornia Constitution.

CHAPTER 1691

An act to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 13401.5 of the Corporations Code is amended to read:

13401.5. Notwithstanding subdivision (c) of Section 13401 and any other provision of law, the following licensed persons may be shareholders, officers, directors, or professional employees of the professional corporations designated in this section so long as the sum of all shares owned by such licensed persons does not exceed 49 percent of the total number of shares of the professional corporation so designated herein, and so long as the number of such licensed persons owning shares in the professional corporation so designated herein does not exceed the number of persons licensed by the governmental agency regulating the designated professional corporation:

(a) Medical corporation.
(1) Licensed podiatrists.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed marriage, family and child counselors.
(6) Licensed clinical social workers.
(7) Licensed physicians' assistants.
(8) Licensed chiropractors.
(b) Podiatry corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed chiropractors.
(c) Psychological corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Registered nurses.
(4) Licensed optometrists.
(5) Licensed marriage, family and child counselors.
(6) Licensed clinical social workers.
(7) Licensed chiropractors.
(d) Speech pathology corporation.
(1) Licensed audiologist.
(e) Audiology corporation.

(1) Licensed speech pathologist.
(f) Nursing corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Licensed psychologists.
(4) Licensed optometrists.
(5) Licensed marriage, family and child counselors.
(6) Licensed clinical social workers.
(7) Licensed physicians' assistants.
(8) Licensed chiropractors.
(g) Marriage, family and child counseling corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed clinical social workers.
(4) Registered nurses.
(5) Licensed chiropractors.
(h) Licensed clinical social worker corporation.
(1) Licensed physicians and surgeons.
(2) Licensed psychologists.
(3) Licensed marriage, family and child counselors.
(4) Registered nurses.
(5) Licensed chiropractors.
(i) Physicians' assistants corporation.
(1) Licensed physicians and surgeons.
(2) Registered nurses.
(j) Optometric corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed chiropractors.
(k) Chiropractic corporation.
(1) Licensed physicians and surgeons.
(2) Licensed podiatrists.
(3) Licensed psychologists.
(4) Registered nurses.
(5) Licensed optometrists.
(6) Licensed marriage, family, and child counselors.
(7) Licensed clinical social workers.

CHAPTER 1692

An act to amend Sections 3003, 11155, 13701, and 13710 of, and to add Sections 13702 and 13711 to, the Penal Code, relating to crimes.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 3003 of the Penal Code is amended to read:

3003. (a) Except as provided in subdivision (d), an inmate who is released on parole shall be returned to the county from which he or she was committed.

For purposes of this subdivision, "county from which he or she was committed" means the county where the crime for which the inmate was convicted occurred.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county in a case where that would be in the best interests of the public and of the parolee. If the Board of Prison Terms setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168 or the Department of Corrections setting the conditions of parole for inmates sentenced pursuant to Section 1170 decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record. In making its decision, the authority may consider, among others, the following factors:

(1) The need to protect the life or safety of a victim, the parolee, a witness or any other person.

(2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The last legal residence of the inmate having been in another county.

(5) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(6) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) Notwithstanding any other provision of law, an inmate who is released on parole shall not be returned to within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, of subdivision (c) of Section 667.5 and any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms

or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

(d) An inmate may be paroled to another state pursuant to any other provision of law.

SEC. 2. Section 11155 of the Penal Code is amended to read:

11155. (a) As soon as placement of an inmate in any reentry or work furlough program is planned, but in no case less than 60 days prior to that placement, the Department of Corrections shall send written notice, if notice has been requested, to all of the following: (1) the chief of police of the city, if any, in which the inmate will reside, if known, or in which placement will be made, (2) the sheriff of the county in which the inmate will reside, if known, or in which placement will be made, and (3) the victim, if any, of the crime for which the inmate was convicted or the next of kin of the victim if the crime was a homicide, if the victim or the next of kin has submitted a request for notice with the department. Information regarding victims or next of kin requesting the notice, and the notice, shall be confidential and not available to the inmate.

(b) In the event of an escape of an inmate from any facility under the jurisdiction of the Department of Corrections, the department shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city, and the sheriff of the county, in which the inmate resided immediately prior to the inmate's arrest and conviction, and, if previously requested, to the victim, if any, of the crime for which the inmate was convicted, or to the next of kin of the victim if the crime was a homicide. If the inmate is recaptured, the department shall send written notice thereof to the persons designated in this subdivision within 30 days after regaining custody of the inmate.

(c) Except as provided in subdivision (d), the Department of Corrections shall send the notices required by this section to the last address provided to the department by the requesting party. It is the responsibility of the requesting party to provide the department with a current address.

(d) Whenever the department sends the notice required by this section to a victim, it shall do so by return-receipt mail. In the event the victim does not reside at the last address provided to the department, the department shall make a diligent, good faith effort to learn the whereabouts of the victim in order to comply with these notification requirements.

SEC. 3. Section 13701 of the Penal Code is amended to read:

13701. Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' response to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred. These existing local policies and those developed shall be in writing and shall be

available to the public upon request and shall include specific standards for the following:

(a) Felony arrests.

(b) Misdemeanor arrests.

(c) Use of citizen arrests.

(d) Verification and enforcement of temporary restraining orders when (1) the suspect is present and (2) when the suspect has fled.

(e) Verification and enforcement of stay-away orders.

(f) Cite and release policies.

(g) Emergency assistance to victims, such as medical care, transportation to a shelter, and police standbys for removing personal property.

(h) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.

(i) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:

(1) (A) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.

(B) A statement that, "For further information about a shelter you may contact _____."

(C) A statement that, "For information about other services in the community, where available, you may contact _____."

(2) A statement informing the victim of domestic violence that he or she can ask the district attorney to file a criminal complaint.

(3) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:

(A) An order restraining the attacker from abusing the victim and other family members.

(B) An order directing the attacker to leave the household.

(C) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.

(D) An order awarding the victim or the other parent custody of or visitation with a minor child or children.

(E) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.

(F) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.

(G) An order directing the defendant to make specified debit payments coming due while the order is in effect.

(H) An order directing that either or both parties participate in counseling.

(4) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by

the victim or any agency that shelters the victim.

(j) Writing of reports.

In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

SEC. 4. Section 13702 is added to the Penal Code, to read:

13702. Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. These policies shall reflect that calls reporting threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Section 136.2, and restraining orders, shall be ranked among the highest priority calls. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance.

SEC. 5. Section 13710 of the Penal Code is amended to read:

13710. (a) Law enforcement agencies shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents, including orders which have not yet been served, issued pursuant to Section 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

(b) The terms and conditions of the protection order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court.

(c) Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody.

SEC. 6. Section 13711 is added to the Penal Code, to read:

13711. Whenever a protection order with respect to domestic violence incidents, including orders issued pursuant to Section 136.2 and restraining orders, is applied for or issued, it shall be the responsibility of the clerk of the superior court to distribute a pamphlet to the person who is to be protected by the order that includes the following:

(a) Information as specified in subdivision (i) of Section 13701.

(b) Notice that it is the responsibility of the victim to request notification of an inmate's release.

(c) Notice that the terms and conditions of the protection order remain enforceable, notwithstanding any acts of the parties, and may be changed only by order of the court.

SEC. 7. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2

of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1693

An act to add Section 11963.5 to, and to add Article 7 (commencing with Section 11781) to Chapter 2 of Part 2 of Division 10.5 of, the Health and Safety Code, and to add Section 14132.21 to the Welfare and Institutions Code, relating to alcohol and drug programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 11781) is added to Chapter 2 of Part 2 of Division 10.5 of the Health and Safety Code, to read:

Article 7. Accessing Alcohol and Drug Recovery Programs for the Disenfranchised

11781. The Legislature finds and declares all of the following:

(a) Federal, state, and local governments have the responsibility and the expressed intent to provide and ensure the accessibility of alcohol and drug recovery, intervention, and prevention services to all individuals, with specific emphasis on women, ethnic minorities, and other disenfranchised segments of the population.

(b) The effects of inappropriate alcohol use by ethnic populations in California, particularly by Hispanics and Blacks, is increasing at an alarming rate. Concurrently, the use of available alcohol recovery services by these populations is not in keeping with the increase of alcohol problems experienced by these populations.

(c) Seventy-two thousand births in California during 1988 involved infants prenatally exposed to drug substances, including alcohol. There is a great shortage of treatment programs available to pregnant women and their offspring. Blacks have an infant mortality rate twice that of the general population, and substance abuse only exacerbates the problem.

(d) Barriers to accessing the services available specifically include, but are not limited to, the following:

(1) Lack of educational materials appropriate to the community.

(2) Geographic isolation or remoteness.
(3) Institutional and cultural barriers.
(4) Language differences.
(5) Lack of representation by affected groups employed by public and private service providers and policymakers.
(6) Insufficient research information regarding problems and appropriate strategies to resolve the problems of access to services.
(e) While current law requires the department to develop and implement a statewide plan to alleviate problems related to inappropriate alcohol and drug use and to overcome the barriers to their solution, these attempts have been ineffective due to the magnitude of the task.

11781.5. The department shall provide direction to counties and to public and private organizations serving the target populations to increase access to alcohol and drug abuse prevention and recovery programs by doing all of the following:
(a) Assume responsibility to increase the knowledge within state agencies and the Legislature of problems affecting the target populations.
(b) Determine, compile, and disseminate information and resource needs of the counties and constituent service providers to better serve the target populations.
(c) Assure that established state and county standards, policies, and procedures are not discriminatory and do not contribute to service accessibility barriers.
(d) Promote an understanding of ethnic and gender differences, approaches to problems, and strategies for increasing voluntary access to services by the target populations.
(e) Affirmatively coordinate with the counties for the provision of services to the target populations and to assure accountability that necessary services are actually provided.

11782. The department shall contract for a statewide independent evaluation of both the current alcohol and drug service delivery systems and methods to increase access to alcohol and drug recovery programs for disenfranchised populations.
(a) The target populations shall include, but not be limited to:
(1) Women.
(2) Ethnic minorities.
(3) Adolescents.
(4) The elderly.
(5) The disabled.
(6) The homeless.
(7) Any other group determined by the department to be underserved.
(b) Prior to commencing the evaluation, the independent contractor shall consult with representatives of affected state and local agencies and community groups, including, but not limited to:
(1) State agencies responsible for providing services to the target populations.

(2) County alcohol and drug program administrators.

(3) Each of the designated target population constituency groups.

(4) Community-based organizations which provide alcohol abuse prevention and recovery services, drug abuse prevention and treatment services, or both to one or more of the target population groups.

(c) The independent evaluation shall include, but not be limited to, the following:

(1) Review and evaluation of both the county alcohol plan and the county drug plan.

(2) Review and evaluation of legislative mandates to ascertain accessibility to alcohol and drug abuse prevention and recovery programs by the target populations and to define the barriers to such access.

(3) Comparative analyses of county alcohol plans and county drug plans with the actual services provided by each county studied.

(A) The analyses shall include specific descriptions of services provided to each of the target populations, as well as a list of alternative services available to the target populations in each county studied.

(B) In conducting the analyses, community-based organizations providing services to the target populations most heavily underserved shall be interviewed in general on the quality of county support and specifically on barriers to access of services.

(C) At least four counties shall be evaluated, including Los Angeles County, a primarily urban county other than Los Angeles County, a primarily suburban county, and a primarily rural county.

(4) Recommendations to the department for any administrative policy, funding, and regulatory changes necessary to enhance access to programs by the target populations.

(5) Recommendations to the Legislature for funding and statutory changes necessary to enhance access to programs by the target populations.

(d) On or before September 30, 1991, the department shall issue a final report to the Legislature on the findings of the independent evaluation.

(e) Within six months after issuing the final report, the department shall hold a series of public hearings on the findings and recommendations provided by the independent evaluation and contained in the final report.

SEC. 2. Section 11963.5 is added to the Health and Safety Code, to read:

11963.5. (a) It is the intent of the Legislature that the policies and procedures governing the state's allocation formulas for funding alcohol and drug abuse prevention and treatment programs be reviewed and evaluated, including an evaluation of the feasibility of the state allocating funds based on indicators of high-incidence drug and alcohol use among counties.

(b) The department shall conduct a study to assess the extent to

which both alcohol and drug program funding allocation formulas to counties can be modified to include statewide indicators of high-incidence drug and alcohol use.

The study shall include, but not be limited to, all of the following:

(1) A review and assessment of the existing allocation formulas to counties, including a review of other allocation formulas used in selected states determined by the department.

(2) An identification and assessment of potential statewide indicators of high-incidence drug and alcohol use among counties.

(3) An examination of the feasibility of incorporating need indicators and other relevant measures into the allocation formulas.

(4) An examination of the feasibility of incorporating need indicators into the allocation of funds at the local level.

(5) Recommendations for modifying the existing allocation formulas to counties, including cost estimates. The department shall assess, to the extent possible, the impact of these recommendations on current allocations to counties.

(c) In conducting the study, the department shall acquire input from county program administrators, private nonprofit providers, and other relevant groups and citizens. Public input may be accomplished through public hearings, roundtable discussions, or other formats as determined appropriate by the department. The department shall ensure input from ethnic minorities that reflect the demographics of the State of California.

(d) The department shall report its findings and recommendations to the Legislature on or before January 24, 1992.

SEC. 3. Section 14132.21 is added to the Welfare and Institutions Code, to read:

14132.21. (a) The department, in consultation with the State Department of Alcohol and Drug Programs, shall assess the feasibility of applying to the federal Health Care Financing Administration for a Medicaid State Plan amendment to provide targeted case management to pregnant substance-abusing women and women who have given birth to a drug-exposed or alcohol-exposed infant. These women may be identified through self-referral, family planning or health clinics, public or private hospitals, drug treatment programs, the Medi-Cal program, or other public assistance or health treatment programs. Women eligible for services under the targeted case management program would be provided the following case management services:

(1) Intake and service needs assessment of women currently receiving Medi-Cal benefits.

(2) Development of a coordinated health and treatment plan for the eligible woman and her infant, listing needed services.

(3) Case management services to assist with gaining access to needed medical, social, educational, and other services.

(4) Referral to any of the following programs that are listed in the woman's health and treatment plan:

(i) Child Health and Disability Prevention Program.

(ii) Supplementary Food Program for Women, Infants, and Children (WIC).

(iii) Drug abuse treatment and detoxification programs.

(iv) In-home support services to enhance the woman's utilization of drug treatment programs, and prenatal and perinatal care services.

(v) Transportation to health and drug treatment services.

(vi) Crisis assistance to address health and drug treatment needs.

(vii) Other case management services authorized by the federal Health Care Financing Administration.

(b) On or before July 1, 1991, the department shall submit an interim written report to the Legislature. On or before January 24, 1992, the department shall submit a written and verbal final report to the Legislature on the feasibility of the Medicaid State Plan amendment for targeted case management. Both reports may utilize data collected for reports to the Legislature as described in paragraph (7) of Item 4260-001-001 of the Supplemental Report of the 1989 Budget Act, regarding the perinatal substance abuse pilot project. The report shall also address the extent to which the proposed Medicaid State Plan amendment for targeted case management would generate federal financial participation and not result in the expenditure of additional General Fund revenues.

SEC. 4. It is the intent of the Legislature that a sum of one hundred and fifty thousand dollars ($150,000) be appropriated from the federal Alcohol, Drug Abuse, and Mental Health Services Block Grant for the implementation of Section 1 of this act. Sections 2 to 4, inclusive, shall be implemented with existing funds available to the department.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The problems and barriers to access of alcohol and drug recovery, intervention, and prevention services for target populations become greater each day. In order to understand the factors responsible for those barriers and to most effectively address them with viable solutions, it is necessary that this act take effect immediately.

CHAPTER 1694

An act to amend Sections 14105.33 and 14105.39 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 14105.33 of the Welfare and Institutions Code is amended to read:

14105.33. (a) The department may enter into contracts with manufacturers of single-source and multiple-source drugs, on a bid or nonbid basis, for drugs from each major therapeutic category, and shall maintain a list of those drugs for which contracts have been executed.

(b) (1) Contracts executed pursuant to this section shall be for the manufacturer's best price, as defined in Section 14105.31, which shall be specified in the contract, and subject to agreed upon price escalators, as defined in that section. In no event shall the department require a manufacturer to provide a price lower than its lowest price to any class of trade, organization, or entity. The contracts shall provide for an equalization payment amount, as defined in Section 14105.31, to be remitted to the department quarterly. The department shall submit an invoice to each manufacturer for the equalization payment amount, based on utilization data from the department's prescription drug paid claims tapes.

(2) The department shall provide for an annual audit of utilization data used to calculate the equalization amount to verify the accuracy of that data. The findings of the audit shall be documented in a written audit report to be made available to manufacturers within 60 days of receipt of the report from the auditor. Any manufacturer may receive a copy of the audit report upon written request. Contracts between the department and manufacturers shall provide for any equalization payment adjustments determined necessary pursuant to an audit.

(c) In order that Medi-Cal beneficiaries may have access to a comprehensive range of therapeutic agents, the department shall ensure that there is representation on the list of contract drugs in all major therapeutic categories. Except as provided in subdivision (a) of Section 14105.35, the department shall not be required to contract with all manufacturers who negotiate for a contract in a particular category. The department shall ensure that there is sufficient representation of single-source and multiple-source drugs, as appropriate, in each major therapeutic category.

(d) (1) The department shall select the therapeutic categories to

be included on the list of contract drugs, and the order in which it seeks contracts for those categories. The department may establish different contracting schedules for single-source and multiple-source drugs within a given therapeutic category.

(2) The department shall make every attempt to complete the initial contracting process for each major therapeutic category by January 1, 1993.

(e) In order to achieve maximum cost savings, the Legislature declares that an expedited process for contracts under this section is necessary. Therefore, contracts entered into on a nonbid basis shall be exempt from Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code.

(f) Contracts executed pursuant to this section shall be confidential and shall be exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) The department shall provide individual notice to Medi-Cal beneficiaries at least 60 calendar days prior to the effective date of the deletion or suspension of any drug from the list of contract drugs. The notice shall include a description of the beneficiary's right to a fair hearing and shall encourage the beneficiary to consult a physician to detemine if an appropriate substitute medication is available from Medi-Cal.

(h) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 2. Section 14105.39 of the Welfare and Institutions Code is amended to read:

14105.39. (a) (1) A manufacturer of a new single-source drug may request inclusion of its drug on the list of contract drugs pursuant to Section 14105.33 provided all of the following conditions are met:

(A) The request is made within 12 months of approval for marketing by the federal Food and Drug Administration.

(B) The manufacturer agrees to negotiate a contract with the department to provide the drug at the manufacturer's best price.

(C) (i) The manufacturer provides the department with necessary information, as specified by the department, in the request.

(ii) Notwithstanding clause (i), either of the following may be submitted by the manufacturer in lieu of the Summary Basis of Approval prepared by the federal Food and Drug Administration for that drug:

(I) The federal Food and Drug Administration's approval or approvable letter for the drug and federal Food and Drug Administration's approved labeling.

(II) The federal Food and Drug Administration's medical officers' and pharmacologists' reviews and the federal Food and Drug Administration's approved labeling.

(D) The department had concluded contracting for the therapeutic category in which the drug is included prior to approval of the drug by the federal Food and Drug Administration.

(2) Within 90 days from receipt of the request, the department shall evaluate the request using the criteria identified in subdivision (d).

(b) Any petition for the addition to or deletion of a drug to the Medi-Cal drug formulary submitted prior to the effective date of this section, shall be deemed to be denied. A manufacturer who has submitted a petition deemed denied may request inclusion of that drug on the list of contract drugs provided all of the following conditions are met:

(1) The manufacturer agrees to negotiate for a contract with the department to provide the drug at the manufacturer's best price.

(2) The manufacturer provides the department with necessary information, as specified by the department, in the request.

(3) The manufacturer submits the request to the department prior to October 1, 1990.

(c) Any new drug designated as having an important therapeutic gain and approved for marketing by the federal Food and Drug Administration on or after the effective date of this section, shall immediately be included on the list of contract drugs for a period of three years provided that all of the following conditions are met:

(1) The manufacturer offers the department its best price.

(2) The drug is typically administered in an outpatient setting.

(3) The drug is prescribed only for the indications and usage specified in the federal Food and Drug Administration approved labeling.

(4) The drug is determined by the director to be safe, relative to other drugs in the same therapeutic category on the list of contract drugs.

(d) (1) To ensure that the health needs of Medi-Cal beneficiaries are met consistent with the intent of this chapter, the department shall, when evaluating a decision to execute a contract, and when evaluating drugs for retention on, addition to, or deletion from, the list of contract drugs, use all of the following criteria:

(A) The safety of the drug.

(B) The effectiveness of the drug.

(C) The essential need for the drug.

(D) The potential for misuse of the drug.

(E) The cost of the drug.

(2) The deficiency of a drug when measured by one of these criteria may be sufficient to support a decision that the drug should not be added or retained, or should be deleted from the list. However, the superiority of a drug under one criterion may be sufficient to warrant the addition or retention of the drug, notwithstanding a deficiency in another criterion.

(e) (1) A manufacturer of single-source drugs denied a contract pursuant to this section or Section 14105.33 or 14105.37, may file an

appeal of that decision with the director within 30 calendar days of the department's written decision.

(2) Within 30 calendar days of the manufacturer's appeal, the director shall request a recommendation regarding the appeal from the Medi-Cal Contract Drug Advisory Committee. The committee shall provide its recommendation in writing, within 30 calendar days of the director's request.

(3) The director shall issue a final decision on the appeal within 30 calendar days of the recommendation.

(f) Changes made to the list of contract drugs, including those made pursuant to Section 14105.37, shall become effective no sooner than 30 days after publication of the changes in provider bulletins.

(g) Changes made to the list of contract drugs under this or any other section are exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and shall not be subject to the review and approval of the Office of Administrative Law.

(h) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Medi-Cal drug contracting program to be implemented in the most efficient and timely manner possible, it is necessary that this act take effect immediately.

CHAPTER 1695

An act to amend Section 25755 of the Business and Professions Code, to amend Sections 14613.7 and 68097.1 of the Government Code, to amend Section 12020 of the Health and Safety Code, to amend Sections 488.5, 557.5, 557.6, and 669.5 of the Insurance Code, to amend Sections 409.5, 830.1, 830.6, 830.8, 12028, and 12028.5 of, and to add Section 13526.1 to, the Penal Code, and to amend Section 25258 of the Vehicle Code, relating to peace officers, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 25755 of the Business and Professions Code is amended to read:

25755. (a) The director and the persons employed by the department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and these persons are authorized, while acting as peace officers, to enforce any penal provisions of law while in the course of their employment.

(b) The director, the persons employed by the department for the administration and enforcement of this division, peace officers listed in Section 830.1 of the Penal Code, and those officers listed in Section 830.6 of the Penal Code while acting in the course and scope of their employment as peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

(c) Members of the California State Police Division and peace officers of the Department of Parks and Recreation, as defined in subdivisions (b) and (g) of Section 830.2 of the Penal Code, may, in enforcing the provisions of this division, visit and inspect the premises of any licensee located on state property at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

(d) Any agents assigned to the Drug Enforcement Narcotics Team by the director shall have successfully completed a four-week course on narcotics enforcement approved by the Commission on Peace Officer Standards and Training. In addition, all other agents of the department shall successfully complete the four-week course on narcotics enforcement approved by the Commission on Peace Officer Standards and Training by June 1, 1993.

SEC. 2. Section 14613.7 of the Government Code is amended to read:

14613.7. (a) Each state agency that is currently protected by the California State Police Division, those state agencies currently being protected by contract private security companies, or those state agencies currently under contract with a local governmental law enforcement agency for general law enforcement services, excluding all current mutual aid agreements, shall, as soon as practical, report to the California State police all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties. This section shall not apply to the California Highway Patrol, while performing duties pursuant to subdivision (a) of Section 830.2 of the Penal Code, or to incidents which result in the filing of Incidence Memoranda issued by the Parole Divisions of the Department of Corrections and the Department of the Youth Authority. In incidents which result in the California Highway Patrol filing of a

California State Police agency crime report, the filing of that report shall not result in an investigation by the California State Police unless so requested by the California Highway Patrol.

(b) The California State Police Division shall compile the information received pursuant to subdivision (a) and shall report to the Legislature on or before July 1 of each year on the status of criminal activity on state-owned and leased properties as specified in subdivision (a).

SEC. 2.5. Section 68097.1 of the Government Code is amended to read:

68097.1. Whenever an employee of the Department of Justice who is a peace officer or an analyst in a technical field, member of the California Highway Patrol, peace officer member of the State Fire Marshal's Office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter or city police officer is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties, a subpoena requiring his or her attendance may be served by delivering a copy either to the person personally or by delivering two copies to his or her immediate superior or agent designated by that immediate superior to receive that service. The attendance of an employee of the Department of Justice who is a peace officer or an analyst in a technical field, member of the California Highway Patrol, peace officer member of the State Fire Marshal's Office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter or city police officer may be required pursuant to this section only in accordance with Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 3. Section 12020 of the Health and Safety Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

12020. The chief and the issuing authority, as defined in Sections 12003 and 12007, respectively, shall in their areas of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

Any peace officer, as defined in Sections 830.1, 830.2, and subdivisions (a), (e), (k), and (*l*) of Section 830.3 of the Penal Code, and those officers listed in Section 830.6 of the Penal Code while acting in the course and scope of their employment as peace officers may enforce the provisions of this part.

SEC. 4. Section 488.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that

policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Section 830.6, of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 4.1. Section 488.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Sections 830.38 and 830.6, of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 5. Section 557.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.5. No peace officer, member of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1,

subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Section 830.6, of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 5.1. Section 557.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.5. No peace officer, member of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Sections 830.38 and 830.6, of the Penal Code.

(b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 6. Section 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.6. Any peace officer as defined pursuant to this section who has been involved in an accident shall submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. In lieu of a written declaration, the peace officer may submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her employer.

As used in this section, "peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Section 830.6, of the Penal Code.

SEC. 6.1. Section 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.6. Any peace officer as defined pursuant to this section who has been involved in an accident shall submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code in the performance of his or her duty during the hours of his or her employment. In lieu of a written declaration, the peace officer may submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her employer.

As used in this section, "peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Sections 830.38 and 830.6, of the Penal Code.

SEC. 7. Section 669.5 of the Insurance Code is amended to read:

669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) or (f) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g) and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (d) and (e) of Section 830.33, and Section 830.6 of the Penal Code.

SEC. 7.1. Section 669.5 of the Insurance Code is amended to read:

669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) or (f) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, Section 830.38, subdivisions (a) and (b) of Section 830.5, and Section 830.6 of the Penal Code.

SEC. 8. Section 409.5 of the Penal Code, as amended by Chapter

82 of the Statutes of 1990, is amended to read:

409.5. (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the California Highway Patrol, California State Police Division, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (h) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (f) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.

(b) Officers of the California Highway Patrol, California State Police Division, police departments, marshal's office or sheriff's office, officers of the Department of Fish and Game designated as peace officers by subdivision (f) of Section 830.2, or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (h) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

SEC. 9. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any police officer, employed in that capacity and appointed by the chief of police or the chief executive of the agency, of a city, any police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal

or deputy marshal of a municipal court, any constable or deputy constable, employed in that capacity, of a judicial district, any port warden or special officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer.

(2) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and those investigators who are designated by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

SEC. 10. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, or a special agent of the Department of Justice, or a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by

resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 10.3. Section 830.8 of the Penal Code, as amended by Assembly Bill 3474 of the 1989–90 Regular Session, is amended to read:

830.8. (a) Federal criminal investigators and law enforcement officers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided that these investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of their federal duties. These investigators and law enforcement officers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832.

(b) Duly authorized federal employees who comply with the training requirements set forth in Section 832 are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk, or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated.

(c) National park rangers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided these rangers are exercising the arrest powers incidental to the performance of their federal duties or providing or attempting to provide law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks and other property for which California state park rangers are responsible. National park rangers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfactorily completed the training requirements of Section 832.3, or the equivalent thereof.

SEC. 10.5. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful concealed carrying upon the person or within the vehicle or the carrier of any of the weapons mentioned in Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) Any weapon described in subdivision (a), or, upon conviction of the defendant or a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the Commissioner of the Department of the California Highway Patrol. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his or her transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership.

(d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon shall in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, be destroyed so that it can no longer be used as such weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.

(e) This section does not apply to any firearm in the possession of

the Department of Fish and Game or which was used in the violation of any provision of in the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.

SEC. 10.6. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful concealed carrying upon the person or within the vehicle or the carrier of any of the weapons mentioned in Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) Any weapon described in subdivision (a), or, upon conviction of the defendant or a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the Commissioner of the Department of the California Highway Patrol. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to Section 12071 to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his or her transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership.

(d) If, under this section, a weapon is not of the type that can be

sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon shall in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, be destroyed so that it can no longer be used as such weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.

(e) This section does not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.

SEC. 11. Section 12028.5 of the Penal Code is amended to read:

12028.5. (a) As used in this section, the following definitions shall apply:

(1) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.

(2) "Domestic violence" is abuse perpetrated against a family or household member.

(3) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

(b) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (c) of Section 830.2, an officer listed in Section 830.6 while acting in the course and scope of his or her employment as a peace officer, a member of a California State University Police Department, as defined in subdivision (d) of Section 830.2, and a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, may take temporary custody of any firearm in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and list any identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can

recover the firearm. No firearm shall be held less than 48 hours. If a firearm is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. In any civil action or proceeding for the return of firearms or ammunition seized by any state or local law enforcement agency and not returned within 72 hours, the court shall allow reasonable attorney's fees, not to exceed one thousand dollars ($1,000), to the prevailing party.

(c) Any firearm which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm and proof of ownership.

(d) Any firearm taken into custody and held by a police, university police, or sheriff's department or by a marshal's office, or by a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

SEC. 12. Section 13526.1 is added to the Penal Code, to read:

13526.1. (a) It is the intent of the Legislature in adding this section that effect be given to amendments made by Chapter 950 of the Statutes of 1989. The Legislature recognizes those amendments were intended to make port wardens and special officers of the Harbor Department of the City of Los Angeles entitled to allocations from the Peace Officers' Training Fund for state aid pursuant to this chapter, notwithstanding the amendments made by Chapter 1165 of the Statutes of 1989, which added Section 13526 to this code.

(b) Notwithstanding Section 13526, for the purposes of this chapter, the port wardens and special officers of the Harbor Department of the City of Los Angeles shall be entitled to receive funding from the Peace Officers' Training Fund.

SEC. 13. Section 25258 of the Vehicle Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1, subdivision (a), (b), (c), (d), (e), (f), (g), (h), or (j) of Section 830.2, subdivision (b) of Section 830.31, subdivision (a) or (b) of Section 830.32, subdivision (a), (b), (c), or (d) of Section 830.33, subdivision (a) of Section 830.4, or Section 830.6 of the Penal Code in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

SEC. 14. Section 25258 of the Vehicle Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1, subdivision (a), (b), (c), (d), (e), (f), (g), (h), or (j) of Section 830.2, subdivision (b) of Section 830.31, subdivision (a) or (b) of Section 830.32, subdivision (a), (b), (c), or (d) of Section 830.33, subdivision (a) of Section 830.36, subdivision (a) of Section 830.4, or Section 830.6 of the Penal Code, in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

SEC. 15. (a) Section 4.1 of this bill incorporates amendments to Section 488.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 488.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 4 of this bill shall not become operative.

(b) Section 5.1 of this bill incorporates amendments to Section 557.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 557.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 5 of this bill shall not become operative.

(c) Section 6.1 of this bill incorporates amendments to Section 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 557.6 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 6 of this bill shall not become operative.

(d) Section 7.1 of this bill incorporates amendments to Section 669.5 of the Insurance Code proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 669.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 7 of this bill shall not become operative.

(e) Section 10.3 of this bill shall become operative only if (1) this bill and AB 3474 are enacted and become effective on January 1, 1991, (2) AB 3474 amends Section 830.8 of the Penal Code, and (3) this bill is enacted after AB 3474.

(f) Section 10.6 of this bill incorporates amendments to Section 12028 of the Penal Code proposed by both this bill and AB 700. It shall only become operative if (1) both bills are enacted and become

effective on January 1, 1991, (2) each bill amends Section 12028 of the Penal Code, and (3) this bill is enacted after AB 700, in which case Section 10.5 of this bill shall not become operative.

(g) Section 14 of this bill incorporates amendments to Section 25258 of the Vehicle Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 2580. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 25258 of the Vehicle Code, and this bill is enacted after AB 2580, in which case Section 13 of this bill shall not become operative.

CHAPTER 1696

An act to amend Sections 1803 and 13202.5 of the Vehicle Code, relating to driving offenses.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 1803 of the Vehicle Code, as amended by Section 22 of Chapter 1417 of the Statutes of 1989, is amended to read:

1803. (a) Every clerk of a court in which a person was convicted of any violation of this code, of any violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, aquaplane, or similar device, of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(7) Division 16.5 (commencing with Section 38000).

(8) Sections 23221, 23223, 23225, and 23226.

(c) If the court impounds a license or orders a person to limit his or her driving pursuant to paragraph (2) of subdivision (a) of Section 23161, subdivision (b) of Section 23166, subdivision (b) of Section 23186, or subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within 10 days of an order terminating or revoking probation under Section 23167, 23187, or 23207, the clerk of the court in which the order terminating or revoking probation was entered, shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

(f) This section shall remain in effect only until January 1, 1992, and on that date is repealed, unless a later enacted statute which is enacted before January 1, 1992, deletes or extends that date.

SEC. 2. Section 1803 of the Vehicle Code, as amended by Section 22.5 of Chapter 1417 of the Statutes of 1989, is amended to read:

1803. (a) Every clerk of a court in which a person was convicted of any violation of this code, of any violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, aquaplane, or similar device, of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the

department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(7) Division 16.5 (commencing with Section 38000).

(8) Sections 23221, 23223, 23225, and 23226.

(c) If the court impounds a license or orders a person to limit his or her driving pursuant to paragraph (2) of subdivision (a) of Section 23161, subdivision (b) of Section 23166, subdivision (b) of Section 23186, or subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within 10 days of an order terminating or revoking probation under Section 23167, 23187, or 23207, the clerk of the court in which the order terminating or revoking probation was entered, shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

(f) This section shall become operative on January 1, 1992.

SEC. 3. Section 13202.5 of the Vehicle Code is amended to read:

13202.5. (a) For each conviction of a person for any offense specified in subdivision (d), committed while the person was under

the age of 21 years, but 13 years of age or older, the court shall suspend the person's driving privilege for one year. If the person convicted does not yet have the privilege to drive, the court shall order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. However, if there is no further conviction for any offense specified in subdivision (d) in a 12-month period after the conviction, the court, upon petition of the person affected, may modify the order imposing the delay of the privilege. For each successive offense, the court shall suspend the person's driving privilege for those possessing a license or delay the eligibility for those not in possession of a license at the time of their conviction for one additional year.

As used in this section, the term "conviction" includes the findings in juvenile proceedings specified in Section 13105.

(b) Whenever the court suspends driving privileges pursuant to subdivision (a), the court in which the conviction is had shall require all driver's licenses held by the person to be surrendered to the court. The court shall within 10 days following the conviction transmit a certified abstract of the conviction, together with any driver's licenses surrendered, to the department.

Violation of restrictions imposed pursuant to this section are subject to Section 14603.

(c) After a court has issued an order suspending or delaying the driving privilege pursuant to subdivision (a), the court, upon petition of the person affected, may review the order and may impose restrictions on the person's privilege to drive based upon a showing of a critical need to drive. Any restriction shall remain in effect for the balance of the period of suspension or restriction in this section. The court shall notify the department of any modification within 10 days of the order of modification.

(d) This section applies to violations involving controlled substances or alcohol contained in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of, and Sections 25658, 25661, and 25662 of, the Business and Professions Code, subdivisions (b) to (e), inclusive, of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, aquaplane, or similar device, Division 10 (commencing with Section 11000) of the Health and Safety Code, Section 191.5, paragraph (3) of subdivision (c) of Section 192, subdivision (c) or (d) of Section 192.5, and subdivision (f) of Section 647 of the Penal Code, and Section 23103 as provided in Section 23103.5, and Article 2 (commencing with Section 23152) of Chapter 12 of Division 11 of this code.

(e) Suspension, restriction, or delay of the driving privilege pursuant to this section shall be in addition to any penalty imposed upon conviction of any violation specified in subdivision (d).

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act

contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1697

An act to amend Section 25662 of the Business and Professions Code, to amend Section 48902 of the Education Code, to amend Section 19.8 of the Penal Code, to amend Sections 13202.5, 21200.5, and 23224 of the Vehicle Code, and to amend Sections 256 and 257 of the Welfare and Institutions Code, relating to public offenses.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 25662 of the Business and Professions Code is amended to read:

25662. (a) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent, responsible adult relative, or any other adult designated by the parent or legal guardian, or in pursuance of his or her employment. That person shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage.

(b) Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverage in plain view which is in the possession of, or provided to, a person under the age of 21 years at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 years are participating, persons under the age of 21 years are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants.

Where a peace officer has seized alcoholic beverages pursuant to

this subdivision, the officer may destroy any alcoholic beverage contained in an opened container and in the possesssion of, or provided to, a person under the age of 21 years, and, with respect to alcoholic beverages in unopened containers, the officer shall impound those beverages for a period not to exceed seven working days pending a request for the release of those beverages by a person 21 years of age or older who is the lawful owner or resident of the property upon which the alcoholic beverages were seized. If no one requests release of the seized alcoholic beverages within that period, those beverages may be destroyed.

SEC. 2. Section 48902 of the Education Code is amended to read:

48902. (a) The principal of a school or the principal's designee shall, prior to the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may violate Section 245 of the Penal Code.

(b) The principal of a school or the principal's designee shall, within one schoolday after suspension or expulsion of any pupil, notify, by telephone or any other appropriate method chosen by the school, the appropriate law enforcement authority of the county or the school district in which the school is situated of any acts of the students which may violate subdivision (c) or (d) of Section 48900 of the Education Code.

(c) Notwithstanding subdivision (b), the principal of a school or the principal's designee shall notify the appropriate law enforcement authorities of the county or city in which the school is located of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance or a violation of Section 626.9 or 626.10 of the Penal Code.

(d) A principal, the principal's designee, or any other person reporting a known or suspected act described in subdivision (a) or (b) is not civilly or criminally liable as a result of any report authorized by this article unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

SEC. 3. Section 19.8 of the Penal Code is amended to read:

19.8. The following offenses are subject to subdivision (d) of Section 17: Sections 330, 415, 555, and 853.7, of this code; subdivision (m) of Section 602 of this code; subdivision (b) of Section 25658 and Sections 25658.5, 25661, and 25662 of the Business and Professions Code; Sections 27150.1, 40508, and 42005 of the Vehicle Code, Section 14601.1 of the Vehicle Code based upon failure to appear, and any other offense which the Legislature makes subject to subdivision (d) of Section 17. Except where a lesser maximum fine is expressly provided for violation of any of those sections, any violation which is an infraction is punishable by a fine not exceeding two hundred fifty dollars ($250).

Except for the violations enumerated in subdivision (d) of Section 13202.5 of the Vehicle Code, and Section 14601.1 of the Vehicle Code

based upon failure to appear, a conviction for any offense made an infraction under subdivision (d) of Section 17 is not grounds for the suspension, revocation, or denial of any license, or for the revocation of probation or parole of the person convicted.

SEC. 4. Section 13202.5 of the Vehicle Code is amended to read:

13202.5. (a) For each conviction of a person for any offense specified in subdivision (d), committed while the person was under the age of 21 years, but 13 years of age or older, the court shall suspend the person's driving privilege for one year. If the person convicted does not yet have the privilege to drive, the court shall order the department to delay issuing the privilege to drive for one year subsequent to the time the person becomes legally eligible to drive. However, if there is no further conviction for any offense specified in subdivision (d) in a 12-month period after the conviction, the court, upon petition of the person affected, may modify the order imposing the delay of the privilege. For each successive offense, the court shall suspend the person's driving privilege for those possessing a license or delay the eligibility for those not in possession of a license at the time of their conviction for one additional year.

As used in this section, the term "conviction" includes the findings in juvenile proceedings specified in Section 13105.

(b) Whenever the court suspends driving privileges pursuant to subdivision (a), the court in which the conviction is had shall require all driver's licenses held by the person to be surrendered to the court. The court shall within 10 days following the conviction transmit certified abstract of the conviction, together with any driver's licenses surrendered, to the department.

(c) (1) After a court has issued an order suspending or delaying driving privileges pursuant to subdivision (a), the court, upon petition of the person affected, may review the order and may impose restrictions on the person's privilege to drive based upon a showing of a critical need to drive.

(2) As used in this section, "critical need to drive" means the circumstances which are required to be shown for the issuance of a junior permit pursuant to Section 12513.

(3) The restriction shall remain in effect for the balance of the period of suspension or restriction in this section. The court shall notify the department of any modification within 10 days of the order of modification.

(d) This section applies to violations involving controlled substances or alcohol contained in the following provisions:

(1) Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of, and Sections 25658, 25658.5, 25661, and 25662 of, the Business and Professions Code.

(2) Division 10 (commencing with Section 11000) of the Health and Safety Code.

(3) Section 191.5, paragraph (3) of subdivision (c) of Section 192, subdivision (c) or (d) of Section 192.5, and subdivision (f) of Section

647 of the Penal Code.

(4) Section 23103 when subject to Section 23103.5, Section 23140, and Article 2 (commencing with Section 23152) of Chapter 12 of Division 11 of this code.

(e) Suspension, restriction, or delay of driving privileges pursuant to this section shall be in addition to any penalty imposed upon conviction of any violation specified in subdivision (d).

SEC. 5. Section 21200.5 of the Vehicle Code is amended to read:

21200.5. Notwithstanding Section 21200, it is unlawful for any person to ride a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. Any person arrested for a violation of this section may request to have a chemical test made of the person's blood, breath, or urine for the purpose of determining the alcoholic or drug content of that person's blood, and, if so requested, the arresting officer shall have the test performed. A conviction of a violation of this section shall be punished by a fine of not more than two hundred fifty dollars ($250). Violations of this section are subject to Section 13202.5.

SEC. 6. Section 23224 of the Vehicle Code is amended to read:

23224. (a) No person under the age of 21 years shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless the person is accompanied by a parent, responsible adult relative, any other adult designated by the parent, or legal guardian for the purpose of transportation of an alcoholic beverage, or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code), and is driving the motor vehicle during regular hours and in the course of the person's employment. If the driver was unaccompanied, he or she shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent, legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage.

(b) No passenger in any motor vehicle who is under the age of 21 years shall knowingly possess or have under that person's control any alcoholic beverage, unless the passenger is accompanied by a parent, legal guardian, responsible adult relative, any other adult designated by the parent, or legal guardian for the purpose of transportation of an alcoholic beverage, or is employed by a licensee under the Alcholic Beverage Control Act (Division 9 (commencing with Section 23000) of the Business and Professions Code), and possession or control is during regular hours and in the course of the passenger's employment. If the passenger was unaccompanied, he or she shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent, legal guardian, responsible adult relative or adult designee relating to disposition of the alcoholic beverage.

(c) If the vehicle used in any violation of subdivision (a) or (b) is registered to an offender who is under the age of 21 years, the

vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days for each violation.

(d) Any person under 21 years of age convicted of a violation of this section is subject to Section 13202.5.

SEC. 7. Section 256 of the Welfare and Institutions Code is amended to read:

256. Subject to the orders of the juvenile court, a traffic hearing officer may hear and dispose of (1) any case in which a minor under the age of 18 years as of the date of the alleged offense is charged with any violation of the Vehicle Code not declared to be a felony, (2) a violation of subdivision (m) of Section 602 of the Penal Code, (3) a violation of the Fish and Game Code not declared to be a felony, (4) a violation of any of the equipment and registration provisions of the Harbors and Navigation Code, (5) a violation of any provision of an ordinance of a city, county, or local agency relating to traffic offenses, or to nontraffic offenses regarding loitering or curfew, (6) a violation of Section 126 or 27176 of the Streets and Highways Code, (7) a violation of any provision of an ordinance of a city, county, or local agency relating to evasion of fares on a public transportation system, as defined by Section 99211 of the Public Utilities Code, (8) a violation of Section 640 or 640a of the Penal Code, (9) a violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code, (10) a violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code, or (11) a violation of subdivision (f) of Section 647 of the Penal Code.

SEC. 8. Section 257 of the Welfare and Institutions Code is amended to read:

257. With the consent of the minor, a hearing before a traffic hearing officer, or a hearing before a referee or a judge of the juvenile court, where the minor is charged with a traffic offense or a nontraffic offense as specified in this section, may be conducted upon an exact legible copy of a written notice given pursuant to Article 2 (commencing with Section 40500) of Chapter 2 of Division 17 or Section 41103 of the Vehicle Code, or an exact legible copy of a written notice given pursuant to Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code when the offense charged is a violation of the Fish and Game Code not declared to be a felony, a violation of subdivision (m) of Section 602 of the Penal Code, a violation of a provision of an ordinance of a city, county, or local agency relating to loitering, curfew, or fare evasion on a public transportation system, as defined by Section 99211 of the Public Utilities Code, a violation of Section 640 or 640a of the Penal Code, or a violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code, a violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code, or a violation of subdivision (f) of Section 647 of the Penal Code in lieu of a petition as provided in Article 16 (commencing with Section 650).

SEC. 9. Notwithstanding Section 17610 of the Government Code,

if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1698

An act to add, repeal, and add Section 668.1 of the Harbors and Navigation Code, to amend, repeal, and add Sections 191.5 and 192.5 of the Penal Code, and to amend Section 1803 of the Vehicle Code, relating to boating.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 668.1 is added to the Harbors and Navigation Code, to read:

668.1. (a) Any person convicted of a violation of subdivision (a), (b), (c), (d), or (e) of Section 655, Section 655.2, 658, or 658.5, or Section 191.5 of the Penal Code, when the conviction resulted from the operation of a vessel, may be ordered by the court to complete and pass a boating safety course approved by the department.

(b) Any person convicted of a violation of subdivision (a), (b), (c), (d), or (e) of Section 655, Section 655.2, 658, or 658.5, or Section 191.5 of the Penal Code, when the conviction resulted from the operation of a vessel within seven years of a previous conviction of any of those violations, shall be ordered by the court to complete and pass a boating safety course approved by the department.

(c) Any person who has been ordered by the court to complete and pass a boating safety course pursuant to subdivision (a) or (b) shall submit to the court proof of the completion and passage of the course within seven months of the time of his or her conviction. The proof shall be in a form which has been approved by the department and which provides for the ability to submit the form to the court through the United States Postal Service. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require that the person obtain parental consent to enroll in the course. If the person does not complete and pass the boating safety course, the court may extend the period for

completion or impose another penalty as prescribed by statute.

(d) The department shall adopt regulations to carry out this section, including approval of boating safety education courses, prescribing the forms for proof of completion and passage, and setting forth any fees to be charged to course participants, which fees shall not exceed the expenses associated with providing the course.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 2. Section 668.1 is added to the Harbors and Navigation Code, to read:

668.1. (a) Any person convicted of a violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655, Section 655.2, 658, or 658.5, or Section 191.5 of the Penal Code, when the conviction resulted from the operation of a vessel, may be ordered by the court to complete and pass a boating safety course approved by the department.

(b) Any person convicted of a violation of subdivision (a), (b), (c), (d), (e), or (f) of Section 655, Section 655.2, 658, or 658.5, or Section 191.5 of the Penal Code, when the conviction resulted from the operation of a vessel within seven years of a previous conviction of any of those violations, shall be ordered by the court to complete and pass a boating safety course approved by the department.

(c) Any person who has been ordered by the court to complete and pass a boating safety course pursuant to subdivision (a) or (b) shall submit to the court proof of completion and passage of the course within seven months of the time of his or her conviction. The proof shall be in a form which has been approved by the department and which provides for the ability to submit the form to the court through the United States Postal Service. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require that the person obtain parental consent to enroll in the course. If the person does not complete and pass the boating safety course, the court may extend the period for completion or impose another penalty as prescribed by statute.

(d) The department shall adopt regulations to carry out this section, including approval of boating safety education courses, prescribing the forms for proof of completion and passage, and setting forth any fees to be charged to course participants, which fees shall not exceed the expenses associated with providing the course.

(e) This section shall become operative on January 1, 1992.

SEC. 3. Section 191.5 of the Penal Code is amended to read:

191.5. (a) Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was in violation of Section 23152 or 23153 of the Vehicle Code, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act which might produce death, in an

unlawful manner, and with gross negligence.

(b) Gross vehicular manslaughter while intoxicated also includes operating a vessel in violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code, and in the commission of an unlawful act, not amounting to felony, and with gross negligence; or operating a vessel in violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code, and in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(c) Gross vehicular manslaughter while intoxicated is punishable by imprisonment in the state prison for 4, 6, or 10 years.

(d) This section shall not be construed as prohibiting or precluding a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice consistent with the holding of the California Supreme Court in People v. Watson, 30 Cal. 3d 290.

(e) This section shall not be construed as making any homicide in the driving of a vehicle or the operation of a vessel punishable which is not a proximate result of the commission of an unlawful act, not amounting to felony, or of the commission of a lawful act which might produce death, in an unlawful manner.

(f) This section shall remain in effect only until January 1, 1992, and as of that date is repealed.

SEC. 4. Section 191.5 is added to the Penal Code, to read:

191.5. (a) Gross vehicular manslaughter while intoxicated is the unlawful killing of a human being without malice aforethought, in the driving of a vehicle, where the driving was in violation of Section 23152 or 23153 of the Vehicle Code, and the killing was either the proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence, or the proximate result of the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(b) Gross vehicular manslaughter while intoxicated also includes operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of an unlawful act, not amounting to felony, and with gross negligence; or operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(c) Gross vehicular manslaughter while intoxicated is punishable by imprisonment in the state prison for 4, 6, or 10 years.

(d) This section shall not be construed as prohibiting or precluding a charge of murder under Section 188 upon facts exhibiting wantonness and a conscious disregard for life to support a finding of implied malice, or upon facts showing malice consistent with the holding of the California Supreme Court in People v. Watson, 30 Cal. 3d 290.

(e) This section shall not be construed as making any homicide in the driving of a vehicle or the operation of a vessel punishable which is not a proximate result of the commission of an unlawful act, not amounting to felony, or of the commission of a lawful act which might produce death, in an unlawful manner.

(f) This section shall become operative on January 1, 1992.

SEC. 5. Section 192.5 of the Penal Code is amended to read:

192.5. Vehicular manslaughter pursuant to subdivision (c) of Section 192 includes:

(a) Except as provided in subdivision (b) of Section 191.5, operating a vessel in the commission of an unlawful act, not amounting to felony, and with gross negligence; or operating a vessel in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(b) Except as provided in subdivision (c), operating a vessel in the commission of an unlawful act, not amounting to felony, but without gross negligence; or operating a vessel in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

(c) Operating a vessel in violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code, and in the commission of an unlawful act, not amounting to felony, but without gross negligence; or operating a vessel in violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code, and in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed.

SEC. 6. Section 192.5 is added to the Penal Code, to read:

192.5. Vehicular manslaughter pursuant to subdivision (c) of Section 192 includes:

(a) Except as provided in subdivision (b) of Section 191.5, operating a vessel in the commission of an unlawful act, not amounting to felony, and with gross negligence; or operating a vessel in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence.

(b) Except as provided in subdivision (c), operating a vessel in the commission of an unlawful act, not amounting to felony, but without gross negligence; or operating a vessel in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

(c) Operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of an unlawful act, not amounting to felony, but without gross negligence; or operating a vessel in violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code, and in the commission of a lawful act which might produce death, in an unlawful manner, but without gross negligence.

(d) This section shall become operative on January 1, 1992.

SEC. 7. Section 1803 of the Vehicle Code, as amended by Section 22.5 of Chapter 1417 of the Statutes of 1989, is amended to read:

1803. (a) Every clerk of a court in which a person was convicted of any violation of this code, of any violation of subdivision (b), (c), (d), (e), or (f) of Section 655 or Section 655.2 or 658 of the Harbors and Navigation Code, Section 191.5 of the Penal Code when the conviction resulted from the operation of a vessel, of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, and of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Division 3.5 (commencing with Section 9840).

(2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11.

(4) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3 (commencing with Section 26301).

(5) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(7) Division 16.5 (commencing with Section 38000).

(8) Sections 23221, 23223, 23225, and 23226.

(c) If the court impounds a license or orders a person to limit his or her driving pursuant to paragraph (2) of subdivision (a) of Section 23161, subdivision (b) of Section 23166, subdivision (b) of Section 23186, or subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

(d) If the court determines that a prior judgment of conviction of a violation of Section 23152 or 23153 is valid or is invalid on constitutional grounds pursuant to Section 41403, the clerk of the

court in which the determination is made shall prepare an abstract of that determination and forward it to the department in the same manner as an abstract of record pursuant to subdivision (a).

(e) Within 10 days of an order terminating or revoking probation under Section 23167, 23187, or 23207, the clerk of the court in which the order terminating or revoking probation was entered, shall prepare and immediately forward to the department at its office in Sacramento an abstract of the record of the court order terminating or revoking probation and any other order of the court to the department required by law.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for these costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000) reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1699

An act to amend Sections 69959, 69960, 69965, and 69966 of, and to add Sections 66021.2, 66021.4, and 69969 to, the Education Code, relating to postsecondary education.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 66021.2 is added to the Education Code, to read:

66021.2. Consistent with the state's historic commitment to provide educational opportunity by ensuring both student access to and selection of an institution of higher education for students with financial need, the long-term Cal Grant policy shall be as follows:

(a) The number of first-year awards shall be equal to at least one-quarter of the number of graduating high school seniors.

(b) The maximum award for students attending the University of California and the California State University shall, at a minimum, equal the mandatory systemwide and campus-based student fees in each of those segments.

(c) The maximum award for students attending nonpublic institutions shall be set and maintained at the estimated average General Fund cost of educating a student at the public four-year institutions of higher education. In accordance with this policy, the formula for determining the estimated average General Fund cost shall include both of the following:

(1) The average cost of instruction and academic support, as determined by the California State University nonresident tuition methodology.

(2) The average of the University of California and the California State University systemwide and campus-based student fees.

(d) The implementation of the policy described in subdivisions (a), (b), and (c) shall be subject to the availability of funds appropriated for that purpose in the annual Budget Act and shall maintain a balance between the state's policy goals of ensuring student access to and selection of an institution of higher education for students with financial need.

SEC. 2. Section 66021.4 is added to the Education Code, to read:

66021.4. It is the intent of the Legislature to support student financial aid programs for eligible students enrolled in teacher credential and graduate degree programs, including an emphasis on increasing the number of graduate students from currently and historically underrepresented groups who are preparing to become future elementary and secondary teachers or postsecondary faculty members.

SEC. 3. Section 69959 of the Education Code is amended to read:

69959. (a) The following priorities shall be followed at the time of job referral and placement:

(1) The primary objective shall be to place students in educationally beneficial positions which relate to the student's course of study, career objective, or the exploration of career objectives. Preference in awarding work-study positions shall be given to those students able to locate employment related to their academic program or potential career.

(2) The program shall include and emphasize placements for students with off-campus, private, profit-making employers.

(3) The program shall also include work-study positions with school districts to provide tutorial and other educational services for pupils, except for those participating institutions in which this type of placement would be geographically unfeasible.

(b) It is the intent of the Legislature that each participating institution shall strive to place a significant number of students with off-campus private sector employers and public school districts. In evaluating an institution's progress in achieving placements with off-campus employers, the commission shall take into consideration

the proximity of the campus to private sector jobs, local economic conditions, and other factors which may affect an institution's ability to place students in off-campus jobs.

SEC. 4. Section 69960 of the Education Code is amended to read:

69960. The institution shall assure that each work-study position meets all of the following conditions:

(a) The position shall be educationally beneficial or related to a particular career interest or the exploration of career options.

(b) The work performed by the student shall not be related to the activities of any sectarian organization or to any partisan or nonpartisan political activities.

(c) The employment of a work-study student shall not displace workers currently employed by the participating employer, or impair existing contracts for services. No position filled by a work-study student shall have been occupied by a regular employee during the current or immediately preceding 12 months.

(d) The work-study position shall not violate any applicable collective bargaining agreements, or fill any vacancies due to a labor dispute.

(e) The student shall be paid at a comparable rate to that paid for comparable positions within the employing organization. If the employing organization has no comparable position, the student shall be paid at a rate comparable to that paid by other organizations in the field for work involving comparable duties and responsibilities. The positions shall be compared on the basis of the nature of the work performed and the background and skills required for the position, and not upon the employee's part-time or student status.

(f) The number of hours of employment the student is allowed to work shall be determined by each institution in accordance with its standards and practices, taking into consideration the extent of the student's financial need and the potential harm of the combination of work and study hours on a student's satisfactory academic progress. The employer shall provide the institution with an accurate accounting of hours worked and wages earned.

(g) The total compensation received by the student shall not exceed the total amount authorized by the institution.

(h) The employer shall provide the student with reasonable supervision.

(i) No funds appropriated under this article shall supplant any state, federal, or institutional funds used to support existing paid positions for students in profit or nonprofit organizations.

SEC. 5. Section 69965 of the Education Code is amended to read:

69965. (a) The Student Aid Commission, in consultation with the advisory committee designated pursuant to Section 69966, shall select postsecondary educational institutions to participate in the program. In evaluating applications from educational institutions, the commission shall primarily consider the following factors:

(1) Administrative capability.

(2) Ability to utilize available state funds.

(b) The commission shall also consider:

(1) Geographical distribution of participating institutions.

(2) Segmental representation.

SEC. 6. Section 69966 of the Education Code is amended to read:

69966. The Student Aid Commission shall administer the California State Work-Study Program in consultation with an advisory committee. The membership of the advisory committee, which may be an existing advisory committee established by the commission, shall be representative of, but need not be limited to, financial aid and student employment administrators from each segment of postsecondary education, students, public schools, employers, the California Postsecondary Education Commission, and experiential education personnel.

SEC. 7. Section 69969 is added to the Education Code, to read:

69969. (a) It is the intent of the Legislature that funding for the purposes of the California State Work-Study Program be appropriated in the annual Budget Act.

(b) Available funds shall be allocated to each participating institution by the commission, including a minimum administrative allowance for each institution.

(c) The commission may provide a supplementary administrative allowance to institutions that reflects the additional costs of placing students with off-campus, private, profit-making employers and public school districts.

CHAPTER 1700

An act to amend Section 148.5 of, and to add Section 2933.5 to, the Penal Code, relating to crimes.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that the criminal offender who has been separately tried and convicted of repeated serious violent felonies resulting in death, serious injury, or physical or mental impairment of victims has demonstrated that he or she poses a serious danger to the public if released from prison early and should, therefore, serve the full terms of his or her sentences without benefit of goodtime or worktime credits.

The Legislature further finds and declares that this act is necessary because the need to help protect the public from the substantial danger and repeated acts of violent conduct of this type of criminal offender is a greater public need than the need to reduce overcrowded prison population, the need to provide methods for controlling inmate behavior, or the need to rehabilitate this

particular group of offenders, even though all of these matters are valid public policy concerns as they apply to other inmates.

SEC. 2. Section 148.5 of the Penal Code is amended to read:

148.5. (a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, district attorney, or deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c) Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d) Every person who makes a report to a grand jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. This subdivision shall not be construed as prohibiting or precluding a charge of perjury or contempt for any report made under oath in an investigation or proceeding before a grand jury.

(e) This section does not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, dependent adult abuse, or elder abuse.

SEC. 3. Section 2933.5 is added to the Penal Code, to read:

2933.5. (a) Notwithstanding any other provision of law, the following persons shall be ineligible to earn credit on their terms of imprisonment pursuant to this chapter.

(1) Every person convicted of any felony offense listed in paragraph (2), and who has been previously convicted two or more times, on charges separately brought and tried, and who previously has served two or more separate prior prison terms, as defined in subdivision (g) of Section 667.5, of any offense or offenses listed in paragraph (2).

(2) As used in this subdivision, "felony offense" includes any of the following:

(A) Murder, as defined in Sections 187 and 189.

(B) Voluntary manslaughter, as defined in subdivision (a) of Section 192.

(C) Mayhem as defined in Section 203.

(D) Aggravated mayhem, as defined in Section 205.

(E) Kidnapping for the purpose of committing child molestation, as described in subdivision (b) of Section 207, in which great bodily injury was personally inflicted as provided in Section 12022.7.

(F) Assault with vitriol, corrosive acid, or caustic chemical of any nature, as described in Section 244.

(G) Rape, as defined in subdivision (2) of Section 261.

(H) Sodomy by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person, as described in subdivision (c) of Section 286.

(I) Sodomy while voluntarily acting in concert, as described in subdivision (d) of Section 286.

(J) Lewd or lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288.

(K) Oral copulation by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, as described in subdivision (c) of Section 288a.

(L) Continuous sexual abuse of a child, as described in Section 288.5.

(M) Penetration by foreign object, as described in subdivision (a) of Section 289.

(N) Exploding a destructive device or explosive with intent to injure, as described in Section 12303.3, with intent to murder, as described in Section 12308, or resulting in great bodily injury or mayhem, as described in Section 12309.

(O) Any felony in which the defendant personally inflicted great bodily injury as provided in Section 12022.7.

(b) A prior conviction of an offense listed in subdivision (a) shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law.

(c) This section shall apply whenever the present felony is committed on or after the effective date of this section, regardless of the date of commission of the prior offense or offenses resulting in credit-earning ineligibility.

(d) This section shall be in addition to, and shall not preclude the imposition of, any applicable sentence enhancement terms, or probation ineligibility and habitual offender provisions authorized under any other section.

SEC. 4. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 5. This act shall not become operative if SB 25 of the 1989–90

Regular Session of the Legislature is enacted.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1701

An act to amend Section 21367.52 of, and to add Sections 20750.22 and 21367.54 to, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.22 is added to the Government Code, to read:

20750.22. The state's contribution to the retirement fund, with respect to the following classifications, provided by any and all other provisions of this chapter are increased on account of liability for benefits provided by Section 21367.54 by a sum equal to that percentage of the compensation paid the members set forth opposite each classification in the following table:

Classification	Percentage
State miscellaneous in the First Tier	_____
State miscellaneous in the Second Tier	_____
State patrol	_____
State safety	_____
State industrial in the First Tier	_____
State industrial in the Second Tier	_____
State peace officer/firefighter	_____

SEC. 2. Section 21367.52 of the Government Code is amended to read:

21367.52. If the estate or designated beneficiary of a member retired under this system is entitled to receive a comparable lump-sum death benefit from any other retirement system supported, in whole or in part, by public funds in which he or she was

a member in employment subsequent to his or her last employment in which he was a member of this system, no payment shall be made under Section 21367.51, 21367.53, or 21367.54 providing for payment of a lump-sum death benefit to a member's estate or designated beneficiary.

SEC. 3. Section 21367.54 is added to the Government Code, to read:

21367.54. In lieu of benefits provided by Section 21367.51 or 21367.53, upon the death of any retired state member, after retirement and while receiving a retirement allowance from this system, there shall be paid to his or her estate, or to the beneficiary who he or she shall nominate by written designation duly executed and filed with the board, the sum of two thousand dollars ($2,000), to be provided from contributions by the employer.

For the purposes of this section, all contributions, liabilities, actuarial interest rates, and other valuation factors shall be determined on the basis of actuarial assumptions and methods which, in the aggregate, are reasonable and which, in combination, offer the actuary's best estimate of anticipated experience under the system.

The additional employer contributions required under this section shall be computed as a level percentage of member compensation.

This section shall not apply to any school employer, school member, contracting agency, or local member.

CHAPTER 1702

An act to amend Sections 40448 and 40466 of, and to add Sections 40424.5, 40440.5, 40440.7, 40440.8, 40452, 40453, 40510.7, and 40520.5 to, the Health and Safety Code, and to amend Section 9250.11 of the Vehicle Code, relating to the South Coast Air Quality Management District.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 40424.5 is added to the Health and Safety Code, to read:

40424.5. Voting by the south coast district board on the adoption of all items on its agenda shall be by rollcall. Unless any board member objects, a substitute rollcall may be used on any agenda item. For purposes of this requirement, any consent calendar is a single item.

SEC. 2. Section 40440.5 is added to the Health and Safety Code, to read:

40440.5. (a) Notice of the time and place of a public hearing of the south coast district board to adopt, amend, or repeal any rule or

regulation relating to an air quality objective shall be given not less than 30 days prior thereto and, notwithstanding subdivision (b) of Section 40725, shall be published in each county in the south coast district in accordance with the requirements of Section 6066 of the Government Code. The period of notice shall commence on the first day of publication.

(b) In addition to the requirements of subdivision (b) of Section 40725, notice shall be mailed to every person who filed a written request for notice of proposed regulatory action with the south coast district, every person who requested notice for, or registered at, the workshop, if any, held in connection with the development of the proposed rule or regulation, and any person the south coast district believes to be interested in the proposed rule or regulation. The inadvertent failure to mail notice to any particular person as provided in this subdivision shall not invalidate any action taken by the south coast district board.

(c) In addition to the summary description of the effect of the proposal, as required by subdivision (b) of Section 40725, the notice shall include the following:

(1) A description of the air quality objective that the proposed rule or regulation is intended to achieve and the reason or reasons for the proposed rule or regulation.

(2) An abstract of supporting information and documents, environmental assessments, and other materials relevant to the proposed rule or regulation that are available, and the name, address, and telephone number of the district officer or employee from whom copies of the materials listed in the abstract may be obtained.

(3) A statement that a staff report on the proposed rule or regulation has been prepared, and the name, address, and telephone number of the district officer or employee from whom a copy of the report may be obtained. Whenever the proposed rule or regulation will significantly affect air quality or emissions limitations, the staff report shall include the full text of the proposed rule or regulation, an analysis of alternative control measures, an environmental assessment, exhibits, and draft findings for consideration by the south coast district board pursuant to Section 40727. Further, if an environmental impact report is prepared, the staff report shall also include social, economic, and public health analyses.

(d) Regardless of whether a workshop was previously conducted on the subject of the proposed rule or regulation, the south coast district may conduct one or more supplemental workshops prior to the public hearing on the proposed rule or regulation.

(e) If the south coast district board makes changes in the text of the proposed rule or regulation that was the subject of notice given pursuant to this section, further consideration of the rule or regulation shall be governed by Section 40726.

(f) This section is not intended to change, and shall not be construed as changing, any entitlement or protection conferred by the California Public Records Act (Chapter 3.5 (commencing with

Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 3. Section 40440.7 is added to the Health and Safety Code, to read:

40440.7. (a) Whenever the south coast district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, the south coast district shall conduct one or more public workshops.

(b) Notice of the time and place of the workshop shall be given not less than 75 days prior to the meeting at which the south coast district board will consider the proposed rule or regulation by publication in each county in the south coast district pursuant to Section 6066 of the Government Code and by mail to every person who filed a written request for notice of proposed regulatory action with the south coast district and any person the south coast district believes to be interested in attending the workshop.

(c) The notice shall include at least the following:

(1) A description of the air quality objective to be discussed.

(2) A statement that the workshop is being held for the purposes of soliciting information and suggestions from the public on achieving the air quality objective.

(3) A request for submittal of any documents, studies, and reports that may be relevant to the subject of the workshop, and the name, address, and telephone number of the district officer or employee to whom they should be sent.

(4) A list of supporting information and documents, including a preliminary staff report, and other materials relevant to the subject of the workshop that are available, and the name, address, and telephone number of the district officer or employee from whom copies of the materials may be obtained.

(d) If the south coast district thereafter proposes the adoption, amendment, or repeal of a rule or regulation that was the subject of a workshop, the south coast district shall respond to all written comments submitted during the workshop in preparing the environmental assessment on the proposed rule or regulation.

(e) The time and place for a workshop shall be selected on the basis of affording an opportunity to participate to the greatest number of persons expected to be interested in the workshop.

(f) The requirements of this section are not intended to restrict the south coast district in conducting other public workshops and other meetings for the exchange of information under circumstances not specifically addressed in this section.

(g) A workshop or other meeting shall not constitute consideration of a "regulatory measure" within the meaning of Section 40923.

(h) This section is not intended to change, and shall not be construed as changing, any entitlement or protection conferred by the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 3.5. Section 40440.8 is added to the Health and Safety Code,

to read:

40440.8. (a) Whenever the south coast district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, the district shall, to the extent data are available from the district's regional economic model or other sources, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation.

(b) For the purposes of this section, "socioeconomic impact" means only the following:

(1) The type of industries affected by the rule or regulation.

(2) The impact of the rule or regulation on employment and the economy in the south coast basin attributable to the adoption of the rule or regulation.

(3) The range of probable costs, including costs to industry, of the rule or regulation.

(4) The availability and cost effectiveness of alternatives to the rule or regulation, as determined pursuant to Section 40922.

(5) The emission reduction potential of the rule or regulation.

(6) The necessity of adopting, amending, or repealing the rule or regulation in order to attain state and federal ambient air standards pursuant to Chapter 10 (commencing with Section 40910).

(c) (1) On or before April 1, 1991, the south coast district shall enter into a contract with an independent firm to perform a review and analysis of the methods by which the district assesses socioeconomic impacts of district rules and regulations. The analysis shall include an evaluation of any statistical models and other relevant data used by the district, the proficiency by which the data are applied, and recommendations for any improvements needed to ensure the accuracy and reliability of the assessments. The analysis shall evaluate the expertise of the district in performing the assessments and shall evaluate whether the quality and accuracy of these assessments would be substantially improved if they were performed by an independent contractor. The analysis shall compare the relative costs of contracting independently versus having the district perform the assessments. The contract with the independent firm shall be overseen by the district in consultation with the Legislative Analyst.

(2) Prior to entering into a contract pursuant to paragraph (1), the district shall draft a request for proposal to be issued to qualified independent firms which shall be reviewed by the Legislative Analyst prior to issuance. In drafting the request for proposal, the district shall consult with interested parties, including, but not limited to, representatives of industry and commerce, to ensure that their comments are considered.

(3) On or before July 1, 1992, the analysis by the independent firm shall be completed, submitted to the Legislative Analyst for review and comment, and submitted to the Legislature and the Governor, along with any comments made by the Legislative Analyst.

SEC. 4. Section 40448 of the Health and Safety Code is amended to read:

40448. (a) The south coast district shall maintain an office of public advisor and small business assistance to provide administrative and technical services and information to small businesses and the public. The executive officer shall appoint the public advisor.

(b) The office shall facilitate and encourage compliance by small businesses with the rules and regulations of the south coast district, assist small businesses in applying for permits and variances, and facilitate the participation of small businesses in the development of rules and regulations and in other proceedings of the south coast district. The office shall provide information on the economic impact of the rules and regulations of the south coast district on small businesses in the south coast district. The office shall make available to small businesses information regarding alternative processes, cleaner fuels and solvents, and low-cost financing for air pollution control equipment. Upon receiving findings and recommendations from the public advisor, the south coast district board shall endeavor to coordinate compliance schedules with the availability to small businesses of financing for pollution control equipment and other measures to reduce emissions.

(c) The office shall assure effective communication with interested groups and the public through means such as maintaining a staffing level adequate to respond to requests for its services and providing toll-free telephone lines. The office shall facilitate effective participation by all interested groups and the public in the development of rules and regulations and the plan and in the discharge of other responsibilities of the south coast district by assuring that, consistent with the express requirements of this chapter, Chapter 6.5 (commencing with Section 40725), Chapter 8 (commencing with Section 40800), and Chapter 10 (commencing with Section 40910), timely and complete notice of all proceedings of the south coast district board and the hearing board is disseminated to all interested groups and the public. Upon request, the office shall advise interested groups and the public as to effective ways of participating in these proceedings, provide more extensive information on any item on an agenda, and make referrals to sources of expert advice and assistance on the district staff and elsewhere. Upon request, the office shall obtain and make available the public record of any aspect of, or particular action taken at, these proceedings. The office shall recommend to the south coast district board and the hearing board additional measures to assure open consideration and public participation in all proceedings.

(d) As used in this section:

(1) "Public" has the same meaning as "person," as defined in Section 39047.

(2) "Proceedings" means any hearing, workshop, conference, or meeting which is held or conducted by the south coast district board, the hearing board, any committee of either board, or district staff, at

which attendance by the public is allowed or required.

SEC. 5. Section 40452 is added to the Health and Safety Code, to read:

40452. On or before April 1, 1991, and annually thereafter, the south coast district shall submit a report to the state board and the Legislature summarizing its regulatory activities for the preceding fiscal year. The report shall include:

(a) A summary of each major rule and rule amendment adopted by the south coast district board. The summary shall include emission reductions to be accomplished by each rule or regulation; the cost per ton of emission reduction to be achieved from each rule or regulation; other alternatives that were considered through the environmental assessment process; the cost per ton of comparable emission reductions that could have been achieved from each alternative; a statement of the reason why a given alternative was chosen; the conclusions and recommendations of the district's socioeconomic analysis, including any evaluations of employment impacts; and the source of funding for the rule or regulation. For the purposes of this section, a major rule or rule amendment is one that is intended to significantly affect air quality or which imposes emission limitations.

(b) The number of permits to operate or to construct, by type of industry, that are issued and denied, and the number of permits to operate that are not renewed.

(c) Data on emission offset transactions and applications, by pollutant, during the previous fiscal year, including an accounting of the number of applications for permits for new or modified sources that were denied because of the unavailability of emission offsets.

(d) The district's forecast of budget and staff increases proposed for the following fiscal year, and projected for the next two fiscal years. Budget and staff increases shall be related to existing programs and rules, and to new programs or rules to be adopted during the following years. The budget forecast shall provide a workload justification for proposed budget and staff changes and shall identify any cost savings to be achieved by program or staff changes. The budget forecast shall include increases in permit fees and other fees proposed for the following fiscal year and projected for the next two fiscal years. Budget information developed by the district pursuant to Section 42311.1 may be used to comply with the requirements established under this section.

(e) An identification of the source of all revenues collected that are used, or proposed to be used, to finance activities related to either stationary or nonstationary sources.

(f) A response to audit recommendations pursuant to Sections 40453 and 42311.1. The response shall include proposed statutory changes needed to implement the recommendations.

SEC. 6. Section 40453 is added to the Health and Safety Code, to read:

40453. By July 1, 1991, and every three years thereafter, the south

coast district board shall contract with a qualified firm, selected by the district from the Auditor General's approved list of firms, to conduct a performance audit that will assess (a) whether the objectives of proposed, new, or ongoing programs established by the Legislature or another authorizing body, are being, or will be, achieved; (b) the effectiveness of the individual programs and activities of the district; (c) whether the district has complied with laws, rules, and regulations applicable to the program; and (d) whether there exist alternatives for carrying out the district program that might yield desired results more effectively and efficiently albeit at lower or higher cost. The audit shall include an assessment of policies, procedures, and productivity, as feasible, and shall make recommendations for changes that would enable the district to meet its statutory mandates in a cost-effective manner.

SEC. 7. Section 40466 of the Health and Safety Code is amended to read:

40466. (a) The south coast district board shall adopt plan revisions, pursuant to subdivision (a) of Section 40463, after holding public hearings throughout the south coast district. The south coast district board shall submit the adopted plan revisions to the state board and to the Legislature.

(b) Notice of the times and places of the public hearings shall be given not less than 45 days prior to the first hearing and shall be published in each county in the south coast district in accordance with the requirements of Section 6066 of the Government Code. The period of notice shall commence on the first day of publication. Notice shall be mailed to every person who filed a written request for notice concerning the plan with the south coast district and any person the south coast district believes to be interested in the plan. The notice shall include an abstract of any supporting information and documents, environmental assessments, and other materials that are relevant to the plan, and the name, address, and telephone number of the district officer and employee from whom these materials, and a copy of the draft plan, may be obtained.

SEC. 8. Section 40510.7 is added to the Health and Safety Code, to read:

40510.7. The south coast district board may establish an annual charge, in an amount not to exceed the annual estimated cost of sending notices required by this division, and individual charges, in amounts not to exceed the cost of sending notice on a one-time basis and the cost of duplicating and mailing any document furnished pursuant to this chapter.

SEC. 9. Section 40520.5 is added to the Health and Safety Code, to read:

40520.5. (a) The budget process of the south coast district shall be governed by this section. This section does not apply to appropriations or other authorizations made to carry out a labor contract entered into by the south coast district board.

(b) The south coast district shall publish, and mail upon request,

a budget summary and shall make available for inspection the complete text, and any supporting documents, of the south coast district's preliminary budget, together with schedules of fees proposed to be adopted pursuant to the authority of Sections 40506 and 40510, for the ensuing fiscal year. The preliminary budget and fee schedules shall be completed as soon as an accurate revenue projection for the ensuing fiscal year can be prepared, but in no event later than May 1 of each year. Notice of the availability of the budget summary, preliminary budget, and fee schedules shall be mailed to every person who filed a written request with the south coast district, every person who paid a fee during the preceding year, and any person the south coast district believes to be interested in the budget or the fees. The south coast district shall thereupon conduct at least one public workshop on the preliminary budget and fee schedules.

(c) During June of each year, the south coast district board shall meet to consider and adopt a final budget. At the June meeting, the preliminary budget may be revised to reflect any changed circumstances occurring after completion of the preliminary budget, but the total expenditure level for any single, major object of expenditure authorized in the final budget as adopted shall not be increased by more than 10 percent of the total expenditure level proposed in the preliminary budget. At the June meeting, the final fee schedules shall be adopted by the south coast district board by rule or regulation.

(d) During the course of the fiscal year, the final budget may be further revised by the adoption of one or more supplements to the budget. Notice of a proposal to adopt a supplement to the budget shall be given not less than 30 days prior to the meeting of the south coast district board at which the supplement will be considered and shall be published in each county in the south coast district in accordance with the requirements of Section 6066 of the Government Code. The period of notice shall commence on the first day of publication. The south coast district shall make available the complete text of the supplement and any supporting documents.

SEC. 10. Section 9250.11 of the Vehicle Code is amended to read:

9250.11. (a) Commencing on January 1, 1990, through December 31, 1990, in addition to any other fees specified in this code and the Revenue and Taxation Code, a fee of one dollar ($1) may be imposed by the Counties of Los Angeles, Orange, Riverside, and San Bernardino and shall be paid to the department, upon renewal of registration of any motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, registered in the South Coast Air Quality Management District, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(b) Commencing on January 1, 1991, in addition to any other fees specified in this code and the Revenue and Taxation Code, a fee of one dollar ($1) may be imposed by the South Coast Air Quality

Management District and shall be paid to the department, upon renewal of registration of any motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code and registered in the south coast district, except any vehicle that is expressly exempted under this code from the payment of registration fees.

(c) Prior to imposing fees pursuant to this section, the district board shall approve the imposition of the fees through the adoption of a resolution by both a majority of the district board and a majority of the district board who are elected officials. After deducting all costs incurred pursuant to this section, the department shall distribute the additional fees collected pursuant to subdivision (a) to the south coast district, which shall use the fees to reduce air pollution from motor vehicles and other sources through implementation of Section 40448.5 of the Health and Safety Code.

(d) Any memorandum of understanding reached between the district and a county prior to the imposition of a one dollar ($1) fee by a county shall remain in effect and govern the allocation of the funds generated in that county by that fee.

(e) This section shall become inoperative on August 1, 1994, and, as of January 1, 1995, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1995, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1703

An act to amend, repeal, and add Sections 6596, 6651, 7852, 7852.3, 7885, 7890, 7921, 8025, 8030, 8031, 8032, 8033, 8033.5, 8034, 8035, 8037, 8038, 8239, 8244, 8254, 8306.8, 8394.5, 8461, 8550.5, 8552.7, 8561.5, 8564, 8567, 8586.3, 8683, 9001, 9055, 15004, 15101, 15103, 15301, and 15406.7 of, to add and repeal Section 8039 of, and to repeal and add Section 8036 of, the Fish and Game Code, relating to wildlife resources, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Section 6596 of the Fish and Game Code is amended to read:

6596. (a) In addition to a valid California sport fishing license issued pursuant to Section 7149 and any applicable sport license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for sport purposes shall have permanently affixed to his or her sport fishing license an ocean fishing enhancement stamp which shall be issued upon payment of a fee of one dollar ($1).

(b) In addition to a valid California commercial fishing license issued pursuant to Section 7850 and any applicable commercial license stamp or permit issued pursuant to this code, a person using gill nets or other entangling nets to take fish from ocean waters south of a line extending due west from Point Arguello for commercial purposes shall have permanently affixed to his or her license a commercial ocean fishing enhancement stamp which may be obtained from the department upon payment of a fee of fifteen dollars ($15).

(c) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall obtain and permanently affix to the license a commercial ocean fishing enhancement stamp which may be obtained from the department upon payment of a fee of fifteen dollars ($15).

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 2. Section 6596 is added to the Fish and Game Code, to read:

6596. (a) In addition to a valid California sport fishing license issued pursuant to Section 7149 and any applicable sport license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for sport purposes shall have permanently affixed to his or her sport fishing license an ocean fishing enhancement stamp which shall be issued upon payment of a fee of one dollar ($1).

(b) In addition to a valid California commercial fishing license issued pursuant to Section 7850 and any applicable commercial license stamp or permit issued pursuant to this code, a person using gill nets or other entangling nets to take fish from ocean waters south of a line extending due west from Point Arguello for commercial purposes shall have permanently affixed to his or her license a commercial ocean fishing enhancement stamp which may be obtained from the department upon payment of a fee of ten dollars ($10).

(c) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat

or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall obtain and permanently affix to the license a commercial ocean fishing enhancement stamp which may be obtained from the department upon payment of a fee of ten dollars ($10).

(d) This section shall become operative on January 1, 1992.

SEC. 3. Section 6651 of the Fish and Game Code is amended to read:

6651. (a) A license granting the privilege to harvest kelp or other aquatic plants shall be issued and delivered upon application and the payment of a fee of sixty-five dollars ($65) to the department. The license shall be valid for a term of one year from the date of issuance.

(b) This chapter does not apply to aquatic plants grown on private land or on state water bottoms leased pursuant to Division 12 (commencing with Section 15000).

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 4. Section 6651 is added to the Fish and Game Code, to read:

6651. (a) A license granting the privilege to harvest kelp or other aquatic plants shall be issued and delivered upon application and the payment of a fee of fifty dollars ($50) to the department. The license shall be valid for a term of one year from the date of issuance.

(b) This chapter does not apply to aquatic plants grown on private land or on state water bottoms leased pursuant to Division 12 (commencing with Section 15000).

(c) This section shall become operative on January 1, 1992.

SEC. 5. Section 7852 of the Fish and Game Code is amended to read:

7852. (a) A commercial fishing license is valid from April 1st to March 31st of the year following, or, if issued after the beginning of that term, for the remainder thereof.

(b) Except as provided in subdivision (a) of Section 7852.3, the department shall issue a commercial fishing license for a fee of fifty dollars ($50) for each vessel crewmember.

(c) The department shall issue a commercial fishing license for a fee of ninety dollars ($90) for each vessel operator. Any person who obtains a license pursuant to this subdivision may also serve as a vessel crewmember. At least one person aboard each commercial fishing vessel during any fishing operation shall possess a commercial fishing license pursuant to this subdivision.

(d) The commercial fishing license shall be in the licensee's possession, or immediately available to the licensee, at all times when engaged in any activity described in Section 7850 or Article 7 (commencing with Section 8030) for which a commercial fishing license is required.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which

is enacted before January 1, 1992, deletes or extends that date.

SEC. 6. Section 7852 is added to the Fish and Game Code, to read:

7852. (a) A commercial fishing license is valid from April 1st to March 31st of the year following, or, if issued after the beginning of that term, for the remainder thereof.

(b) Except as provided in subdivision (a) of Section 7852.3, the department shall issue a commercial fishing license for a fee of fifty dollars ($50).

(c) The commercial fishing license shall be in the licensee's possession, or immediately available to the licensee, at all times when engaged in any activity described in Section 7850 or Article 7 (commencing with Section 8030) for which a commercial fishing license is required.

(d) This section shall become operative on January 1, 1992.

SEC. 7. Section 7852.3 of the Fish and Game Code is amended to read:

7852.3. (a) The department shall issue a commercial fishing license to a person who is 16 years of age or more but less than 18 years of age who is actively assisting in fishing activities for a fee of thirty-five dollars ($35).

(b) The department shall issue a commercial fishing salmon stamp to a person who is 16 years of age or more but less than 18 years of age for one-half of the fee prescribed in subdivision (c) of Section 7860.

(c) Nothing in this section affects other provisions of law relating to employment of minors.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 8. Section 7852.3 is added to the Fish and Game Code, to read:

7852.3. (a) The department shall issue a commercial fishing license to a person who is 16 years of age or more but less than 18 years of age who is actively assisting in fishing activities for a fee of one-half of the fee prescribed in subdivision (b) of Section 7852.

(b) The department shall issue a commercial fishing salmon stamp to a person who is 16 years of age or more but less than 18 years of age for one-half of the fee prescribed in subdivision (c) of Section 7860.

(c) Nothing in this section affects other provisions of law relating to employment of minors.

(d) This section shall become operative on January 1, 1992.

SEC. 9. Section 7885 of the Fish and Game Code is amended to read:

7885. (a) Registration number plates shall remain the property of the state, and shall not be intentionally defaced, mutilated, or destroyed. If any such registration number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel upon which the number plate has been placed

shall immediately make application for and may obtain a duplicate, upon furnishing the department with the pertinent facts and a payment of thirty-five dollars ($35).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 10. Section 7885 is added to the Fish and Game Code, to read:

7885. (a) Registration number plates shall remain the property of the state, and shall not be intentionally defaced, mutilated, or destroyed. If any such registration number plate is accidentally defaced, mutilated, destroyed, or lost, the person owning or operating the vessel upon which the number plate has been placed shall immediately make application for and may obtain a duplicate, upon furnishing the department with the pertinent facts and a payment of twenty-five dollars ($25).

(b) This section shall become operative on January 1, 1992.

SEC. 11. Section 7890 of the Fish and Game Code is amended to read:

7890. (a) Upon payment of a fee of two hundred dollars ($200) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration *which is valid for the period April 1st to March 31st of the year* following, or, if issued after the beginning of that term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times and posted in a conspicuous place.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 12. Section 7890 is added to the Fish and Game Code, to read:

7890. (a) Upon payment of a fee of one hundred sixty-five dollars ($165) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year following, or, if issued after the beginning of that term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times and posted in a conspicuous place.

(b) This section shall become operative on January 1, 1992.

SEC. 13. Section 7921 of the Fish and Game Code is amended to read:

7921. (a) The license shall be valid during the period from April 1st to March 31st of the year following, or, if issued after the beginning of that term, for the remainder thereof, and for a fee of sixty-five dollars ($65) shall be issued to the holder of a certificate of boat registration issued pursuant to Section 7890.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 14. Section 7921 is added to the Fish and Game Code, to read:

7921. (a) The license shall be valid during the period from April 1st to March 31st of the year following, or, if issued after the beginning of that term, for the remainder thereof, and for a fee of fifty dollars ($50) shall be issued to the holder of a certificate of boat registration issued pursuant to Section 7890.

(b) This section shall become operative on January 1, 1992.

SEC. 15. Section 8025 of the Fish and Game Code is amended to read:

8025. (a) The department may suspend or revoke the commercial fishing privileges of any fisherman or the license of any person required to be licensed under Article 7 (commencing with Section 8030) who is convicted of a violation of this article, Article 7 (commencing with Section 8030), or Article 7.5 (commencing with Section 8040).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 16. Section 8025 is added to the Fish and Game Code, to read:

8025. (a) The commission, upon recommendation of the department, may suspend or revoke the commercial fishing privileges of any fisherman or the license of any person required to be licensed under Article 7 (commencing with Section 8030) who is convicted of a violation of this article or Article 7.5 (commencing with Section 8040).

(b) This section shall become operative on January 1, 1992.

SEC. 17. Section 8030 of the Fish and Game Code is amended to read:

8030. (a) Any person who engages in any business for profit involving fish or aquaculture products shall be licensed pursuant to this article, except as follows:

(1) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities.

(2) A person who only takes, transports, or sells live fish for bait.

(3) A person who sells fish or aquaculture products only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8034, or 8035.

(4) A person required to be registered pursuant to Division 12 (commencing with Section 15000) and who deals only in his or her own aquaculture products; and any person who receives only live fish or products for aquaculture purposes or for recreational fishing.

(5) A person who deals only with live products not utilized for human consumption but solely for pet industry or hobby purposes.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which

is enacted before January 1, 1992, deletes or extends that date.

SEC. 18. Section 8030 is added to the Fish and Game Code, to read:

8030. (a) Any person who engages in any business for profit involving fish shall be licensed pursuant to this article, except as follows:

(1) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities.

(2) A person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait.

(3) A person who sells fish only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8035, or 8036.

(4) Pursuant to Division 12 (commencing with Section 15000), a person who deals only in products of aquaculture.

(b) This section shall become operative on January 1, 1992.

SEC. 19. Section 8031 of the Fish and Game is amended to read:

8031. (a) The following definitions govern the construction of this article:

(1) "Process fish" means any activity for profit of preserving or preparing fish or aquaculture products for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breading, packaging, or packing fish. "Process fish" also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish. "Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.

(2) "Wholesale" means the purchase of fish or aquaculture products from primary fish receivers, processors, or any other wholesaler for the purpose of resale to other than the ultimate consumer.

(3) "Import" means receiving or purchasing fish taken outside of this state which are not landed in this state by a licensed commercial fisherman or receiving or purchasing aquaculture products from outside of this state.

(4) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.

(5) "Fresh or fresh frozen fish and aquaculture products" means wild fish and products of aquaculture that are not canned, cooked, cured, salted, dried, or breaded.

(b) This section shall remain in effect only until January 1, 1992,

and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 20. Section 8031 is added to the Fish and Game Code, to read:

8031. (a) The following definitions govern the construction of this article:

(1) "Process fish" means any activity for profit of preserving or preparing fish for sale or delivery to other than the ultimate consumer, including, but not limited to, cleaning, cutting, gutting, scaling, shucking, peeling, cooking, curing, salting, canning, breading, packaging, or packing fish. "Process fish" also means the activity for profit of manufacturing fish scraps, fish meal, fish oil, or fertilizer made from fish. "Process fish" does not include the cleaning, beheading, gutting, or chilling of fish by a licensed commercial fisherman which is required to preserve the fish while aboard a fishing vessel and which is to prevent deterioration, spoilage, or waste of the fish before they are landed and delivered to a person licensed to purchase or receive fish from a commercial fisherman.

(2) "Wholesale" means the purchase of fish from persons licensed to purchase or receive fish from a commercial fisherman, processors, importers, or any other wholesaler for the purpose of resale to other than the ultimate consumer.

(3) "Import" means receiving or purchasing fish taken outside of this state which are not landed in this state by a licensed commercial fisherman.

(4) "Commercial fisherman" means a person who has a valid, unrevoked commercial fishing license issued pursuant to Section 7850.

(b) This section shall become operative on January 1, 1992.

SEC. 21. Section 8032 of the Fish and Game Code is amended to read:

8032.

(a) Commercial fish business specialty licenses shall be issued in four classes, as follows:

(1) Primary fish receiver's license, issued to any person engaged in the business of receiving fish or aquaculture products as provided in Section 8033.

(2) Fish processor's license, issued to any person engaged in the business of processing fish or aquaculture products as provided in Section 8034.

(3) Fish wholesaler's license, issued to any person who is engaged in the business of wholesaling fish or aquaculture products as provided in Section 8035.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 22. Section 8032 is added to the Fish and Game Code, to read:

8032. (a) A commercial fish business license shall be issued which authorizes any or all activities described in Section 8033, 8034, 8035, or 8036. The annual fee for this license is seven hundred fifty dollars ($750).

(b) Specialty licenses for part of, but not all, activities described in subdivision (a) shall be issued in four classes, as follows:

(1) Fish receivers license, issued to any person engaged in the business of receiving fish as provided in Section 8033.

(2) Fish processors license, issued to any person engaged in the business of processing fish as provided in Section 8034.

(3) Fish wholesalers license, issued to any person who is engaged in the business of wholesaling fish as provided in Section 8035.

(4) Fish importers license, issued to any person who is engaged in the business of importing fish as provided in Section 8036.

(c) This section shall become operative on January 1, 1992.

SEC. 23. Section 8033 of the Fish and Game Code is amended to read:

8033. (a) Except as provided in Section 8033.5 or subdivision (c) of Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under Section 7850, or any person who removes fish from the point of the first landing that that person has caught for his or her own processing or sale, shall obtain a primary fish receiver's license.

(b) Any person who purchases or receives aquaculture products for resale from a person required to be registered pursuant to Division 12 (commencing with Section 15000) shall obtain a primary fish receiver's license. In lieu thereof, any person who is required to be registered pursuant to Division 12 (commencing with Section 15000) who sells or delivers his or her aquaculture products to a person who is not licensed as a primary fish receiver shall obtain a primary fish receiver's license.

(c) Any person who purchases or receives fresh or fresh frozen fish, including aquaculture products, which are taken or raised outside of this state and brought into this state by a person who is not a licensed commercial fisherman who is operating as a commercial fisherman, for the purpose of resale shall obtain a primary fish receiver's license.

(d) The primary fish receiver's license shall be valid from July 1 to June 30 of the following year, or if issued after the beginning of that term, for the remainder thereof. The base fee for the primary fish receiver's license shall be determined by the combined weight of the following:

(1) All fish purchased or received during the preceding 12 months from persons required to be licensed under Section 7850.

(2) All aquaculture products purchased or received during the preceding 12 months from persons who are required to be registered pursuant to Division 12 (commencing with Section 15000).

(3) All fresh or frozen fish and aquaculture products imported

during the preceding 12 months.

(e) The base fee for the primary fish receiver's license is the amount in the following schedule:

Combined Weights	Fees
1 to 24,999 pounds	$200
25,000 to 99,999 pounds	$500
100,000 to 199,999 pounds	$1,500
200,000 or more pounds	$2,500

(f) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 24. Section 8033 is added to the Fish and Game Code, to read:

8033. (a) Except as provided in Section 8033.5 or subdivision (c) of Section 8047, any person who purchases or receives fish for commercial purposes from a fisherman who is required to be licensed under Section 7850, or any person who removes fish from the point of the first landing that that person has caught for his or her own processing or sale, shall obtain a fish receiver's license. The annual fee for a fish receiver's license is three hundred dollars ($300). A cooperative association of fishermen may be licensed as fish receivers.

(b) This section shall become operative on January 1, 1992.

SEC. 25. Section 8033.5 of the Fish and Game Code is amended to read:

8033.5. (a) Any commercial fisherman who sells fish that he or she has taken to the ultimate consumer of that fish shall obtain a fisherman's retail license. The annual fee for a fisherman's retail license is fifty dollars ($50).

(b) Any person required to obtain a license under this section who engages in any activity described in Section 8033, 8034, or 8035 shall also obtain an appropriate license to engage in those activities.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 26. Section 8033.5 is added to the Fish and Game Code, to read:

8033.5. (a) Any commercial fisherman who sells fish that he or she has taken to the ultimate consumer of that fish shall obtain a fisherman's retail license. The annual fee for a fisherman's retail license is twenty-five dollars ($25).

(b) Any person required to obtain a license under this section who engages in any activity described in Section 8033, 8034, 8035, or 8036 shall also obtain an appropriate license to engage in those activities.

(c) This section shall become operative on January 1, 1992.

SEC. 27. Section 8034 of the Fish and Game Code is amended to read:

8034. (a) Other than a person who is exempt pursuant to Section 8030, any person who processes fish or aquaculture products for profit shall obtain a fish processor's license. The annual fee for a fish processor's license is five hundred dollars ($500).

(b) Any person required to obtain a license under this section who takes his or her own fish shall also obtain a primary fish receiver's license.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 28. Section 8034 is added to the Fish and Game Code, to read:

8034. (a) Any person who processes fish for profit shall obtain a fish processor's license. The annual fee for a fish processor's license is three hundred dollars ($300).

(b) Any person required to obtain a license under this section who takes his or her own fish shall also obtain a fish receiver's license or a commercial fish business license.

(c) This section shall become operative on January 1, 1992.

SEC. 29. Section 8035 of the Fish and Game Code is amended to read:

8035. (a) Other than a person exempt under Section 8030, any person who, for the purpose of resale to other than the ultimate consumer, purchases or obtains fish or aquaculture products from another person, who is required to be licensed as a primary fish receiver, fish processor, or fish wholesaler under this article, shall obtain a fish wholesaler's license. The annual fee for a fish wholesaler's license is five hundred dollars ($500).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 30. Section 8035 is added to the Fish and Game Code, to read:

8035. (a) Excepting a person exempt under Section 8030 or an importer licensed under Section 8036, any person who, for the purpose of resale to other than the ultimate consumer, purchases or obtains fish from another person, who is required to be licensed as a fish receiver, fish processor, fish importer, or fish wholesaler under this article, shall obtain a fish wholesaler's license. The annual fee for a fish wholesaler's license is two hundred dollars ($200).

(b) This section shall become operative on January 1, 1992.

SEC. 31. Section 8036 of the Fish and Game Code is repealed.

SEC. 32. Section 8036 is added to the Fish and Game Code, to read:

8036. (a) Any person who purchases or receives fish, which are taken outside of this state and brought into this state by a person who is not a licensed commercial fisherman, for the purpose of resale to other than the ultimate consumer shall obtain a fish importer's license. The annual fee for a fish importer's license is three hundred

dollars ($300).

(b) This section shall become operative on January 1, 1992.

SEC. 33. Section 8037 of the Fish and Game Code is amended to read:

8037. (a) A person who engages in business involving fish or aquaculture products which business activity would require more than one class of license under this article, shall obtain each of the specialty licenses required for the classes of activities engaged in. Each plant, facility, or other place of business in which an activity occurs that is required to be licensed shall have a copy of the required license.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 34. Section 8037 is added to the Fish and Game Code, to read:

8037. (a) A person who engages in business involving fish which business activity would require more than one class of license under this article shall obtain either a commercial fish business license issued under subdivision (a) of Section 8032 or each of the specialty licenses which are required for the classes of activities engaged in. Each plant, facility, or other place of business in which an activity occurs that is required to be licensed shall have a copy of the required license.

(b) This section shall become operative on January 1, 1992.

SEC. 35. Section 8038 of the Fish and Game is amended to read:

8038. (a) A license issued under this article is valid from July 1 to June 30 of the following year, or, if issued after the beginning of that term, for the remainder thereof.

(b) An application for a license issued pursuant to Section 8033, 8033.5, 8034, or 8035 for the next, subsequent year may be accepted from an existing licensee by the department on or after April 30 of the license year preceding the license year for which the application is made.

(c) Any person who desires to engage, or to continue engaging, in any business that is required to be licensed pursuant to this article and who is the holder of a valid, unrevoked license that was issued under former subdivision (a) of Section 8032, Section 8033, 8034, 8035, or 8036, as those provisions read on December 31, 1990, shall obtain the applicable licenses and pay the fee required by this article before February 1, 1991, and that licensee shall receive a credit for the fees paid for those former licenses for licenses issued under this article for the 1990–91 license year. The amount of the credit issued shall not exceed the fees for the replacement licenses. No credit shall be allowed for any fee required by this article that is paid on or after February 1, 1991.

(d) Any person who is not the holder of a valid, unrevoked license as described in subdivision (c), and who desires to engage, or to continue engaging, in any business which is required to be licensed

pursuant to this article shall obtain the applicable license and pay the amount of the annual fees specified in this article.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 36. Section 8038 is added to the Fish and Game Code, to read:

8038. (a) A license issued under this article is valid from July 1 to June 30 of the following year, or, if issued after the beginning of that term, for the remainder thereof.

(b) An application for a license for the next, subsequent year may be accepted from an existing licensee by the department on or after April 30 of the license year preceding the license year for which the application is made.

(c) This section shall become operative on January 1, 1992.

SEC. 37. Section 8039 is added to the Fish and Game Code, to read:

8039. (a) The department may enter into contracts for the purpose of producing and printing commercial fishing license stamps, license application forms, and fish privilege tax forms without complying with Sections 10301, 10339, and 10340 of the Public Contract Code.

(b) This section shall remain in effect only until July 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before July 1, 1991, deletes or extends that date.

SEC. 38. Section 8239 of the Fish and Game Code is amended to read:

8239. (a) A transfer may be approved and a permit issued for use of a replacement vessel pursuant to Section 8241 under all of the following conditions:

(1) The vessel owner submits a written request for the transfer to the department on a form provided by the department and pays a nonrefundable transfer fee of two hundred dollars ($200).

(2) The permit for the permitted vessel is current, and the owner of the permitted vessel makes assurances in the application that any renewal of the permit which becomes due during the application processing period will be made.

(3) The owner of the permitted vessel submits evidence with the application sufficient to establish that he or she is the owner of the permitted vessel at the time of the application for the transfer.

(4) The vessel owner submits evidence with the application sufficient in the judgment of the review board and the department to establish that the replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.

(5) Under penalty of perjury, the vessel owner signs the application for transfer and certifies that the included information is true to the best of his or her information and belief.

(6) The same transfer has not been requested within the previous 12 months or the same transfer has not previously been denied and

that denial is final, unless the application or supporting information are different than that contained in the previous application, as determined by the department and after consultation with the review board.

(7) The permittee has 50 percent or greater ownership interest in the permitted vessel and in the replacement vessel. For purposes of this subdivision and subdivision (h), "permittee" means an individual designated as the owner of the permitted vessel.

(8) Except as provided in Section 8239.1 or paragraph (5) of subdivision (a) of Section 8246.7, the permittee has maintained a 50 percent or greater ownership interest in the permitted vessel for not less than 18 months prior to the date of the transfer and the permit for use of the permitted vessel has been maintained for that vessel and has not been previously transferred less than 18 months prior to the date of the transfer.

(9) The permittee has written authority from the legal owner, if other than the permittee or mortgager, if any, to transfer the vessel permit from the permitted vessel.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 39. Section 8239 is added to the Fish and Game Code, to read:

8239. (a) A transfer may be approved and a permit issued for use of a replacement vessel pursuant to Section 8241 under all of the following conditions:

(1) The vessel owner submits a written request for the transfer to the department on a form provided by the department and pays a nonrefundable transfer fee of one hundred dollars ($100).

(2) The permit for the permitted vessel is current, and the owner of the permitted vessel makes assurances in the application that any renewal of the permit which becomes due during the application processing period will be made.

(3) The owner of the permitted vessel submits evidence with the application sufficient to establish that he or she is the owner of the permitted vessel at the time of the application for the transfer.

(4) The vessel owner submits evidence with the application sufficient in the judgment of the review board and the department to establish that the replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.

(5) Under penalty of perjury, the vessel owner signs the application for transfer and certifies that the included information is true to the best of his or her information and belief.

(6) The same transfer has not been requested within the previous 12 months or the same transfer has not previously been denied and that denial is final, unless the application or supporting information are different than that contained in the previous application, as determined by the department and after consultation with the review board.

(7) The permittee has 50 percent or greater ownership interest in the permitted vessel and in the replacement vessel. For purposes of this subdivision and subdivision (h), "permittee" means an individual designated as the owner of the permitted vessel.

(8) Except as provided in Section 8239.1 or paragraph (5) of subdivision (a) of Section 8246.7, the permittee has maintained a 50 percent or greater ownership interest in the permitted vessel for not less than 18 months prior to the date of the transfer and the permit for use of the permitted vessel has been maintained for that vessel and has not been previously transferred less than 18 months prior to the date of the transfer.

(9) The permittee has written authority from the legal owner, if other than the permittee or mortgager, if any, to transfer the vessel permit from the permitted vessel.

(b) This section shall become operative on January 1, 1992.

SEC. 40. Section 8244 of the Fish and Game Code is amended to read:

8244. (a) An applicant may apply for a new, original permit as either an individual, a joint venture, or a corporation. The applicant may submit only one application annually. The application shall be made on a form provided by the department.

(b) An applicant for a new, original permit under this section shall submit a completed application as directed by the department. The completed application, and the application fees prescribed in subdivision (c), shall be delivered or postmarked on or before February 1, in order to be considered for permits for the subsequent permit year.

(c) The applicant shall submit with the application a nonrefundable application fee determined by the department in an amount sufficient to pay the costs of administering the issuance of new, original permits by the department, which shall be not less than thirty-five dollars ($35).

(d) The department, after consultation with the review board, shall determine the fishing potential of the vessel for use of which the new, original permit is to be issued and otherwise determine if the applicant is eligible to be issued a permit under this article.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 41. Section 8244 is added to the Fish and Game Code, to read:

8244. (a) An applicant may apply for a new, original permit as either an individual, a joint venture, or a corporation. The applicant may submit only one application annually. The application shall be made on a form provided by the department.

(b) An applicant for a new, original permit under this section shall submit a completed application as directed by the department. The completed application, and the application fees prescribed in subdivision (c), shall be delivered or postmarked on or before

February 1, in order to be considered for permits for the subsequent permit year.

(c) The applicant shall submit with the application a nonrefundable application fee determined by the department in an amount sufficient to pay the costs of administering the issuance of new, original permits by the department, which shall be not less than twenty-five dollars ($25).

(d) The department, after consultation with the review board, shall determine the fishing potential of the vessel for use of which the new, original permit is to be issued and otherwise determine if the applicant is eligible to be issued a permit under this article.

(e) This section shall become operative on January 1, 1992.

SEC. 42. Section 8254 of the Fish and Game Code is amended to read:

8254. (a) Lobsters may not be taken for commercial purposes except under a revocable, nontransferable permit subject to regulations adopted by the commission.

(b) Every person who takes, assists in taking, possesses, or transports lobsters while on any boat, barge, or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take lobsters, shall have a valid lobster permit issued to that person and shall have that permit in his or her possession while engaged in any of those activities.

(c) Lobster permits may be issued annually by the department and shall be valid for the period of the commercial lobster season. The permit fee is two hundred sixty-five dollars ($265). However, any person who has had a lobster permit revoked may be required by the commission to appear before it, and no new lobster permit may be issued to that person unless the commission finds that the issuance will be in the best interests of lobster fishing.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 43. Section 8254 is added to the Fish and Game Code, to read:

8254. (a) Lobsters may not be taken for commercial purposes except under a revocable, nontransferable permit subject to regulations adopted by the commission.

(b) Every person who takes, assists in taking, possesses, or transports lobsters while on any boat, barge, or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line, or other appliance to take lobsters, shall have a valid lobster permit issued to that person and shall have that permit in his or her possession while engaged in any of those activities.

(c) Lobster permits may be issued annually by the department and shall be valid for the period of the commercial lobster season. The permit fee is two hundred dollars ($200). However, any person who has had a lobster permit revoked may be required by the commission to appear before it, and no new lobster permit may be

issued to that person unless the commission finds that the issuance will be in the best interests of lobster fishing.

(d) This section shall become operative on January 1, 1992.

SEC. 44. Section 8306.8 of the Fish and Game Code is amended to read:

8306.8. (a) Abalone may not be taken for commercial purposes except under a revocable abalone diving permit or crewmember permit issued by the department under regulations prescribed by the commission. The diving permit fee is three hundred thirty dollars ($330). A crewmember permit shall be issued free of any charge or fee.

(b) Except where the taking of abalone for commercial purposes is prohibited, diving apparatus may be used to take abalone in Districts 10, 18, 19, 20, and 20A.

(c) It is unlawful to take black abalone for commercial purposes along the mainland coast, except as otherwise specifically authorized by this article.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 45. Section 8306.8 is added to the Fish and Game Code, to read:

8306.8. (a) Abalone may not be taken for commercial purposes except under a revocable abalone diving permit or crewmember permit issued by the department under regulations prescribed by the commission. The diving permit fee is two hundred fifty dollars ($250). A crewmember permit shall be issued free of any charge or fee.

(b) Except where the taking of abalone for commercial purposes is prohibited, diving apparatus may be used to take abalone in Districts 10, 18, 19, 20, and 20A.

(c) It is unlawful to take black abalone for commercial purposes along the mainland coast, except as otherwise specifically authorized by this article.

(d) This section shall become operative on January 1, 1992.

SEC. 46. Section 8394.5 of the Fish and Game Code is amended to read:

8394.5. (a) The fee for the permit issued pursuant to Section 8394 shall be three hundred thirty dollars ($330). This permit fee shall not apply to the holder of a valid drift gill net shark and swordfish permit required under Article 16 (commencing with Section 8560) of Chapter 2 or to the holder of a valid permit required under Article 17 (commencing with Section 8585) of Chapter 2.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 47. Section 8394.5 is added to the Fish and Game Code, to read:

8394.5. (a) The fee for the permit issued pursuant to Section 8394

shall be two hundred fifty dollars ($250). This permit fee shall not apply to the holder of a valid drift gill net shark and swordfish permit required under Article 16 (commencing with Section 8560) of Chapter 2 or to the holder of a valid permit required under Article 17 (commencing with Section 8585) of Chapter 2.

(b) This section shall become operative on January 1, 1992.

SEC. 48. Section 8461 of the Fish and Game Code is amended to read:

8461. (a) The annual license fee for a live freshwater bait fish license is fifty-five dollars ($55) for each person.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 49. Section 8461 is added to the Fish and Game Code, to read:

8461. (a) The annual license fee for a live freshwater bait fish license is forty dollars ($40) for each person.

(b) This section shall become operative on January 1, 1992.

SEC. 50. Section 8550.5 of the Fish and Game Code is amended to read:

8550.5. (a) A herring net permit granting the privilege to take herring with nets for commercial purposes shall be issued to licensed commercial fishermen, subject to regulations adopted under Section 8550, as follows:

(1) To any resident of this state to use gill nets, upon payment of a fee of two hundred sixty-five dollars ($265).

(2) To any nonresident to use gill nets, upon payment of a fee of four hundred dollars ($400).

(3) To any resident of this state to use round haul nets, upon the payment of a fee of four hundred dollars ($400).

(4) To any nonresident to use round haul nets, upon the payment of a fee of six hundred sixty dollars ($660).

(b) The commission shall not require a permit for a person to be a crewmember on a vessel taking herring pursuant to this article.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 51. Section 8550.5 is added to the Fish and Game Code, to read:

8550.5. (a) A herring net permit granting the privilege to take herring with nets for commercial purposes shall be issued to licensed commercial fishermen, subject to regulations adopted under Section 8550, as follows:

(1) To any resident of this state to use gill nets, upon payment of a fee of two hundred dollars ($200).

(2) To any nonresident to use gill nets, upon payment of a fee of three hundred dollars ($300).

(3) To any resident of this state to use round haul nets, upon the payment of a fee of three hundred dollars ($300).

(4) To any nonresident to use round haul nets, upon the payment of a fee of five hundred dollars ($500).

(b) The commission shall not require a permit for a person to be a crewmember on a vessel taking herring pursuant to this article.

(c) This section shall become operative on January 1, 1992.

SEC. 52. Section 8552.7 of the Fish and Game Code is amended to read:

8552.7. (a) The department shall reissue a herring permit which has been transferred pursuant to Section 8552.2 or 8552.6 upon payment of a transfer fee of five thousand dollars ($5,000) to be paid by the purchaser of the permit. The fees shall be deposited in the Fish and Game Preservation Fund.

(b) Notwithstanding subdivision (a), any person who transfers a permit pursuant to Section 8664.65, as added by Senate Bill 2563 of the 1989–90 Regular Session, prior to January 1, 1992, shall pay a fee of one thousand dollars ($1,000). This subdivision shall become operative only if Senate Bill 2563 of the 1989–90 Regular Session is enacted and becomes operative on or before January 1, 1991.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 53. Section 8552.7 is added to the Fish and Game Code, to read:

8552.7. (a) The department shall reissue a herring permit which has been transferred pursuant to Section 8552.2 or 8552.6 upon payment of a transfer fee of one thousand dollars ($1,000) to be paid by the purchaser of the permit. The fees shall be deposited in the Fish and Game Preservation Fund and shall be expended for research and management activities to maintain and enhance herring resources pursuant to subdivision (a) of Section 8052.

(b) This section shall become operative on January 1, 1992.

SEC. 54. Section 8561.5 of the Fish and Game Code is amended to read:

8561.5. (a) Notwithstanding Section 8102, a permit issued pursuant to Section 8561 may be transferred by the permittee only if one of the following conditions is met:

(1) The permittee has held the permit for three or more years.

(2) The permittee is permanently injured or suffers a serious illness that will result in a hardship, as determined in a written finding by the director, to the permittee or his or her family if the permit may not otherwise be transferred or upon dissolution of a marriage where the permit is held to be community property.

(3) The permittee has died and his or her surviving spouse, heirs, or estate seeks to transfer the permit within six months of the death of the permittee or, with the written approval of the director, within the length of time that it may reasonably take to effect the transfer.

(b) A permit may be transferred only to a person holding a commercial fishing license issued pursuant to Section 7850 and who holds a general gill net permit issued pursuant to Section 8681.

(c) The transfer of a permit shall only become effective upon notice from the department. An application for transfer shall be submitted to the department with such reasonable proof as the department may require to establish the qualification of the person the permit is to be transferred to, the payment to the department of a transfer fee of one thousand five hundred dollars ($1,500), and a written disclosure, filed under penalty of perjury, of the terms of the transfer.

(d) Any restrictions on participation that were required in a permit transferred pursuant to Section 8102 before January 1, 1990, are of no further force or effect.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 55. Section 8561.5 is added to the Fish and Game Code, to read:

8561.5. (a) Notwithstanding Section 8102, a permit issued pursuant to Section 8561 may be transferred by the permittee only if one of the following conditions is met:

(1) The permittee has held the permit for three or more years.

(2) The permittee is permanently injured or suffers a serious illness that will result in a hardship, as determined in a written finding by the director, to the permittee or his or her family if the permit may not otherwise be transferred or upon dissolution of a marriage where the permit is held to be community property.

(3) The permittee has died and his or her surviving spouse, heirs, or estate seeks to transfer the permit within six months of the death of the permittee or, with the written approval of the director, within the length of time that it may reasonably take to effect the transfer.

(b) A permit may be transferred only to a person holding a commercial fishing license issued pursuant to Section 7850 and who holds a general gill net permit issued pursuant to Section 8681.

(c) The transfer of a permit shall only become effective upon notice from the department. An application for transfer shall be submitted to the department with such reasonable proof as the department may require to establish the qualification of the person the permit is to be transferred to, the payment to the department of a transfer fee of one thousand dollars ($1,000), and a written disclosure, filed under penalty of perjury, of the terms of the transfer.

(d) Any restrictions on participation that were required in a permit transferred pursuant to Section 8102 before January 1, 1990, are of no further force or effect.

(e) This section shall become operative on January 1, 1992.

SEC. 56. Section 8564 of the Fish and Game Code is amended to read:

8564. (a) When the permittee applies for a drift gill net shark and swordfish permit, the permittee shall specify the vessel he or she will use in operations authorized by the permit. Transfer to another vessel shall be authorized by the department upon receipt of a

written request from the permittee, accompanied by a transfer fee of one hundred thirty dollars ($130), as follows:

(1) One transfer requested between February 1 and April 30 shall be made by the department upon request and payment of the fee.

(2) Any transfer, except as provided in paragraph (1), shall be authorized by the department only after receipt of proof of a compelling reason, which shall be submitted with the request for transfer, such as the sinking of the vessel specified for use in operations authorized by the permit.

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 47. Section 8564 is added to the Fish and Game Code, to read:

8564. (a) When the permittee applies for a drift gill net shark and swordfish permit, the permittee shall specify the vessel he or she will use in operations authorized by the permit. Transfer to another vessel shall be authorized by the department upon receipt of a written request from the permittee, accompanied by a transfer fee of one hundred dollars ($100), as follows:

(1) One transfer requested between February 1 and April 30 shall be made by the department upon request and payment of the fee.

(2) Any transfer, except as provided in paragraph (1), shall be authorized by the department only after receipt of proof of a compelling reason, which shall be submitted with the request for transfer, such as the sinking of the vessel specified for use in operations authorized by the permit.

(b) This section shall become operative on January 1, 1992.

SEC. 58. Section 8567 of the Fish and Game Code is amended to read:

8567. (a) A drift gill net shark and swordfish permit shall be valid, unless revoked, from April 1 to March 31 of the following year or, if issued after the beginning of that term, for the remainder thereof. The fee for this permit shall be three hundred thirty dollars ($330).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 59. Section 8567 is added to the Fish and Game Code, to read:

8567. (a) A drift gill net shark and swordfish permit shall be valid, unless revoked, from April 1 to March 31 of the following year or, if issued after the beginning of that term, for the remainder thereof. The fee for this permit shall be two hundred fifty dollars ($250).

(b) This section shall become operative on January 1, 1992.

SEC. 60. Section 8586.3 of the Fish and Game Code is amended to read:

8586.3. (a) A limited entry experimental swordfish permit issued

under this article shall be valid unless revoked, from May 1 of the year of issue to January 31 of the following year or, if issued after the beginning of that term, for the remainder thereof. The fee for this permit shall be three hundred thirty dollars ($330).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 61. Section 8586.3 is added to the Fish and Game Code, to read:

8586.3. (a) A limited entry experimental swordfish permit issued under this article shall be valid unless revoked, from May 1 of the year of issue to January 31 of the following year or, if issued after the beginning of that term, for the remainder thereof. The fee for this permit shall be two hundred fifty dollars ($250).

(b) This section shall become operative January 1, 1992.

SEC. 62. Section 8683 of the Fish and Game Code is amended to read:

8683. (a) On or after April 1, 1990, the fee for a permit issued pursuant to Section 8681 shall be three hundred thirty dollars ($330).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 63. Section 8683 is added to the Fish and Game Code, to read:

8683. (a) On or after April 1, 1990, the fee for a permit issued pursuant to Section 8681 shall be two hundred fifty dollars ($250).

(b) This section shall become operative on January 1, 1992.

SEC. 64. Section 9001 of the Fish and Game Code is amended to read:

9001. (a) The department shall issue a revocable, nontransferable general trap permit authorizing the use of traps to take fin fish, mollusks, or crustaceans for commercial purposes from the ocean waters of this state.

(b) Any person who operates or assists in operating any trap to take fin fish, mollusks, or crustaceans, other than lobster or dungeness crabs, as defined in Section 8275, or who possesses or transports fin fish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have in his or her possession a valid general trap permit issued to him or her pursuant to this section while engaged in any such activity.

(c) The fee for the general trap permit shall be established by the director in an amount not to exceed the cost of administration of this article, or thirty-five dollars ($35), whichever is more.

(d) The application for a general trap permit under this section shall contain a statement, signed by the applicant, that he or she has read, understands, and agrees to be bound by all the terms of the general trap permit.

(e) This section does not apply to the taking of lobster under Section 9010 or to the taking of dungeness crab under Section 9011.

(f) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 65. Section 9001 is added to the Fish and Game Code, to read:

9001. (a) The department shall issue a revocable, nontransferable general trap permit authorizing the use of traps to take fin fish, mollusks, or crustaceans for commercial purposes from the ocean waters of this state.

(b) Any person who operates or assists in operating any trap to take fin fish, mollusks, or crustaceans, other than lobster or dungeness crabs, as defined in Section 8275, or who possesses or transports fin fish, mollusks, or crustaceans on any boat, barge, or vessel when any trap is aboard, shall have in his or her possession a valid general trap permit issued to him or her pursuant to this section while engaged in any such activity.

(c) The fee for the general trap permit shall be established by the director in an amount not to exceed the cost of administration of this article.

(d) The application for a general trap permit under this section shall contain a statement, signed by the applicant, that he or she has read, understands, and agrees to be bound by all the terms of the general trap permit.

(e) This section does not apply to the taking of lobster under Section 9010 or to the taking of dungeness crab under Section 9011.

(f) This section shall become operative on January 1, 1992.

SEC. 66. Section 9055 of the Fish and Game Code is amended to read:

9055. (a) The fee for a sea urchin permit authorized pursuant to Section 9054 is three hundred thirty dollars ($330).

(b) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 67. Section 9055 is added to the Fish and Game Code, to read:

9055. (a) The fee for a sea urchin permit authorized pursuant to Section 9054 is two hundred fifty dollars ($250).

(b) This section shall become operative on January 1, 1992.

SEC. 68. Section 15004 of the Fish and Game Code is amended to read:

15004. (a) Commencing in 1991, the department shall, at least once every five years, analyze the fees and taxes authorized by this division to ensure that the amount of the appropriate fee or tax is sufficient to fully fund the aquaculture program.

(b) The department shall, as appropriate, recommend fee or tax changes to the Legislature or the commission.

(c) Aquaculturists operating under this division shall pay all costs incurred by the department when conducting any inspections of plants, animals, facilities, or culture areas required by this division,

or by regulations made pursuant to it, when requested by the aquaculturists.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 69. Section 15004 is added to the Fish and Game Code, to read:

15004. (a) Aquaculturists operating under this division shall pay all costs incurred by the department when conducting any inspections of plants, animals, facilities, or culture areas required by this division, or by regulations made pursuant to it, when requested by the aquaculturists.

(b) This section shall become operative on January 1, 1992.

SEC. 70. Section 15101 of the Fish and Game Code is amended to read:

15101. (a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose, may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a fee of four hundred dollars ($400) to recover the cost of reviewing new registrations. For renewing registrations, the department shall impose a registration fee of two hundred dollars ($200). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section.

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 71. Section 15101 is added to the Fish and Game Code, to read:

15101. (a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose and may impose a registration fee of one hundred dollars ($100). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section.

(c) This section shall become operative on January 1, 1992.

SEC. 72. Section 15103 of the Fish and Game Code is amended to read:

15103. (a) In addition to the fees specified in Section 15101, a surcharge fee of three hundred dollars ($300) shall be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed twenty-five thousand dollars ($25,000).

(b) Each registered aquaculturist shall maintain sales and production records which shall be made available upon request of the department to assist the department in the administration of this chapter.

(c) Any person who fails to pay the surcharge fee required in this section at the time of registration shall be assessed a delinquency penalty in an amount equal to the fees prescribed in subdivision (a).

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 73. Section 15103 is added to the Fish and Game Code, to read:

15103. (a) In addition to the fees specified in Section 15101, a surcharge fee of one hundred fifty dollars ($150) shall be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed twenty-five thousand dollars ($25,000).

(b) Each registered aquaculturist shall maintain sales and production records which shall be made available upon request of the department to assist the department in the administration of this chapter.

(c) Any person who fails to pay the surcharge fee required in this section at the time of registration shall be assessed a delinquency penalty in an amount equal to the fees prescribed in subdivision (a).

(d) This section shall become operative on January 1, 1992.

SEC. 74. Section 15301 of the Fish and Game Code is amended to read:

15301. (a) The department may sell wild aquatic plants or animals, except rare, endangered, or fully protected species, for aquaculture use at a price approximating the administrative cost to the department for the collection or sale of the plants or animals. The commission shall set this price.

(b) Aquatic plants and animals may be collected by a registered aquaculturist only with the written approval of the department. The department may specify the time, place, and manner of collection and shall collect a fee from the aquaculturist in an amount sufficient to cover the cost of processing the approval. The fee for collecting sturgeon or striped bass broodstock shall be five hundred dollars ($500).

(c) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 75. Section 15301 is added to the Fish and Game Code, to read:

15301. (a) The department may sell wild aquatic plants or animals, except rare, endangered, or fully protected species, for aquaculture use at a price approximating the administrative cost to the department for the collection or sale of the plants or animals. The commission shall set this price.

(b) Aquatic plants and animals may be collected by a registered aquaculturist only with the written approval of the department. The department may specify the time, place, and manner of collection and may collect a fee from the aquaculturist in an amount sufficient to cover the cost of processing the approval.

(c) This section shall become operative on January 1, 1992.

SEC. 76. Section 15406.7 of the Fish and Game Code is amended to read:

15406.7. (a) In addition to the rent provided in Section 15406.5, every person operating under an oyster lease shall pay a privilege tax of six cents ($0.06) per packed gallon or fraction thereof of shucked oysters harvested by the lessee.

(b) If the oysters are marketed in the shell, the tax shall be based on the equivalent yield of shucked oyster meat. In determining the yield of oysters, it shall be deemed that 100 oysters are equivalent to one packed gallon of shucked oyster meat.

(c) The tax imposed by this section is the exclusive privilege tax that shall be imposed on lessees of state water bottoms for oyster cultivation, notwithstanding subdivision (a) of Section 15003.

(d) This section shall remain in effect only until January 1, 1992, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1992, deletes or extends that date.

SEC. 77. Section 15406.7 is added to the Fish and Game Code, to read:

15406.7. (a) In addition to the rent provided in Section 15406.5, every person operating under an oyster lease shall pay a privilege tax of two cents ($0.02) per packed gallon or fraction thereof of shucked oysters harvested by the lessee.

(b) If the oysters are marketed in the shell, the tax shall be based on the equivalent yield of shucked oyster meat. In determining the yield of oysters, it shall be deemed that 100 oysters are equivalent to one packed gallon of shucked oyster meat.

(c) The tax imposed by this section is the exclusive privilege tax that shall be imposed on lessees of state water bottoms for oyster cultivation, notwithstanding subdivision (a) of Section 15003.

(d) This section shall become operative on January 1, 1992.

SEC. 78. Notwithstanding any other provision of law, the funds derived from the increased fees authorized by this act may be expended by the Department of Fish and Game during the 1990–91 fiscal year.

SEC. 79. This bill shall become operative only if Assembly Bill 3158 of the 1989–90 Regular Session is enacted and becomes operative on or before January 1, 1991.

SEC. 80. No reimbursement is required by this act pursuant to

Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1704

An act to add Section 9250.16 to the Vehicle Code, relating to vehicles.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby declares that this act is intended to ensure that the Ventura County Air Pollution Control District, the Santa Barbara County Air Pollution Control District, and the San Luis Obispo County Air Pollution Control District may, upon adoption of a resolution by the district governing board, exercise authority similar to that provided the South Coast Air Quality Management District pursuant to Section 9250.11 of the Vehicle Code, and the Sacramento Metropolitan Air Quality Management District pursuant to Section 41081 of the Health and Safety Code, in order to ensure that the districts can carry out their responsibilities for implementing the California Clean Air Act of 1988.

SEC. 2. Section 9250.16 is added to the Vehicle Code, to read:

9250.16. (a) In addition to any other fees specified in this code and the Revenue and Taxation Code, a fee of not more than two dollars ($2), which shall be paid at the time of registration or renewal of registration which becomes due on or after April 1, 1991, may be imposed by the Ventura County Air Pollution Control District, the Santa Barbara County Air Pollution Control District, or the San Luis Obispo County Air Pollution Control District, or two or more of those districts.

(b) Each district may impose the fee only if the governing board of that district adopts a resolution providing for both the fee and a program to reduce air pollution from motor vehicles under the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988), and the board of supervisors of the county in which the district is located adopts an ordinance authorizing the fee.

(c) On and after April 1, 1992, the fee may be increased to not

more than four dollars ($4), which shall be paid at the time of registration or renewal of registration which becomes due on or after April 1, 1992. Each district may increase the fee only if the governing board of that district adopts a resolution providing for both the fee increase and a program for expenditure of the increased fees for the reduction of air pollution from motor vehicles under the California Clean Air Act of 1988, and the board of supervisors of the county in which the district is located adopts an ordinance increasing the fee.

(d) The fee shall be paid to the department upon the registration, or renewal of the registration, of any motor vehicle subject to Part 5 (commencing with Section 43000) of Division 26 of the Health and Safety Code, registered in the district, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(e) After deducting all costs incurred pursuant to this section, the department shall distribute the amounts collected pursuant to subdivision (d) to the district imposing the fee which shall use the fees to mitigate the environmental effects of air pollution caused by the operation of motor vehicles by reducing air pollution and carrying out related planning, monitoring, enforcement, and technical studies, as necessary to implement the California Clean Air Act of 1988. The Ventura County Air Pollution Control District shall work with the Ventura County Transportation Commission to develop the specific programs to be funded. The Santa Barbara County Air Pollution Control District shall work with the county's transportation planning agencies to develop the specific programs to be funded. The San Luis Obispo County Air Pollution Control District shall work with the San Luis Obispo Regional Transportation Planning Agency to develop the specific programs to be funded.

(f) After consulting with the department on the feasibility thereof, the district board may exempt from all or part of the fee any category of low-emission motor vehicles.

(g) Not more than 5 percent of the fees distributed to the district shall be used by the district for administrative costs.

(h) The district shall not use the fees for the purpose of establishing or maintaining the district as a direct provider of carpool, vanpool, or other ridesharing or transit services. However, the district may use these funds to enter into, and implement, agreements with agencies, which directly provide those services, to provide these services.

(i) The Ventura County Air Pollution Control District may use funds provided under this section to enter into an agreement with the Ventura County Transportation Commission or another regional or local agency to carry out Section 40717 of the Health and Safety Code. The Santa Barbara County Air Pollution Control District may use funds provided under this section to enter into an agreement with regional or local agencies to carry out that section. The San Luis Obispo County Air Pollution Control District may use funds provided under this section to enter into an agreement with a

council of governments or regional transportation planning agency to carry out Section 40717 of the Health and Safety Code.

(j) Each district may allocate funds provided by fees pursuant to this section to meet the requirements of Section 65089 of the Government Code, if those requirements are in compliance with the California Clean Air Act of 1988.

SEC. 3. This act shall not become operative if Assembly Bill 2766 is enacted and becomes operative on or before January 1, 1991, and adds provisions authorizing the imposition of additional fees on motor vehicles by a county, unified, or regional air pollution control district or air quality management district to reduce air pollution.

CHAPTER 1705

An act to add Chapter 7 (commencing with Section 44220) to Part 5 of Division 26 of the Health and Safety Code, and to add Section 9250.17 to the Vehicle Code, relating to air pollution.

[Approved by Governor September 30, 1990 Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 44220) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 7. DISTRICT FEES TO IMPLEMENT THE CALIFORNIA CLEAN AIR ACT

44220. The Legislature hereby finds and declares as follows:

(a) This chapter is intended to ensure that any county air pollution control district, or unified or regional air pollution control district, may, upon adoption of a resolution by the district governing board, exercise fee authority similar to that provided the south coast district pursuant to Section 9250.11 of the Vehicle Code and the Sacramento district pursuant to Section 41081, in order to ensure that districts, and, in the South Coast Air Quality Management District, other implementing agencies, have the necessary funds to carry out their responsibilities for implementing the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988).

(b) The revenues from the fees collected pursuant to this chapter shall be used solely to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of the California Clean Air Act of 1988.

44223. (a) In addition to any other fees specified in this code, the Vehicle Code, and the Revenue and Taxation Code, a county air pollution control district, air quality management district, or unified

or regional air pollution control district, except the Sacramento district or the Bay district, which has been designated by the state board as a state nonattainment area for any pollutant emitted by motor vehicles may levy a fee of up to two dollars ($2) on motor vehicles registered within the district. A district may impose the fee only if the governing board of the district adopts a resolution providing for both the fee and a corresponding program for the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of, the California Clean Air Act of 1988.

(b) In districts with nonelected officials on their governing boards, a resolution adopted pursuant to subdivision (a) shall be approved by both a majority of the governing board and a majority of the board members who are elected officials.

(c) A fee imposed pursuant to this section shall become effective on either April 1 or October 1, as provided in the resolution adopted by the board pursuant to subdivision (a).

44225. On and after April 1, 1992, a district may increase the fee established under Section 44223 to up to four dollars ($4). A district may increase the fee only if the following conditions are met:

(a) A resolution providing for both the fee increase and a corresponding program for expenditure of the increased fees for the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of, the California Clean Air Act of 1988 is adopted and approved by the governing board of the district.

(b) In districts with nonelected officials on their governing boards, the resolution shall be adopted and approved by both a majority of the governing board and a majority of the board members who are elected officials.

(c) An increase in fees established pursuant to this section shall become effective on either April 1 or October 1, as provided in the resolution adopted by the board pursuant to subdivision (a).

44227. Upon request of a district, the Department of Motor Vehicles shall collect the fees established pursuant to Sections 44223 and 44225 upon renewal of the registration of any motor vehicle subject to this part and registered in the district, except those vehicles which are expressly exempted under the Vehicle Code from the payment of registration fees.

44229. (a) After deducting all administrative costs it incurs through collection of fees pursuant to Section 44227, the Department of Motor Vehicles shall distribute the revenues to districts which shall use the fees to reduce air pollution from motor vehicles and to carry out related planning, monitoring, enforcement, and technical studies necessary for implementation of the California Clean Air Act of 1988. Fees collected by the Department of Motor Vehicles pursuant to this chapter shall be distributed to districts based upon the amount of fees collected from motor vehicles registered within each district.

(b) The Department of Motor Vehicles may annually expend not more than the following percentages of the fees collected pursuant to Section 44227 on administrative costs:

(1) During the first year after the operative date of this chapter, not more than 5 percent of the fees collected may be used for administrative costs.

(2) During the second year after the operative date of this chapter, not more than 3 percent of the fees collected may be used for administrative costs.

(3) During any year subsequent to the second year after the operative date of this chapter, not more than 1 percent of the fees collected may be used for administrative costs.

44231. After consulting with the Department of Motor Vehicles on the feasibility thereof, a district board may exempt from all or part of the fee any category of low-emission motor vehicle.

44233. Not more than 5 percent of the fees distributed to any district pursuant to Section 44229 shall be used by the district for administrative costs.

44235. A district shall not use fees established under Sections 44223 and 44225 for the purpose of establishing or maintaining the district as a direct provider of carpool, vanpool, or other ridesharing or transit services. However, a district may use these funds to enter into, and implement, agreements with agencies which directly provide carpool, vanpool, or other ridesharing or transit services to provide these services.

44236. A district may allocate funds raised by fees established under Sections 44223 and 44225 to meet the requirements of Section 65089 of the Government Code, if those requirements are in compliance with, and necessary for the implementation of, the California Clean Air Act of 1988.

44237. A district may use fees established under Sections 44223 and 44225 to enter into an agreement with a council of governments, regional agency, or local agency to carry out Section 40717.

44243. Fee revenues generated under this chapter in the south coast district shall be subvened to the south coast district by the Department of Motor Vehicles, after deducting its administrative costs pursuant to Section 44229, for expenditure in the following manner:

(a) Thirty cents ($0.30) of every dollar subvened shall be used by the south coast district for programs to reduce air pollution from motor vehicles and to carry out related planning, monitoring, enforcement, and technical studies which are authorized by, or necessary to implement, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

(b) Forty cents ($0.40) of every dollar subvened shall be distributed by the district to cities and counties located in the south coast district, based upon their prorated share of population, to be used to implement programs to reduce air pollution from motor

vehicles which are authorized by, or necessary to implement, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3. No city or county may receive funds pursuant to this subdivision unless the city or county has adopted and transmitted to the south coast district an ordinance which does all of the following:

(1) Expresses support for the adoption of motor vehicle registration fees to be used to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

(2) Expressly requires all fee revenues distributed to the city or county pursuant to this subdivision or subdivision (c) to be spent to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

(3) Establishes an air quality improvement trust fund into which all fee revenues distributed to the city or county shall be deposited, and out of which expenditures shall be made to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

If a city or county fails to adopt an ordinance pursuant to this subdivision, the fee revenues which would be distributed to that city or county shall instead be distributed to the other cities and counties within the south coast district which have adopted an ordinance pursuant to this subdivision, based upon their prorated share of registered motor vehicles.

(c) Thirty cents ($0.30) of every dollar subvened shall be deposited by the district in an account to be used, pursuant to Section 44244, to implement or monitor programs to reduce air pollution from motor vehicles which are authorized by, or necessary to implement, the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

44244. (a) There is hereby created a regional Mobile Source Air Pollution Reduction Review Committee. The committee shall be comprised of one representative from each of the following agencies:

(1) The south coast district.

(2) The Southern California Association of Governments.

(3) The San Bernardino Associated Governments.

(4) The Los Angeles County Transportation Commission.

(5) The Orange County Transportation Commission.

(6) The Riverside County Transportation Commission.

(7) The state board.

(8) A regional ridesharing agency selected by the other members of the committee.

(b) Fees allocated pursuant to subdivision (c) of Section 44243 shall be used to fund projects pursuant to a work program developed

and adopted by the committee and approved by the south coast district board in the following manner:

(1) The work program shall be adopted by an affirmative vote of a majority of the committee members.

(2) Upon adoption of the work program, the work program shall be submitted to the south coast district board which, within 60 days, shall approve or disapprove the work program. If the district board fails to approve or disapprove the work program within 60 days of receiving it, the work program shall be deemed approved. The district board may disapprove the work program only upon a three-fourths vote of the full district board. If the district board disapproves the work program, it shall be returned to the committee which shall amend, readopt, and resubmit the work program to the district board for approval or disapproval.

(c) The committee shall establish a technical advisory committee to assist in the development of the work program. The technical advisory committee shall include, but not be limited to, representatives of agencies which make up the committee, a representative of the cities from each county within the district, and a representative of the boards of supervisors of each county within the district. The technical advisory committee may also include representatives of other public agencies and other interested parties as the committee may determine to be appropriate.

(d) The south coast district shall not be eligible for funds allocated pursuant to this section.

44244.1. (a) Any agency which receives fee revenues pursuant to Section 44243 or 44244 shall, at least once every two years, be subject to an audit of each program or project funded. The audit shall be conducted by an independent auditor selected by the south coast district in accordance with Division 2 (commencing with Section 1100) of the Public Contract Code. The district shall deduct any audit costs which will be incurred pursuant to this section prior to distributing fee revenues to cities, counties, or other agencies pursuant to Sections 44243 and 44244.

(b) Upon completion of an audit conducted pursuant to subdivision (a), the south coast district shall do both of the following:

(1) Make the audit available to the public and to the affected agency upon request.

(2) Review the audit to determine if the revenues from the fees received by the agency were spent for the reduction of air pollution from motor vehicles prusuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3.

(c) If, after reviewing the audit, the south coast district determines that the revenues from the fees may have been expended in a manner which is contrary to this chapter or which will not result in the reduction of air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter

5.5 of Part 3, the district shall do all of the following:

(1) Notify the agency of its determination.

(2) Within 45 days of the notification pursuant to paragraph (1), hold a public hearing at which the agency may present information related to expenditure of the revenues from the fees.

(3) After the public hearing, if the district determines that the agency has expended the revenues from the fees in a manner which is contrary to this chapter or which will not result in the reduction of air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3, the district shall withhold these revenues from the agency in an amount equal to the amount which was inappropriately expended.

(d) Any agency which receives fee revenues pursuant to Section 44243 or 44244 shall expend the funds within one year of the program or project completion date.

44245. The state board shall report to the Legislature on or before December 31, 1992, on the air pollution reduction programs funded pursuant to this chapter. The report shall include, but not be limited to, an analysis of the use of vehicle registration fees for air pollution programs, the efficacy and results of the programs funded by the fees and any conclusions and recommendations by the state board.

44247. Local agencies imposing vehicle registration fees for air pollution programs pursuant to this chapter shall report to the state board on their use of the fees and the results of the programs funded by the fees and shall cooperate with the state board in the preparation of its report. These reports shall be submitted according to a schedule adopted by the state board to ensure compliance with the reporting requirements of Section 44245.

SEC. 2. Section 9250.17 is added to the Vehicle Code, to read:

9250.17. (a) The department shall, if requested by a county air pollution control district, air quality management district, or unified or regional air pollution control district, collect fees established pursuant to Sections 44223 and 44225 of the Health and Safety Code upon the registration or renewal of registration of any motor vehicle registered in the district, except those vehicles which are expressly exempted under this code from the payment of registration fees.

(b) After deducting all costs incurred pursuant to this section, the department shall distribute the revenues to the districts based upon the amount of fees collected from motor vehicles registered within each district.

(c) The department may annually expend for its costs not more than the following percentages of the fees collected pursuant to subdivision (a):

(1) Five percent during the first year after the operative date the fee is imposed or increased.

(2) Three percent during the second year after the operative date the fee is imposed or increased.

(3) One percent during any subsequent year.

CHAPTER 1706

An act to amend Sections 712, 713, 1607, 3240.5, 13200, and 15403 of, to add Sections 710.5, 711.2, 711.4, 711.7, 1050.1, 1802, and 12002.3 to, and to repeal Sections 3240.6, 3241, and 13204 of, the Fish and Game Code, and to amend Section 21089 of, and to add Section 10005 to, the Public Resources Code, relating to wildlife resources, and making an appropriation therefor.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The Department of Fish and Game is facing serious budget reductions in the 1990–91 fiscal year as a result of serious revenue shortfalls and the addition of new programs to its areas of responsibility. The Legislature is considering a number of revenue proposals to ensure appropriate funding and fees relative to the costs of the department. The department shall use the funds provided by these proposals to reestablish personnel positions in the program areas supported by these new revenue proposals. The revenues shall be used to fund and maintain a balanced wildlife management program in order that a balanced management program, including sport hunting, shall be maintained. The department shall inform the Legislature of the areas to be funded and shall, in the 1991–92 Governor's Budget show an appropriate realignment of revenues and fees and the programs they support.

(b) That rapid and sustained economic growth within the state has resulted in urbanization of many of the state's natural and wild areas. That urbanization has depleted fish and wildlife resources and has resulted in resource allocation conflicts between users of the state's natural resources and those who depend on wildlife habitat to provide traditional commercial and recreation activities. The increased legal mandates for greater resource protection and disclosure of environmental impacts has occurred at the same time that hunting and fishing license revenue has significantly declined.

(c) It is the intent of the Legislature to extend the current user-based funding system by allocating the transactional costs of wildlife protection and management to those who would consume those resources through urbanization and development, as well as to those traditional sport and commercial users. The Legislature finds that the deficiency in current department revenues must be offset by additional user fees designed to provide adequate environmental review and management of the state's wildlife. Funds generated by this act shall be available without restriction to those purposes, consistent with existing budgetary and statutory authority.

(d) It is further the intent of the Legislature to reduce transactional costs and increase administrative efficiency by encouraging state, federal, and local agencies to incorporate wildlife management objectives at an early time into their planning and development activities.

SEC. 2. Section 710.5 is added to the Fish and Game Code, to read:

710.5. The Legislature finds and declares that the department continues to not be properly funded. While revenues have been declining, the department's responsibilities have been expanding into numerous new areas. The existing limitations on the expenditure of department revenues have resulted in its inability to effectively provide all of the programs and activities required under this code and to manage the wildlife resources held in trust by the department for the people of the state.

The Legislature further finds and declares that the department has been largely supported by fees paid by those who utilize the resources held in trust by the department. It is the intent of the Legislature that, to the extent feasible, the department should continue to be funded by user fees. However, user fees should more accurately reflect all costs of the department associated with these resources. All fees collected by the department, including, but not limited to, recreational hunting and fishing licenses, commercial permits and entitlements, and other fees for use of the resources regulated or managed by the department, are user fees. To the extent that these fees are appropriated through the Budget Act for the purposes for which they are collected to provide services to the people of the State of California, these user fees are not subject to Article XIII B of the California Constitution.

SEC. 3. Section 711.2 is added to the Fish and Game Code, to read:

711.2. (a) For purposes of this article, unless the context otherwise requires, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability and "project" has the same meaning as defined in Section 21065 of the Public Resources Code.

(b) For purposes of this article, "person" includes any individual, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any of the agencies of those entities.

SEC. 4. Section 711.4 is added to the Fish and Game Code, to read:

711.4. (a) The department shall impose and collect a filing fee in the amount prescribed in subdivision (d) to defray the costs of managing and protecting fish and wildlife trust resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements for purposes of the California

Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), consulting pursuant to Section 21104.2 of the Public Resources Code, and other activities protecting those trust resources identified in the review pursuant to the California Environmental Quality Act.

(b) The filing fees shall be proportional to the cost incurred by the department and shall be annually reviewed and adjustments recommended to the Legislature in an amount necessary to pay the full costs of department programs as specified. Notwithstanding adjustments made pursuant to statute, the department shall annually adjust all filing fees in an amount calculated pursuant to Section 713.

(c) All project applicants and public agencies subject to the California Environmental Quality Act shall pay a filing fee for each proposed project. For projects found by the lead or certified regulatory program agency to be categorically exempt, or found to be de minimis in their effect on the environment, a filing fee shall be paid as provided in subdivision (d). The filing fee shall be paid at the time and in the amount specified in subdivision (d). Notwithstanding Section 21081 or 21080.5 of the Public Resources Code, no project shall be operative, vested, or final until the filing fees required pursuant to Section 711.4 are paid.

(d) The fees shall be in the following amounts:

(1) For a project which is statutorily or categorically exempt from the California Environmental Quality Act, including those certified regulatory programs which incorporate statutory and categorical exemption, no filing fee shall be paid.

(2) For a project for which a negative declaration is prepared pursuant to subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one thousand two hundred fifty dollars ($1,250). The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of that code or to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code, as appropriate.

(3) For a project with an environmental impact report prepared pursuant to the California Environmental Quality Act, the filing fee is eight hundred fifty dollars ($850). The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code or with the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code.

(4) For a project which is subject to a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code, the filing fee is eight hundred fifty dollars ($850). The filing fee shall be paid to the Secretary of the Resources Agency upon filing of the notice of determination pursuant to Section 21080.5 of that code.

(e) The county clerk may charge a documentary handling fee of twenty-five dollars ($25) per filing in addition to the filing fee specified in subdivision (d).

(1) The county clerk of each county and the Office of Planning and Research shall maintain a record of all environmental documents received. The record shall include, for each environmental document received, the name of each applicant or lead agency, the document filing number, and the filing date. The record shall be made available for examination or audit by authorized personnel of the department during normal business hours.

(2) The filing fee imposed and collected pursuant to subdivision (d) shall be remitted monthly to the department within 30 days after the end of each month. The amount of fees due shall be reported on forms prescribed and provided by the department.

(3) The department shall assess a penalty of 10 percent of the amount of fees due for any failure to remit the amount payable when due. The department may pursue collection of delinquent fees through the Controller's office pursuant to Section 12419.5 of the Government Code.

(f) Notwithstanding Section 12000, failure to pay the fee under subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment subject to collection under procedures as provided in the Revenue and Taxation Code.

(g) Only one filing fee shall be paid for each project unless the project is tiered or phased, and separate environmental documents or review by the department is required.

(h) This section does not preclude or modify the duty of the department to recommend, require, permit, or engage in mitigation activities pursuant to the California Environmental Quality Act.

(i) The following programs of the following state agencies are exempt from the payment of the filing fees prescribed in paragraph (4) of subdivision (d):

(1) The regulatory activities of the Department of Forestry and Fire Protection and the State Board of Forestry relating to timber harvesting operations, as certified pursuant to subdivision (a) of Section 15251 of Title 14 of the California Code of Regulations, under both of the following conditions:

(A) An initiative measure relating to timber harvesting is adopted by the voters at the November 6, 1990, general election.

(B) Another statute, which becomes operative on or before April 30, 1991, provides revenues to the department from the persons engaged in timber harvesting activities in an amount equal to the revenues which would otherwise be derived in the absence of this exemption, as determined by the department.

(2) The permit process of the California Coastal Commission, as certified by the Secretary of the Resources Agency, insofar as the permits are issued under any of the following regulations:

(A) Subchapter 4 (commencing with Section 13136) of Chapter 5 of Division 5.5 of Title 14 of the California Code of Regulations.

(B) Subchapter 1 (commencing with Section 13200), Subchapter 3 (commencing with Section 13213), Subchapter 3.5 (commencing

with Section 13214), Subchapter 4 (commencing with Section 13215), Subchapter 4.5 (commencing with Section 13238), Subchapter 5 (commencing with Section 13240), Subchapter 6 (commencing with Section 13250), and Subchapter 8 (commencing with Section 13255) of Chapter 6 of Division 5.5 of Title 14 of the California Code of Regulations.

SEC. 5. Section 711.7 is added to the Fish and Game Code, to read:

711.7. (a) The fish and wildlife resources are held in trust for the people of the state by and through the department.

(1) Insofar as state wildlife trust resources exist and depend upon federal proprietary lands or federal land and water adjacent to or affecting state trust resources, all persons engaging in projects or activities under federal license, contract, or permit, to the extent permitted by federal law, shall be governed by this article and shall pay project filing fees unless the payment of state filing and permit fees is explicitly preempted by the authority of the federal agency permitting the use or modification of state trust resources.

(2) Insofar as state wildlife trust resources exist and depend upon federal proprietary lands or federal lands and waters adjacent to or affecting state trust resources, all federal agencies acting in their proprietary capacity, to the extent permitted by federal law, shall be governed by this article and Sections 10005 and 21089 of the Public Resources Code, unless the payment of state filing and permit fees is explicitly preempted by the authority of a particular federal agency.

(b) If a court of competent jurisdiction finds that any provision of this section or the application thereof to any federal agency, person, or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SEC. 6. Section 712 of the Fish and Game Code is amended to read:

712. It is the intent of the Legislature that the Department of Finance shall include in the Governor's Budget sufficient moneys from the General Fund and sources other than the Fish and Game Preservation Fund to pay the costs of the department's nongame programs, including those necessary for the protection and enhancement of California's nongame fish and wildlife and their habitat, the free hunting and fishing license programs, and special repairs and capital outlay.

It is the intent of the Legislature that the Department of Finance shall not include in the Governor's Budget any appropriation from the Fish and Game Preservation Fund for any program or project which is not expressly found to be an activity relating to the protection or propagation of fish and game, except to the extent that moneys have been deposited in that fund from collections under a law which is not related to the protection or propagation of fish and

game.

Any study relating to funding of programs administered or conducted by the department shall include express findings of whether the program is related to the protection or propagation of fish and game and shall describe the relationship.

SEC. 7. Section 713 of the Fish and Game Code is amended to read:

713. (a) The changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, shall be used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags issued by the department, except commercial fishing fees.

(b) The department shall determine the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, for the third calendar quarter of the current year compared to the third calendar quarter of the previous year. The relative amount of the change shall be multiplied by the current fee for each license, stamp, permit, or tag issued by the department. The product shall be rounded to the nearest twenty-five cents ($0.25), and the resulting amount shall be added to the fee for the current year. The resulting amount shall be the fee for the license year beginning on or after January 1 of the next succeeding calendar year for the license, stamp, permit, or tag which is adjusted under this section.

(c) Notwithstanding any other provision of law, the department may recalculate the current fees charged for each license, stamp, permit, or tag issued by the department, except commercial fishing fees, to determine that all appropriate indexing has been included in the current fees. This section shall apply to all licenses, stamps, permits, or tags, except commercial fishing fees, that have not been increased each year since the base year of the 1985–86 fiscal year.

(d) The calculations provided for in this section shall be reported to the Legislature with the Governor's Budget Bill.

(e) The Legislature finds that all revenues generated by fees for licenses, stamps, permits, and tags, computed under this section and used for the purposes for which they were imposed, are not subject to Article XIII B of the California Constitution.

(f) The department shall, at least every five years, analyze all fees for permits, licenses, stamps, and tags issued by it to ensure the appropriate fee amount is charged. Where appropriate, the department shall recommend to the Legislature or the commission that fees established by the commission or the Legislature be adjusted to ensure that those fees are appropriate.

SEC. 8. Section 1050.1 is added to the Fish and Game Code, to read:

1050.1. Any license, permit, tag, stamp, or other entitlement authorized pursuant to this code is not valid until the fee authorized

or identified in statute or regulation for that entitlement is received and paid to the department or its agent.

SEC. 9. Section 1607 of the Fish and Game Code is amended to read:

1607. (a) The director may establish a schedule of fees to be charged to any entity or person subject to this chapter. The fees charged shall be established in an amount necessary to pay the total costs incurred by the department in preparing and submitting proposals and conducting investigations pursuant to this chapter and administering and enforcing this chapter. Fees received pursuant to this section shall be deposited in the Fish and Game Preservation Fund as a reimbursement.

(b) Pursuant to subdivision (a), the department shall establish the fees in an amount not less than fifty dollars ($50) or more than two thousand four hundred dollars ($2,400), as adjusted pursuant to Section 713.

SEC. 10. Section 1802 is added to the Fish and Game Code, to read:

1802. The department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The department, as trustee for fish and wildlife resources, shall consult with lead and responsible agencies and shall provide, as available, the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used in the California Environmental Protection Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

SEC. 11. Section 3240.5 of the Fish and Game Code is amended to read:

3240.5. Every person in possession or control of property who imposes or collects a fee for the privilege of taking birds or mammals thereon, or who imposes or collects a fee for any type of entry or use permit which includes the privilege of taking birds or mammals on the property, is maintaining a commercial hunting club if birds or mammals are taken on the property, and shall procure a "commercial hunting club license."

This article does not apply to any hunting club or program licensed under other provisions of this code, or to any person who receives less than fifty dollars ($50) per entrant and receives less than a total of five hundred dollars ($500) between July 1 and the following June 30 for permission, entry, access, or use fees which include the privilege of hunting on property in his or her possession or control.

SEC. 12. Section 3240.6 of the Fish and Game Code is repealed.

SEC. 13. Section 3241 of the Fish and Game Code is repealed.

SEC. 14. Section 7149 of the Fish and Game Code is amended to read:

7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes

other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars ($18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents ($16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars ($45), as adjusted under Section 713.

(3) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars ($7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to or possessed by a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars ($10), as adjusted under Section 713.

(c) A sport ocean fin fishing license granting the privilege to take only fin fish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars ($4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be sold by license agents in the same manner as sportfishing licenses, and no compensation shall be paid to the license agent for sale of the stamps except as provided in Section 1055.

SEC. 15. Section 12002.3 is added to the Fish and Game Code, to read:

12002.3. (a) Notwithstanding any other provision of law, a violation of Section 7121 for the sale, purchase, or receipt of fish taken under a license issued pursuant to Section 7145 is punishable by a fine of not less than two thousand dollars ($2,000) nor more than seven thousand five hundred dollars ($7,500), except as provided in subdivisions (b), (c), and (d).

(b) If the violation in question involved the illegal sale or purchase of abalone taken under a license issued pursuant to Section 7145, the violation is punishable by a fine of not less than fifteen thousand dollars ($15,000) nor more than thirty thousand dollars ($30,000).

(c) If the violation in question involved a person who knowingly purchased or received for commercial purposes, fish taken under the authority of a license issued pursuant to Section 7145, the violation is punishable by a fine of not less than seven thousand dollars five hundred dollars ($7,500) nor more than fifteen thousand dollars ($15,000).

(d) If the violation in question involved a person who knowingly purchased or received for commercial purposes, abalone taken under the authority of a license issued pursuant to Section 7145, the violation is punishable by a fine of not less than twenty thousand dollars ($20,000) nor more than forty thousand dollars ($40,000).

SEC. 16. Section 13200 of the Fish and Game Code is amended to read:

13200. The department shall account for revenues and expenditures of the money in the Fish and Game Preservation Account in a manner consistent with the laws and applicable policies governing state departments generally for each activity or program in which the department is engaged.

SEC. 17. Section 13204 of the Fish and Game Code is repealed.

SEC. 18. Section 15403 of the Fish and Game Code is amended to read:

15403. Persons wishing to lease a state water bottom shall make a written application to the commission. An application shall contain all of the following information:

(a) A map showing the area to be leased, its general vicinity, and all ownership and boundary lines in the vicinity.

(b) A description of the organisms to be grown and the culture techniques to be used.

(c) An estimate of the acreage to be leased.

(d) A nonrefundable filing fee of five hundred dollars ($500).

The lessee shall assume responsibility for any infringement on privately owned water bottoms, or water bottoms owned by, or under the jurisdiction of any city, county, or district.

SEC. 19. Section 10005 is added to the Public Resources Code, to read:

10005. (a) The Department of Fish and Game shall impose and collect a filing fee of eight hundred fifty dollars ($850) to defray the costs of identifying streams and providing studies pursuant to Division 10 (commencing with Section 10000) of the Public Resources Code.

(b) The filing fee shall be proportional to the cost incurred by the Department of Fish and Game and shall be annually reviewed as provided in Section 21087 and adjusted by the Secretary of the Resources Agency in conformance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Notwithstanding the adjustment by the secretary, the department shall annually make adjustments to the filing fee in an amount calculated pursuant to Section 713 of the Fish and Game Code.

(c) Any user of water, including a person or entity holding riparian or appropriative rights, shall pay the filing fee to the Department of Fish and Game upon application to the State Water Resources Control Board for any license, permit, transfer, extension, or change of point of diversion, place of use, or purpose of use, if there is a diversion of water from any waterway where fish reside. No permit, license, or other entitlement identified in this section is effective until the filing fee is paid. The State Water Resources Control Board shall, every six months, forward all fees collected to the department and provide the location for each entitlement for which a filing fee has been collected.

SEC. 20. Section 21089 of the Public Resources Code is amended to read:

21089. (a) A lead agency may charge and collect a reasonable fee from any person proposing a project subject to this division in order to recover the estimated costs incurred by the lead agency in preparing a negative declaration or an environmental impact report for the project and for procedures necessary to comply with this division on the project. Litigation expenses, costs, and fees incurred in actions alleging noncompliance with this division under Section 21167 are not recoverable under this section.

(b) The Department of Fish and Game may charge and collect filing fees, as provided in Section 711.4 of the Fish and Game Code. Notwithstanding Section 21080.1 of this code, a finding required under Section 21081 of this code, or any project approved under a certified regulatory program authorized pursuant to Section 21080.5 of this code is not operative, vested, or final until the filing fees required pursuant to Section 711.4 of the Fish and Game Code are paid.

SEC. 21. Notwithstanding any other provision of law, the funds derived from the increased fees authorized by this act may be expended by the Department of Fish and Game during the 1990–91 fiscal year.

SEC. 22. This act shall become operative only if Assembly Bill 2126 of the 1989–90 Regular Session is enacted and becomes operative on or before January 1, 1991.

SEC. 23. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Moreover, no reimbursement is required by this act for other costs pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that

the act takes effect pursuant to the California Constitution.

CHAPTER 1707

An act to amend the heading of Chapter 2 (commencing with Section 7285) of Part 1.7 of Division 2 of, and to amend Sections 7285 and 7285.5 of, the Revenue and Taxation Code, relating to taxation.

[Became law without Governor's signature. Filed with Secretary of State October 1, 1990]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2 (commencing with Section 7285) of Part 1.7 of Division 2 of the Revenue and Taxation Code is amended to read:

CHAPTER 2. COUNTIES TRANSACTIONS AND USE TAX

SEC. 2. Section 7285 of the Revenue and Taxation Code is amended to read:

7285. The board of supervisors of any county may levy a transactions and use tax at a rate of 0.25 or 0.5 percent, if the ordinance or resolution proposing that tax is approved by a two-thirds vote of all members of the board of supervisors and the tax is approved by a majority vote of the qualified voters of the county voting in an election on the issue. The transactions and use tax shall conform to Part 1.6 (commencing with Section 7251).

SEC. 3. Section 7285.5 of the Revenue and Taxation Code is amended to read:

7285.5. As an alternative to the procedure set forth in Section 7285, the board of supervisors of any county may establish an authority for specific purposes.

An authority so established may impose a transactions and use tax at a rate of 0.25 or 0.5 percent for the purpose for which it is established, if all of the following requirements are met:

(a) The ordinance proposing that tax is approved by a two-thirds vote of the authority and is subsequently approved by a majority vote of the qualified voters of the county voting in an election on the issue.

(b) The transactions and use tax conforms to Part 1.6 (commencing with Section 7251).

(c) The ordinance includes an expenditure plan describing the specific projects for which the revenues from the tax may be expended.

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

1989–90

REGULAR SESSION

1990 RESOLUTION CHAPTERS

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 75—Relative to legislative intent in enacting Chapters 1305 and 1448 of the Statutes of 1989.

[Filed with Secretary of State February 9, 1990.]

WHEREAS, The possibility has arisen that the intent of the Legislature in enacting Chapters 1305 and 1448 of the Statutes of 1989 may be unclear; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it was the intent of the Legislature, in adopting, on August 24, 1989, amendments to Senate Bill No. 200, which became Chapter 1305 of the Statutes of 1989, and Senate Bill No. 875, which became Chapter 1448 of the Statutes of 1989, to remove the specificity of the prior language so as to avoid any unintended misstatement of complex and intricate federal income tax law provisions and to expand or broaden, rather than to limit or narrow, the meaning of those bills; and be it further

Resolved, That it was the intent of the Legislature, in enacting Chapters 1305 and 1448 of the Statutes of 1989, that those chapters be construed to ensure that all persons first becoming members on or after January 1, 1990, of the Public Employees' Retirement System or a county retirement system maintained pursuant to the County Employees Retirement Law of 1937 are subject to all limitations imposed by Section 415 of the Internal Revenue Code upon public retirement systems, including the private sector limits and that they be so notified; and be it further

Resolved, That more particularly, it was the intent of the Legislature in enacting, in those statutes, the language in Sections 21200.01 and 31673.1 of the Government Code which states "... the limitations in the Internal Revenue Code upon public retirement systems," to apply the private sector payment limitations of Section 415 of the Internal Revenue Code to the retirement benefits of persons who first become members, on or after January 1, 1990, of the Public Employees' Retirement System or a county retirement system maintained pursuant to the County Employees Retirement Law of 1937, when necessary to preserve the tax qualified status of those systems; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Board of Administration of the Public Employees' Retirement System and to each county retirement board which is subject to the County Employees Retirement Law of 1937.

RESOLUTION CHAPTER 2

Assembly Concurrent Resolution No. 103—Relative to the Joint Legislative Committee on Surrogate Parenting.

[Filed with Secretary of State February 20, 1990.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

(1) The Joint Legislative Committee on Surrogate Parenting is hereby reestablished to ascertain, study, and critically analyze facts relating to commercial and noncommercial surrogate parenting, to examine restrictions under existing law, and to determine whether commercial and noncommercial surrogate parenting should be permitted and regulated in California.

(2) The joint committee shall consist of those members designated pursuant to Assembly Concurrent Resolution No. 171 of the 1987–88 Regular Session (Resolution Chapter 150, Statutes of 1988) and the provisions of that resolution relating to the rights, duties, powers, and funding of the joint committee shall apply to the reestablished joint committee, except that the joint committee shall make its report to the Legislature no later than November 30, 1990, and the authority and existence of the joint committee and its advisory committees shall extend to and terminate on that date.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 105—Relative to Women's History Month.

[Filed with Secretary of State February 26, 1990]

WHEREAS, American women of every class and ethnic background have participated in the founding and building of our nation and have played a critical role in shaping the economic, cultural and social fabric of our society, not in the least of ways through their participation in the labor force, working both inside and outside of the home; and

WHEREAS, Women have been leaders in every movement for progressive social change, including their own suffrage movement, the fight for emancipation, the struggle to organize labor unions, and the civil rights movement; and

WHEREAS, Despite these contributions, the role of American women in history has been consistently overlooked and undervalued; and

WHEREAS, The celebration of Women's History Month will provide an opportunity for schools and communities to focus attention on the heritage of women's contributions to the United

States and the State of California, and for students, in particular, to benefit from an awareness of these contributions; and

WHEREAS, Women's History Month will include International Women's Day, March 8, originally proclaimed in 1910 to recognize and commemorate the valuable contributions women have made to the labor movement in improving working conditions and thus bettering peoples' lives; and

WHEREAS, The observance of Women's History Week was begun by the Sonoma County Commission on the Status of Women in 1978, and has since been commemorated throughout the nation by schools, historians, and community groups; and

WHEREAS, Women's History Month will be not only a call to acknowledge the outstanding American women whose names we know, but also a call to pay homage to the many women who have anonymously shaped our collective past; and

WHEREAS, The strides made by our foremothers have enabled contemporary women and men to make tomorrow's history by advocating an end to physical and sexual assault, discrimination in the work force, and the feminization of poverty, and by advocating the full participation of women in the political arena, the provision of adequate child care, and equal access to all of the opportunities this nation has to offer; and

WHEREAS, Women's History Month will recognize the success of women and highlight their accomplishments, considering the changing roles and conditions of women in California, and will counter barriers to full and equal participation in California life for women; and

WHEREAS, Because of the significance and scope of women's roles in making history and shaping American culture and society, it is important that the State of California recognize the many contributions of women; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California takes pleasure in joining with the Sonoma County Commission on the Status of Women and the California Commission on the Status of Women in honoring the contributions of women, and designates the month of March 1990 as Women's History Month; and be it further

Resolved, That the Legislature urges all Californians to join in the celebration of International Women's Day on March 8, 1990, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chair of the Sonoma County Commission on the Status of Women and to the Chair of the California Commission on the Status of Women for distribution to appropriate organizations.

RESOLUTION CHAPTER 4

Assembly Joint Resolution No. 52—Relative to timber exports.

[Filed with Secretary of State March 5, 1990.]

WHEREAS, The Office of Management and Budget proposes to repeal the export ban on unprocessed timber owned by the United States Forest Service; and

WHEREAS, Demand for wood products domestically and internationally is at record levels and is expected to increase; and

WHEREAS, Export of unprocessed timber compounds current log shortages caused by: (1) widespread administrative appeals and litigation; (2) high harvest levels resulting from strong forest products markets; (3) a low level of future-year timber sale preparation; and (4) timberland withdrawals; and

WHEREAS, Export of unprocessed timber from public and private lands reduces the supply of logs available to domestic producers; and

WHEREAS, Adoption of the Office of Management and Budget proposal and continued log exports will hasten the closure of mills in the states which are experiencing difficulty in maintaining log supplies; and

WHEREAS, Repealing the export ban and continuation of log exports from private and state-owned lands will lead to increased unemployment in many rural areas in the state and other western states; and

WHEREAS, Log shortages caused by exports of unprocessed timber are directly responsible for huge increases in lumber prices, which will continue to drive up the price of housing, making homes less affordable for consumers of low and moderate income; and

WHEREAS, The proposal to repeal the ban and continued log exports from private and state-owned lands entails the loss of millions of dollars in state and local tax revenues resulting from reductions in the work force and in business activity; and

WHEREAS, Repealing the export ban and continuation of log exports from private and state-owned lands will exacerbate the extremely precarious timber market in the state; and

WHEREAS, A permanent ban on the export of unprocessed timber from United States Forest Service lands, a prohibition on the practice of substituting federal timber for unprocessed logs exported from private lands, and authority for state governments to regulate or prohibit the export of timber harvested from state-owned and private forest lands would greatly reduce these adverse impacts on timber supplies, employment, housing costs, and state and local tax revenues; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Department of Agriculture, and the Congress to establish a permanent statutory ban on the export of

unprocessed timber owned by the United States Forest Service; and be it further

Resolved, That the Legislature of the State of California respectively memorializes the President and the Congress to enact legislation which terminates the practice of substituting timber from federal lands for timber exports from private lands and which authorizes state governments to similarly ban or regulate exports of unprocessed timber from state-owned and private forest lands; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 5

Assembly Concurrent Resolution No. 95—Relative to state park rangers.

[Filed with Secretary of State March 8, 1990]

WHEREAS, Galen Clark was appointed "Guardian" of Yosemite State Park, the first California state park created in 1866; and

WHEREAS, State park rangers, whose titles have variously been "ranger," "guardian," "warden," "custodian," or "superintendent," have continuously served the public and protected the state parks since that first appointment; and

WHEREAS, 1991 will mark the 125 year anniversary of service to the public and protection of state parks by state park rangers; and

WHEREAS, The Department of Parks and Recreation, the State Park Peace Officers Association of California, and the California State Park Rangers Association have formally recognized and are supporting the celebration of the 125 year anniversary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature recognizes and commends state park rangers for their long and faithful service to the public and protection of state parks; and be it further

Resolved, That 1991 is recognized as the 125 year anniversary of public service and protection of state parks by state park rangers; and be it further

Resolved, That the Department of Parks and Recreation, the State Park Peace Officers Association of California, and the California State Park Rangers Association are encouraged to take all appropriate action to celebrate the 125 year anniversary; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Parks and Recreation, the State Park Peace Officers Association of California, and the California State Park Rangers Association.

RESOLUTION CHAPTER 6

Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XVI thereof, relating to public finance.

[Filed with Secretary of State March 9, 1990]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the fifth day of December 1988, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 6 of Article XVI thereof as follows:

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or

concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and provided, further, that the Legislature by statute may authorize local hospital districts to acquire and own stock of corporations which engage in any health care related business as that term may be defined from time to time by the Legislature, and provided that the district shall be subject to the same obligations and liabilities as are imposed by law upon all other stockholders in those corporations; and

Provided, further, that nothing in this section shall be construed to repeal or otherwise affect Section 2400 of the Business and Professions Code; and

Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the State from joining with other such agencies in providing for the payment of workers' compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly owned nonprofit corporation or other public agency as may be authorized by the Legislature; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation; and

Provided, further, that nothing contained in this Constitution shall prohibit the State, or any county, city and county, city, township, or other political corporation or subdivision of the State from providing aid or assistance to persons, if found to be in the public interest, for the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency, in either case declared by the President. In such case, the public entity shall be indemnified by the recipient from the award of any claim against the public entity arising from the rendering of such aid or assistance. Such aid or assistance must be eligible for federal reimbursement for the cost thereof.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid

out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the anticipated revenues accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue.

RESOLUTION CHAPTER 7

Assembly Joint Resolution No. 73—Relative to a national day of remembrance of the 75th anniversary of the Armenian genocide.

[Filed with Secretary of State March 13, 1990.]

WHEREAS, The State of California has proclaimed April 24, 1990, as a day of remembrance within the state for all victims of genocide, especially those of Armenian ancestry who were victims of the genocide perpetrated between 1915 and 1923 and in whose memory this date is commemorated by all Armenians and their friends throughout the world; and

WHEREAS, Senate Joint Resolution 212 and House Joint Resolution 417 would designate April 24, 1990, as the "National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915 to 1923," in remembrance of the 1,500,000 people of Armenian ancestry who were victims of the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923; and

WHEREAS, Recent violence in the City of Baku, Azerbaijan, against a defenseless Armenian minority resulted in the killing and injuring of hundreds of Armenians; and

WHEREAS, April 24, 1990, should be a national day of reflection in the hope that such tragedies never again occur, and an acknowledgment that threats of genocide have been faced by many people in other parts of the world; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to support and quickly adopt Senate Joint Resolution 212 and House Joint Resolution 417 to establish a national day of remembrance for the 1,500,000 victims of the Armenian genocide; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each

Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 8

Senate Joint Resolution No. 40—Relative to the Israeli Plan for Free and Democratic Elections.

[Filed with Secretary of State March 16, 1990.]

WHEREAS, It is in the interests of the United States in global peace to encourage a successful resolution to the 42 year old conflict between Israel and her Arab neighbors; and

WHEREAS, The United States has demonstrated an ironclad commitment to the democratic state of Israel; and

WHEREAS, The United States has vigorously advanced the cause of freedom and democracy throughout the world; and

WHEREAS, The United States has actively and energetically pursued a policy of bringing peace and stability to all parties to the Arab/Israeli conflict; and

WHEREAS, During its short history, Israel has, on five separate occasions, manifested a willingness to take risks for peace with her Arab neighbors and demonstrated a willingness to consider all reasonable options; and

WHEREAS, Israel has made longstanding overtures toward peace with all her neighbors and Egypt took the lead in establishing peaceful relations with Israel which resulted in the Camp David Accords and its accompanying Peace Treaty, and arranging for the process for Palestinian and Israeli representatives to work toward reconciliation; and

WHEREAS, The Camp David Accords, based upon United Nations' Resolutions 242 and 338 contain a recognized framework for engendering peace between all parties to the Arab/Israeli conflict; and

WHEREAS, In the Camp David Accords, Israel acknowledged the legitimate rights of the Palestinian people for autonomy during a transition period, pending the negotiation for the final status of the Territories; and

WHEREAS, In furtherance of the Camp David Accords and in an attempt to make peace with the Palestinian Arabs, Israel has put forward a constructive proposal for free and democratic elections in the Gaza Strip and West Bank; and

WHEREAS, Democratic elections among the Palestinian residents of the Gaza Strip and West Bank are necessary in selecting representatives to begin negotiating a just and lasting peace with Israel; now, therefore, be it

Resolved by the Senate and Assembly of the State of California,

jointly, That the Legislature of the State of California commends the work of the United States President, the United States Secretary of State, and Members of the United States Congress for supporting Israel's plan for free and democratic elections; and be it further

Resolved, That the Legislature of the State of California memorializes the President and the Secretary of State to continue playing an active and decisive role in bringing freely elected Palestinian Arabs into direct negotiations with the government of Israel; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the United States Secretary of State, and to all Members of the United States Congress.

RESOLUTION CHAPTER 9

Assembly Concurrent Resolution No. 109—Relative to California School Lunch Week.

[Filed with Secretary of State March 20, 1990]

WHEREAS, March 12 to 18, 1990, has been set aside as California School Lunch Week and its theme is "Kids and Food—California Grown"; and

WHEREAS, Under the National School Lunch Program and other child food and nutrition programs, more than two million nutritious meals are served daily to the children of California; and

WHEREAS, California is the nation's leading agricultural state, leading the nation in the production of 53 crop and livestock commodities; and

WHEREAS, California's agricultural products have been recognized worldwide for their quality, variety, and abundance; and

WHEREAS, The National School Lunch Program encourages the consumption of these nutritious agricultural commodities by providing affordable meals to our school children; and

WHEREAS, Good nutrition is vital to the health and welfare of our children, and studies have shown that well-nourished children are more attentive and receptive to learning; and

WHEREAS, The California School Food Service Association provides invaluable service to our state's school children, in ensuring healthy and well-balanced meals; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the week of March 12 to 18, 1990, as California School Lunch Week, and commends the school lunch program as a valuable tool in the educational process, and acknowledges the contributions the agricultural products from California have made to the success of this program.

RESOLUTION CHAPTER 10

Assembly Concurrent Resolution No. 86—Relative to the John G. Meyer Overlook.

[Filed with Secretary of State March 26, 1990]

WHEREAS, John G. Meyer retired from state service with the Department of Transportation on May 30, 1968; and

WHEREAS, Mr. Meyer served the last 19 years of his 46-year career with the former Division of Highways in the department as District Engineer in State Highway District 10, which has its headquarters in Stockton and includes nine central and mountain counties; and

WHEREAS, John G. Meyer was instrumental in the completion and improvement of several important highways in Alpine County, including the development of State Highway Route 88 as an all-year highway; and

WHEREAS, He was known throughout central California for his public service contributions to the Boy Scouts, Salvation Army, and United Crusade, and was a member of the Engineers Club, the Rotary Club, the American Society of Engineers, and the Navy League until his death in August 1982; and

WHEREAS, The Legislature desires to recognize the very significant contributions of John G. Meyer, both as a professional engineer and as a citizen; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the scenic overlook on State Highway Route 88 in the County of Alpine be officially designated the John G. Meyer Overlook; and be it further

Resolved, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with signing requirements for the state highway system, showing this official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 11

Senate Concurrent Resolution No. 80—Relative to coastal awareness.

[Filed with Secretary of State March 26, 1990]

WHEREAS, California has a varied coastline of sandy beaches, rocky shores, productive estuaries, marshes, rivers, tidal flats, urban areas, and harbors stretching over 1,000 miles from Mexico to the Oregon border; and

WHEREAS, The natural resources of the coastal zone are among California's most important environmental and economic resources; and

WHEREAS, The marine environment is one of our most valuable resources for recreation, tourism, fishing, and other coastal industries; and

WHEREAS, The Legislature of the State of California is strongly committed to the wise management of the coastline to ensure that the environmental and economic value of the coastal zone will be sustained; and

WHEREAS, It is vital that the citizens of California understand the ocean's vital influence on our quality of life and realize the level of this quality is within human control; and

WHEREAS, The State of California's official tall ship, the Californian, which is owned and operated by the nonprofit Nautical Heritage Society, will be embarking upon its inaugural Coast-Link '90 program in 1990, acting as the unifying link between citizens, communities, local, state, and federal agencies, environmental groups, and the marine industry, to promote coastal awareness; and

WHEREAS, The Californian will be calling upon 24 ports throughout the state, including Sacramento, Eureka, Fort Ross, Rio Vista, Benicia, Martinez, Vallejo, Sausalito, San Francisco, Oakland, Half Moon Bay, Santa Cruz, Monterey, Morro Bay, Port San Luis, Santa Barbara, Ventura, Los Angeles, Long Beach, Newport Beach, Avalon, Dana Point, San Diego, and Chula Vista; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California declares that the year 1990 be proclaimed as "Coastal Awareness Year," in California; and be it further

Resolved, That individual citizens, businesses, groups, and public institutions are encouraged to observe this event, and to participate in activities sponsored by the Californian, and other appropriate activities designed to promote a healthy and productive coastal environment for the benefit of the people of California and the Nation.

RESOLUTION CHAPTER 12

Assembly Concurrent Resolution No. 78—Relative to the timber industry.

[Filed with Secretary of State March 27, 1990.]

WHEREAS, The Northern Counties Logging Interpretive Association presently possesses vast collections of artifacts of historical significance, and continues to collect objects worthy of display; and

WHEREAS, Presently no museum exists where objects of historical significance relating to the history and tradition of the California redwood timber industry may be put on public display, and suitable property for such a museum currently exists in Humboldt County, which has long been the heart of the major timber resources in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California requests the Department of Parks and Recreation to prepare a feasibility study on the establishment of a California State Redwood Logging Museum in northwestern California; and be it further

Resolved, That the Legislature requests the Department of Parks and Recreation to encourage the participation of the Northern Counties Logging Interpretive Association, as well as other appropriate and interested entities and persons, in locating objects suitable for display; and be it further

Resolved, That the Legislature requests the Department of Parks and Recreation to encourage the participation of other appropriate public agencies, public officials, and interested private citizens and entities in the preparation of the study; and be it further

Resolved, That the feasibility study indicate the steps which need to be taken to develop the museum, including a work plan and estimated revenues needed from the public and private sectors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Parks and Recreation.

RESOLUTION CHAPTER 13

Assembly Concurrent Resolution No. 113—Relative to California Holocaust Memorial Week.

[Filed with Secretary of State March 27, 1990.]

WHEREAS, More than 40 years have passed since the tragic events which we now call the Holocaust transpired in which the dictatorship of Nazi Germany murdered six million Jews as part of a systematic program of genocide; and

WHEREAS, The Holocaust was a tragedy of proportions the world had never before witnessed; and

WHEREAS, We must be reminded of the reality of the Holocaust's horrors so they will never be repeated; and

WHEREAS, 1990 holds special significance as the first commemoration of this decade, and the first to represent the hope of warming relations with Eastern Bloc countries; and

WHEREAS, Each person in the State of California should set aside moments of their time every year to give remembrance to those who lost their lives in the Holocaust; and

WHEREAS, The United States Holocaust Memorial Council has designated the week of April 22 through April 29, 1990, as Holocaust Memorial Week—Days of Remembrance for Victims of the Holocaust; and

WHEREAS, April 22, 1990, is Yom HaSho'ah, and it has been designated internationally as a day of remembrance for victims of the Holocaust; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 22 through April 29, 1990, is proclaimed as California Holocaust Memorial Week, and that Californians are urged to observe these Days of Remembrance for Victims of the Holocaust in an appropriate manner; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 121—Relative to victims of pornography.

[Filed with Secretary of State April 2, 1990]

WHEREAS, Too often we find that innocent children in our society are the targets of abuse and exploitation by the pornography industry, which seeks to find vulnerable victims upon which to prey; and

WHEREAS, Studies indicate a high correlation between addiction to pornography and child molestation and other crimes; and

WHEREAS, All victims of pornography, especially children who are our most precious asset, deserve nurturing and every possible protection; and

WHEREAS, The suffering victims of pornography, both children and adults, need to know that they should not bear their pain in silence and embarrassment, but that there are people who care and who will support their search for help and healing; and

WHEREAS, Elected officials, law enforcement, social service agencies, civic, parent, youth, and religious organizations are united in their concern for victims of pornography; and

WHEREAS, Bay Area Citizens Against Pornography is an organization committed to uniting elected officials and a diverse representation of individuals, organizations, and civic leaders in their

fight to prevent victimization through pornography; and

WHEREAS, This coalition effort is designed to bring about change through education, legislation, and enforcement of laws and ordinances, and public awareness in the area of pornography; and

WHEREAS, The United States Attorneys in San Francisco, Sacramento, and Los Angeles support this effort; and

WHEREAS, Bay Area Citizens Against Pornography and a coalition of organizations throughout the state have chosen the second week of May of each year to create an awareness in California of the dangers of pornography; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature do hereby resolve to work together in this effort to protect all members of our society, and especially innocent children, from becoming victims of pornography; and be it further

Resolved, That the Governor is requested to annually proclaim the second week of May as Victims of Pornography Week and to issue a proclamation each year calling upon all concerned public officials and private citizens to observe the week by wearing black lapel ribbons denoting support and compassion for victims of pornography; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Bay Area Citizens Against Pornography, and to the United States Attorneys, and all district attorneys, boards of supervisors, city councils, chiefs of police, and sheriffs within the State of California.

RESOLUTION CHAPTER 15

Senate Concurrent Resolution No. 73—Relative to the Colonel William R. "Bill" Lucius Highway.

[Filed with Secretary of State April 3, 1990.]

WHEREAS, William R. "Bill" Lucius served over 24 years in the United States Marine Corps, attaining the rank of colonel, and holds numerous citations and medals; and

WHEREAS, He was elected councilman for the City of Healdsburg and served numerous terms as a councilmember and mayor and was honored as mayor emeritus in 1988; and

WHEREAS, He is a founding member of the Metropolitan Transportation Commission since its creation in 1971, and was its chairman in 1980 and 1981; and

WHEREAS, He served as the Director of the Golden Gate Bridge, Highway and Transportation District; and

WHEREAS, He served as the Commissioner of the State Highway Users Tax Study Commission; and

WHEREAS, He was appointed by then Governor Ronald Reagan to the State Transportation Board, and served as its chairman for two years; and

WHEREAS, He served as a member of the Governing Boards Committee and the Legislative Committee of the American Public Transit Association; and

WHEREAS, He served on the Urban Mass Transportation Administration Advisory Committee; and

WHEREAS, It would be a fitting tribute to his years of service rendered to the people of California that State Highway Route 101 in Sonoma County be named in his honor; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the portion of State Highway Route 101 from the south approach of the Russian River Bridge south of Healdsburg to the northern approach of the Russian River Bridge at the Sonoma County line is hereby officially designated the Colonel William R. "Bill" Lucius Highway; and be it further

Resolved, That the Department of Transportation is hereby directed to determine the cost of erecting appropriate plaques and markers, consistent with signing requirements for the state highway system, showing this official designation and, upon receiving donations from private sources to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and to William R. Lucius.

RESOLUTION CHAPTER 16

Assembly Concurrent Resolution No. 130—Relative to Earthquake Preparedness Month.

[Filed with Secretary of State April 6, 1990]

WHEREAS, Northern California was rocked at 5:04 p.m. on October 17, 1989, by the earthquake now designated as the Loma Prieta earthquake; and

WHEREAS, The Loma Prieta earthquake measured a Richter magnitude of 7.1; and

WHEREAS, At 5:04 p.m., there were 62,000 baseball fans at Candlestick Park attending the third game of the baseball World Series; and

WHEREAS, The Loma Prieta earthquake occurred as the San Francisco Bay Area commute moved into its heaviest flow; and

WHEREAS, The San Francisco Bay area is still suffering adverse impact from the economic losses subsequent to the Loma Prieta earthquake; and

WHEREAS, In the past decade, northern, central, and southern

California have all been impacted by the devastating effects of a major earthquake; and

WHEREAS, Most seismologists predict that there will be a major earthquake somewhere in California in the coming decades; and

WHEREAS, A primary means for minimizing the risks of injury and loss of life and damage to property is to make the public aware of all possible earthquake safety measures and precautions; and

WHEREAS, A cooperative effort between the Legislature and the state and local governments will be most effective in developing that public awareness; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the month of April 1990 as California Earthquake Preparedness Month and urges all Californians to engage in appropriate earthquake safety-related activities during that month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Seismic Safety Commission, the Office of Emergency Services, the Board of Supervisors of the County of Los Angeles, and the City Council of the City of Los Angeles.

RESOLUTION CHAPTER 17

Senate Concurrent Resolution No. 95—Relative to Designated Driver Week.

[Filed with Secretary of State April 11, 1990.]

WHEREAS, More than 2,500 people die on California roadways each year in alcohol-related traffic accidents; and

WHEREAS, The cost of these fatal accidents amounts to approximately 3 billion dollars per year; and

WHEREAS, A program has been initiated between law enforcement, business and community organizations, and establishments which serve alcoholic beverages to encourage sober drivers; and

WHEREAS, This program is called the Designated Driver Program; and

WHEREAS, The Designated Driver Program focuses on alleviating the problem of drinking drivers by rewarding sober drivers; and

WHEREAS, Local ceremonies and events relating to the Designated Driver Program have traditionally been held during the fourth week in April; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recognizes the important contribution of the Designated Driver Program to the citizens of the

state; and be it further

Resolved, That the Legislature designates the fourth week in April this year and every year thereafter as Designated Driver Week.

RESOLUTION CHAPTER 18

Assembly Joint Resolution No. 7—Relative to leveraged buy outs.

[Filed with Secretary of State April 23, 1990]

WHEREAS, Both the Public Employees' Retirement System and the State Teachers' Retirement System hold significant amounts of corporate bonds; and

WHEREAS, The incidence of leveraged buy outs is increasing in both frequency and size; and

WHEREAS, Old debt as represented by existing bonds suddenly appears much more risky due to huge amounts of new debt caused by leveraged buy outs; and

WHEREAS, The buy outs tend to jeopardize corporate bond ratings in general and decrease their price, even those of corporations which are not targets of leveraged buy outs; and

WHEREAS, This process represents a debasement of previously high quality investment-grade bonds, reducing them to "junk bonds" virtually overnight; and

WHEREAS, Various attempts to safeguard the bondholder who purchases corporate bonds in good faith have failed to provided needed protection; and

WHEREAS, The retirement benefits provided by the Public Employees' Retirement System and the State Teachers' Retirement System are of the "defined benefit" variety, which must, by law, be paid even if the retirement systems do not have sufficient funds to pay them; and

WHEREAS, It would be the taxpayers of California who would be called upon to meet those retirement obligations if a financial shortfall were caused by the above-mentioned effects of leveraged buy outs, or other causes; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of California respectfully memorializes the President and the Congress of the United States to amend federal law to require that the Securities and Exchange Commission determine and make public the following information concerning any proposed leveraged buy out:

(1) Has any old debt been paid in full.

(2) Does sufficient collateral exist to satisfy any remaining old debt.

(3) Has a substantial portion of the old debt been paid and does sufficient capital or collateral exist to satisfy the remaining obligation;

and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 19

Assembly Joint Resolution No. 91—Relative to the right of self-determination of the Lithuanian people.

[Filed with Secretary of State April 23, 1990]

WHEREAS, On February 24, 1990, the people of Lithuania held the first democratic election in Lithuania in more than half a century; in that election, the people of Lithuania elected a large majority of candidates who supported the independence of Lithuania and the establishment of a democratic state; and

WHEREAS, On March 11, 1990, the newly elected Lithuanian Parliament proclaimed Lithuania an independent state; and

WHEREAS, The United States has never recognized the incorporation of Lithuania into the Soviet Union; and

WHEREAS, The Soviet Government has not yet recognized the action of the Lithuanian Parliament in declaring Lithuania independent; and

WHEREAS, The Soviet Government has undertaken action, including staging military maneuvers and ordering Soviet military units to assert more active and visible control over Lithuanian installations, in an apparent attempt to intimidate the Lithuanian Parliament and people; and

WHEREAS, More recently, Soviet President Gorbachev has reportedly ordered citizens of Lithuania to hand over any weapons they hold to Soviet authorities within seven days and has ordered tighter controls on the ability of foreigners to visit Lithuania; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California commends the Lithuanian people for their courage and perseverance in holding free and fair elections, and in asserting their right to self-determination peacefully and through the democratic process; and be it further

Resolved, That the Legislature makes the following findings and declarations:

(1) The Government and people of California strongly and unequivocally support the right of the people of Lithuania to independence and democracy.

(2) Recent actions of the Soviet Union apparently aimed at intimidating the Lithuanian Parliament and people have seriously exasperated tensions and the possibility of violence in Lithuania.

(3) The Soviet Union should immediately cease all efforts to intimidate the Lithuanian Parliament and people.

(4) The Soviet Union should immediately begin the process of good-faith discussions with Lithuanian authorities to satisfy peacefully the expressed desire of the Lithuanian people for independence; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 20

Assembly Concurrent Resolution No. 102—Relative to Earth Day.

[Filed with Secretary of State April 23, 1990]

WHEREAS, Twenty years ago, more than 20 million Americans joined together on the first Earth Day in a demonstration of concern and support for the environment; and

WHEREAS, Public awareness of the environment, fostered by the first Earth Day, has led to the enactment of federal laws such as the Clean Air Act and the Clean Water Act, and the creation of the Environmental Protection Agency, which protect the environment; and

WHEREAS, The spirit of the first Earth Day has continued, and increased public awareness has caused Californians to make changes in individual lifestyles to reduce adverse impacts on the environment; and

WHEREAS, California's environmental attributes, including its rocky coasts, sandy beaches, redwood forests, stark deserts, and towering mountains, make the state the most beautiful in the nation; and

WHEREAS, The Legislature recognizes and has helped safeguard the state's unique environmental attributes through laws which protect its scenic beauty and the purity of its water and air; and

WHEREAS, New and continuing threats of increasing severity to our environment, including global warming; acid rain; polluted oceans and waterways; loss of forests, wetlands and other wildlife habitats; and contamination of air and drinking water sources by nuclear, hazardous, and solid wastes, demand renewed public involvement; and

WHEREAS, These environmental problems will require even

greater cooperation and action to prevent widespread extinction of species, decreased quality of life for humans, and, ultimately, the creation of a world which is unfit for habitation; and

WHEREAS, Activities to celebrate, on April 22, 1990, the 20th anniversary of the first Earth Day will focus public attention and encourage personal and collective efforts to protect the environment through recycling, conserving energy and water, using efficient transportation, and adopting more ecologically sensitive lifestyles; and

WHEREAS, Earth Day 1990 activities will include many varied opportunities for citizen participation, including conferences, seminars, school programs, rallies, and other educational and popular events; and

WHEREAS, Earth Day 1990 will provide an impetus for additional protection of the environment, and continued local, state, national, and international efforts will be required at an unprecedented level during the next decade in order to remedy the environmental problems we face; and

WHEREAS, We must demonstrate our continued leadership by initiating and supporting these local, state, national, and international efforts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That April 22, 1990, be designated and proclaimed as "California Earth Day;" and be it further

Resolved, That all Californians are encouraged to help organize and participate in Earth Day 1990 activities; and be it further

Resolved, That all Californians are encouraged to recognize the importance of the environment, and to consider including in their daily lives those activities which promote the goals of Earth Day.

RESOLUTION CHAPTER 21

Senate Concurrent Resolution No. 61—Relative to the Leo Stanley Hulett Highway.

[Filed with Secretary of State April 23, 1990]

WHEREAS, The proposed Willits Bypass recalls the many years that former Willits Mayor Leo Stanley Hulett urged that Highway 101 be routed around the city; and

WHEREAS, Mr. Hulett did not live to see his dream realized, having died in 1987; and

WHEREAS, Mr. Hulett was a Willits resident since 1944, and for 50 years was sales manager, vice president, and general manager for a Willits lumber firm; and

WHEREAS, He was elected to the Willits City Council by write-in vote in 1954, became mayor in 1956, and, since there was no city

manager, helped direct the city for 14 years; and

WHEREAS, During the tenure of Mayor Hulett, many progressive measures were accomplished, including the construction of an airport, revamping of the city recreation center, construction of a Little League softball complex, and completion of a municipal swimming pool; and

WHEREAS, He recognized the importance to the City of Willits of a Highway 101 bypass route; and

WHEREAS, It is fitting that the proposed Highway 101 Bypass be named for Leo Stanley Hulett, who worked so long to make it a reality for the City of Willits; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the portion of State Highway Route 101 bypassing the City of Willits from one-half mile south of Haehl Overhead to one-half mile north of Reynolds Highway be officially designated the "Leo Stanley Hulett Highway"; and be it further

Resolved, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers upon completion of the Highway 101 Bypass; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 22

Senate Concurrent Resolution No. 77—Relative to Workers' Memorial Day.

[Filed with Secretary of State April 23, 1990.]

WHEREAS, April 28, 1989, was proclaimed the first Workers' Memorial Day; and

WHEREAS, American workers continue to suffer as the toll of work-related injuries, illnesses, and deaths rises; and

WHEREAS, Americans honor and pay tribute to victims of workplace hazards on the 28th of April in ceremonies sponsored by unions and other organizations; and

WHEREAS, Occupational safety and health programs have endured reductions in funding for enforcement and technical staff both federally and in California in recent years, resulting in significant increases in work-related injuries and deaths here and nationwide; and

WHEREAS, Coordinated services and activities to commemorate the loss of Americans to unsafe workplaces have already strengthened employment safeguards and protected the cause of the

dedicated American worker; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That April 28, 1990, be proclaimed Workers' Memorial Day in California; and be it further

Resolved, That Californians be encouraged to observe the day in an appropriate manner.

RESOLUTION CHAPTER 23

Assembly Concurrent Resolution No. 115—Relative to proclaiming Southeast Asia Massacre and Genocide Remembrance Week.

[Filed with Secretary of State April 30, 1990.]

WHEREAS, The massacre and genocide which is occurring in the Southeast Asian countries of Cambodia, Vietnam, and Laos following their fall to Communist forces in April 1975 is a human tragedy of immense proportions; and

WHEREAS, After the fall of Cambodia, millions of Cambodians were forcibly taken from their homes and put in concentration camps set up by the Khmer Rouge; and

WHEREAS, The Khmer Rouge executed all former government officials, military personnel, civil servants, professionals, and other educated persons; and

WHEREAS, Millions of Cambodians died of starvation in these concentration camps; and

WHEREAS, After the fall of South Vietnam to the Communists in 1975, the Communists began to methodically execute former government officials, civil servants, and military personnel; and

WHEREAS, Tens of thousands of Vietnamese patriots have been executed since 1975; and

WHEREAS, The Communist government of Laos is reportedly conducting chemical warfare against indigenous Hmong tribesmen; and

WHEREAS, The Surgeon General of the United States Department of the Army conducted an exhaustive study which confirmed the chemical warfare being conducted by the Communist government of Laos; and

WHEREAS, Amnesty International has determined that between 1.2 million and 2.5 million Cambodian, Vietnamese, and Laotian people have perished in this genocide since 1975; and

WHEREAS, The Southeast Asia Massacre and Genocide is continuing today in these countries, as evidenced by the thousands of refugees fleeing each month; and

WHEREAS, The world must be made aware of the terrible reality and tragedy of the Southeast Asia Massacre and Genocide so that it will be stopped; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 29 through May 5, 1990, is hereby proclaimed Southeast Asia Massacre and Genocide Remembrance Week; and be it further

Resolved, That the Legislature urges all Californians to learn more about the Southeast Asia Massacre and Genocide and to participate in the activities of Southeast Asia Massacre and Genocide Remembrance Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 24

Assembly Joint Resolution No. 50—Relative to Amerasian Refugee Family Reunification.

[Filed with Secretary of State May 1, 1990.]

WHEREAS, The United States Government and the government of Vietnam agreed, in 1987, to allow a total of 30,000 Amerasians and their families to emigrate to the United States; and

WHEREAS, It is essential for Amerasian children to locate their fathers who served in the Vietnam War; and

WHEREAS, No comprehensive and confidential source of information is available to these Amerasian children in locating their American fathers; and

WHEREAS, The United States Department of State currently has information on all refugees who have entered the United States, and also has access to advanced technical and data resources; and

WHEREAS, It is possible for the federal government to design and implement, through the Department of State, a cost-efficient program for refugee family reunification, by gathering and dispersing the necessary information through data collection systems, on a confidential basis; and

WHEREAS, The implementation of such a program is desirable as benefiting the refugee community as a whole; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the Secretary of State of the United States to design and implement a program for family reunification for Amerasian refugees and refugees from other countries, based on the confidential collection and dispersal of information concerning refugees and their families, friends, and volunteer support groups; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United

States, the Secretary of State of the United States, the Speaker of the House of Representatives, and to every Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 25

Assembly Joint Resolution No. 68—Relative to Azerbaijan.

[Filed with Secretary of State May 1, 1990.]

WHEREAS, The Armenian people in Azerbaijan have been subjected to 70 years of misrule by a government which has censored all radio broadcasts in the Armenian tongue and denied the right of school children to use books in their native Armenian language; and

WHEREAS, The early warning signs of civil unrest which led to the torture of Armenian people in Sumgait in February of 1988, and in Kirovabad in November of 1988 were ignored; and

WHEREAS, Only now have there been efforts by Soviet leaders to end the unnecessary bloodshed and the spread of ethnic hatred; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President of the United States to immediately convey to the Soviet Union and its president, Mikhail Gorbachev, the urgent need to secure the life and property of all of its citizens without suppressing the opportunities that have been born under glasnost; and to hold those who organized and perpetrated crimes against the Armenian people in Baku accountable to the fullest extent of the law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 141—Relative to the state science fair.

[Filed with Secretary of State May 1, 1990]

WHEREAS, One of the goals of the California State Science Fair held at the California Museum of Science and Industry is to motivate and stimulate youths' interest in science and provide information dealing with opportunities in various scientific fields; and

WHEREAS, Many students throughout the state are recognized for their outstanding achievements through their science projects displayed at the fair and their teachers are acknowledged for their efforts and achievements in promoting student participation and interest in science at the fair; and

WHEREAS, The first science fair west of the Mississippi was held in 1952 at the Exposition Park, Los Angeles, with 237 students representing counties south of Bakersfield; and

WHEREAS, This year, approximately 600 students who are regional winners of competitions held throughout the state, will compete for over $40,000 in prizes and scholarships at the California State Science Fair; and

WHEREAS, Past science fair participants have gone on to perform scientific research and have become community and corporate leaders; and

WHEREAS, This science fair has received support from industrial and educational institutions from all over the state and the nation in an effort to identify and encourage California's future scientific leaders; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the California State Science Fair held at the California Museum of Science and Industry is hereby declared to be the official state science fair for the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 27

Senate Concurrent Resolution No. 46—Relative to small business development.

[Filed with Secretary of State May 1, 1990.]

WHEREAS, California's small businesses continue to provide much of the state's economic diversification and growth, job creation, and technological innovation; and

WHEREAS, The industrial and management flexibility of small businesses enhance competitiveness and productivity while helping capital markets to efficiently allocate global investment resources; and

WHEREAS, California has the essential elements to lead the nation in small business creation, modernization, and expansion, including innovative ideas and intellectual infrastructure, skilled managers and work force, business development professionals, initial market capabilities, and quality of life; and

WHEREAS, In the President's Report on the State of Small Business, issued in 1988 by the U.S. Small Business Administration, California ranked 47th in the rate of new business incorporations and eighth in the rate of new business starts, indicating that many of the state's best ideas are being commercialized elsewhere; and

WHEREAS, The state needs more complete, accurate, and current information about the strengths and weaknesses of its markets and programs for small business development and finance; and

WHEREAS, The state should have an overall strategy to ensure adequate capital for a strong small business sector that advances California as the nation's foremost economy; and

WHEREAS, Most business owners, particularly those who run very small operations, are focused on day-to-day management and cash-flow problems and do not have the time or resources to conduct extensive research into the numerous sources of financing available for starting or expanding a business; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Small Business Development Board, within the Department of Commerce, conduct a comprehensive study to review, analyze, and document information regarding financial obstacles to small business creation, expansion, and attraction, and an overview of the economically effective and politically desirable public-private approaches which may be used to overcome these obstacles, in accordance with the following guidelines:

(a) That the study include a survey of California and other states' programs facilitating public-private capital formation for business starts, modernizations, and expansions, such as direct lending, loan guarantees, microloans, seed and venture capital, pension fund investment, grants, secondary markets, securities laws and financial institution regulations, tax incentives, business development services, bonding, and other small business financing tools and techniques, and that it also include an analysis of state constitutional limitations on public sector economic development financing.

(b) That, in conducting the study, all available resources be used, including, but not limited to, public hearings held by the Small Business Development Board inviting testimony and recommendations from the business and financial communities.

(c) That the board complete the study no later than November 30, 1990, and report its findings to the Governor, the Senate Committee on Rules, and the Speaker of the Assembly; and be it further

Resolved, (a) That the board create a Task Force on Small Business Capital Formation to provide input to the study, and that the task force review the state's small business development goals and objectives, evaluate data on the investment needs of small business, and examine existing public business development programs. The task force shall be responsible for recommending focused, coordinated, cost-effective, public-private policies and programs to foster small business development investment in

California, as well as a plan for their adoption and implementation.

(b) That the task force be comprised of members of the board, with a chairperson of the task force appointed by the board, and the following members who may be appointed by the board:

(1) One person representing large commercial lenders and one person representing small commercial lenders.

(2) One person representing investment banks.

(3) One person representing insurance companies.

(4) A representative of venture capital funds.

(5) One representative each from the Public Employees' Retirement System and the State Teachers' Retirement System.

(6) A representative of small business development corporations.

(7) Directors of other government agencies or departments as deemed necessary by the board or the chairperson of the task force, including, but not limited to, the Department of Banking, the Department of Corporations, the California Small Business Advocate, the Department of Insurance, the Franchise Tax Board, the Department of Transportation, and the United States Small Business Administration.

(c) That the board establish an advisory panel of distinguished Californians to advise and assist the task force in the development and implementation of a statewide small business capital formation strategy.

(d) That the board solicit private and public funds to pay for the expenses and per diem of the task force. No General Fund moneys shall be expended on the task force.

(e) That the task force remain constituted until November 30, 1990, or until the completion of the study, and as of that date, be terminated unless the Legislature, by resolution, deletes or extends that date; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Commerce and to the Chairperson of the Small Business Development Board.

RESOLUTION CHAPTER 28

Senate Concurrent Resolution No. 96—Relative to Prevent-A-Litter Month.

[Filed with Secretary of State May 7, 1990.]

WHEREAS, The irresponsibility of some dog and cat owners in allowing uncontrolled breeding of their pets has created a pet overpopulation problem in this state and in other states; and

WHEREAS, Millions of dogs and cats are destroyed each year because of this overpopulation; and

WHEREAS, Other cruelties perpetrated on pets because of this

problem include neglect, abandonment, starvation, and injury; and

WHEREAS, The cruelties inflicted on pets result not only in needless suffering and killing of animals but also in a waste of resources expended by thousands of communities in order to provide shelter for neglected and displaced pets; and

WHEREAS, The pet overpopulation problem can be solved only by the active promotion of pet owner responsibility programs that include spaying and neutering of pets, proper care and sheltering of pets, and compliance with animal control regulations; and

WHEREAS, The people of this state should commit themselves to preventing the needless destruction of pets by practicing responsible pet ownership and by spaying and neutering pets as a means of combating the problem of pet overpopulation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of April 1990 be proclaimed as Prevent-A-Litter Month; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 29

Senate Concurrent Resolution No. 102—Relative to Water Awareness Month.

[Filed with Secretary of State May 7, 1990.]

WHEREAS, Water is California's most precious natural resource; and

WHEREAS, A reliable and safe supply of water plays a vital role in the health and welfare of the people and the economy of California; and

WHEREAS, Water provides Californians with recreational opportunities and beauty and enhances wildlife habitats; and

WHEREAS, It is important that individuals understand how water is treated, delivered, and conserved; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California declares the month of May 1990, to be Water Awareness Month and urges all citizens to support water agencies in their efforts to increase the water awareness of the residents of California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Water Awareness Committee.

RESOLUTION CHAPTER 30

Assembly Joint Resolution No. 43—Relative to the ocean disposal of dredged material.

[Filed with Secretary of State May 8, 1990]

WHEREAS, The coastal waters offshore this state are among the richest and most productive in the world, supporting important commercial and recreational fisheries and a wide diversity of marine mammals and sea birds; and

WHEREAS, The commercial and recreational fisheries are important to the state for food, jobs, export revenue, recreation, and tourism; and

WHEREAS, Most of the state's coastal ports require regular maintenance dredging of channel and mooring areas to facilitate merchant shipping, military uses, and commerical and recreational boating; and

WHEREAS, Expansion of ports to meet the needs of the Pacific Rim economy will be beneficial to the state's economy; and

WHEREAS, There is a shortage of available areas for onshore, upland, bay, and estuarine disposal of dredged material sites which may require some form of ocean disposal; and

WHEREAS, Dredged material may contain hazardous substances, including pesticides, other poisons, and heavy metals toxic to fish and shellfish, mammals, and birds; and

WHEREAS, Proposals are pending to dispose of millions of cubic yards of dredged material into the ocean from the San Francisco Bay and elsewhere; and

WHEREAS, The United States Army Corps of Engineers has argued that the Marine Protection Research Sanctuaries Act of 1972 preempts the authority of the state to review and comment on the disposal of dredged material offshore even if such disposal could affect coastal resources or the coastal zone; and

WHEREAS, The U.S. Army Corps of Engineers and the Environmental Protection Agency are currently undergoing a site selection process for ocean disposal of dredged material from both San Francisco Bay and the Ports of Los Angeles and Long Beach; and

WHEREAS, To conduct the site selection process in a timely manner, and to assure that all sites selected will minimize the harmful effects to fishery and wildlife resources, environmental studies need to be adequately and appropriately funded and carried out, including, but not limited to, the following studies: fisheries use assessment, special biological significance, fisheries economic impact analyses, physical oceanographic assessment, ports dredge disposal cost analysis, the effects of dredging on down coast erosion, and benthic resource assessment, including resources contained within the dredged material; now therefore, be it

Resolved by the Assembly and Senate of the State of California,

jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the U.S. Army Corps of Engineers and the Environmental Protection Agency to prohibit the ocean disposal of material found to be toxic, except that existing ocean disposal permits are to remain in effect and subject to the Environmental Protection Agency's current review process; and be it further

RESOLVED, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the United States Army Corps of Engineers and the Environmental Protection Agency to determine the safety of dredged material to fishery resources or fishing activities on the continental shelf, and to select disposal sites off the continental shelf before allowing disposal of dredged material on the continental shelf, or at depths greater than 1,000 fathoms, unless safe sites are determined within lesser depths by the United States Army Corps of Engineers and the Environmental Protection Agency in consultation with the National Marine Fisheries Service; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress to direct the U.S. Army Corps of Engineers to cooperate fully with state agencies currently responsible for the management of coastal waters, to establish safe sites for the disposal of dredged material, and direct the U.S. Army Corps of Engineers and the Environmental Protection Agency to utilize discretionary funds sufficient to conduct the necessary above-specified environmental studies to facilitate at the earliest possible date the siting of safe ocean disposal locations for dredged material from ports in the state which dredge over 300,000 cubic yards per year, or which use a site that receives over 300,000 cubic yards per year, and which may require ocean sites for the disposal of dredged material; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, to the Administrator of the Environmental Protection Agency, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 31

Assembly Joint Resolution No. 89—Relative to Soviet Jews.

[Filed with Secretary of State May 11, 1990]

WHEREAS, The Soviet Union is currently undergoing substantial reform and is making efforts to allow greater freedom of expression, as part of glasnost; and

WHEREAS, While glasnost offers much promise to the people of the Soviet Union, it also poses significant dangers to minority groups, particularly Jews, as hate groups are allowed to organize and grow; and

WHEREAS, Pamyat, an extremist nationalist mass membership organization founded in 1980 seeks to eliminate the Soviet Jewry and to intimidate Soviet Jews through a widespread anti-Zionist campaign; and

WHEREAS, Anti-Semitic violence, including vandalism of synagogues and Jewish homes, the abduction of a Hebrew teacher, and the stabbing of an elderly Jewish woman, is spreading through the Soviet Union; and

WHEREAS, Pamyat's membership numbers in the thousands and maintains chapters in many Soviet cities; and

WHEREAS, Pamyat openly preaches hatred of the Jews through videocassettes, handbills, and messages of hate distributed throughout Russian portions of the Soviet Union; and

WHEREAS, In 1989 there were more than 50 desecrations of Jewish cemeteries, and some 1,000 anti-Semitic rallies throughout the country; and

WHEREAS, The Soviet government has tolerated and protected Pamyat, including granting permission to hold a rally in Red Square while prohibiting democracy groups from demonstrating at that location; and

WHEREAS, Neither President Mikhail Gorbachev nor other high Soviet officials have repudiated Pamyat's blatant anti-Semitism; and

WHEREAS, The Soviet Union has suspended direct flights from the Soviet Union to Israel as a direct result of pressure from the Arab world; and

WHEREAS, A test of President Mikhail Gorbachev's commitment to human rights and reform will be whether he forcefully condemns and takes effective steps to stop the spread of anti-Semitism in the Soviet Union; and

WHEREAS, Protection from anti-Semitism and the right of emigration are fundamental human rights; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes President Gorbachev to publicly condemn Pamyat and all forms of anti-Semitism in the Soviet Union; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all other federal officials to take all possible steps to ensure that the Soviet police provide full protection to Jews subject to attack by Pamyat sympathizers and arrest and prosecute all perpetrators of anti-Semitic violence; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all

other federal officials to insist that the United States withhold any waiver or repeal of the Jackson-Vanik trade restrictions against the Soviet Union until President Gorbachev resists Arab pressure and allows direct flights to Israel for all Soviet Jews who desire to emigrate to that nation; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States, the Secretary of State, and the Congress of the United States, and all other federal officials to take immediate steps to lift quota limitations on the emigration of Soviet Jews and other minority groups to the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of State, to President Mikhail Gorbachev of the Soviet Union, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 32

Assembly Concurrent Resolution No. 157—Relative to proclaiming California Tourism Day.

[Filed with Secretary of State May 11, 1990.]

WHEREAS, California has been and continues to be the premier travel destination in the United States; and

WHEREAS, Californians proudly and warmly welcome millions of domestic and international visitors annually; and

WHEREAS, As people all over the world become aware of the outstanding cultural, historical, and recreational resources available throughout the state, tourism is becoming an increasingly important aspect of the daily lives of people everywhere; and

WHEREAS, The great diversity of the Golden State's unique attractions and exciting destinations truly offer something for everyone; and

WHEREAS, The multiethnic and colorful heritage of the people of California presents a rich variety of backgrounds and culture in communities throughout the state; and

WHEREAS, Travel and tourism contribute significantly to California's economic life, generating over $35 billion, including over $1.6 billion in state tax revenues, and supporting nearly 600,000 jobs; and

WHEREAS, Local tourism development and promotion have become increasingly important to our state's rural regions; and

WHEREAS, Due to the decreased value of the dollar compared to foreign currencies, and California's place as a gateway to the Pacific

Rim visitor, a major increase in international visitors from both Europe and Asia is expected in 1990; and

WHEREAS, The federal government will recognize the week of May 14 to 20 as National Tourism Week; and

WHEREAS, Local convention and visitor bureaus, local chambers of commerce, and the California Travel Industry Association will recognize May 14, 1990, as a day to celebrate travel and tourism's important economic and social contributions to this state and the federal government will also recognize a National Tourism Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates May 14, 1990, as "California Tourism Day"; and be it further

Resolved, That the Legislature recognizes the importance of the public and private partnership in ensuring the success of the tourism industry and commends the efforts of the California Office of Tourism, local visitors bureaus and chambers of commerce, the California Tourism Commission, the California Tourism Corporation, the California Travel Industry Association, the Rural Marketing Committee, the California Hotel and Motel Association, and all groups involved in the tourism industry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Office of Tourism.

RESOLUTION CHAPTER 33

Senate Concurrent Resolution No. 53—Relative to State Highway Route 138 in Palmdale.

[Filed with Secretary of State May 11, 1990]

WHEREAS, The California Highway Commission adopted Route 138 as a state highway in June 1950; and

WHEREAS, The proposed freeway alignment for Route 138 was adopted on June 22, 1966, between Route 5 on the west and the San Bernardino County line on the east; and

WHEREAS, Significant residential development has taken place along the adopted route in the City of Palmdale, making implementation of the adopted route in this area infeasible and undesirable; and

WHEREAS, City of Palmdale staff and local elected officials have expressed interest in relocating the existing state highway (Palmdale Boulevard) due to traffic congestion and assisting in the protection of rights-of-way for a new route alignment; and

WHEREAS, A route relocation study is being undertaken to identify and recommend to the California Transportation

Commission a new alignment for adoption for Route 138 in the vicinity of Palmdale; and

WHEREAS, Avenue P-8, a partially developed local street north of the presently adopted route, has been suggested as a practical alternative to the present alignment of Route 138; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the City of Palmdale, the City of Los Angeles, and the County of Los Angeles are requested to give their full assistance to the Department of Transportation and the California Transportation Commission in the development of new route location studies pertaining to the alignment of State Highway Route 138 in the vicinity of the City of Palmdale west of State Highway Route 14; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the City of Palmdale, the City of Los Angeles, and the County of Los Angeles.

RESOLUTION CHAPTER 34

Assembly Joint Resolution No. 8—Relative to the Long Beach Naval Shipyard.

[Filed with Secretary of State May 18, 1990]

WHEREAS, Construction of the Long Beach Naval Shipyard, one of eight naval shipyards in the United States, commenced in November 1940, and by 1943 the shipyard went into full production for the repair, overhaul, and conversion of the ships of the Pacific Fleet; and

WHEREAS, Located on Terminal Island between the Cities of Long Beach and San Pedro, California, the shipyard today has three graving docks, four industrial piers, one wharf, and extensive shop and office complexes, and is one of the Navy's most modern shipyards; and

WHEREAS, Through the years, the Long Beach Naval Shipyard has accomplished several special projects in addition to its primary mission, including support of scientific projects in conjunction with the Polaris, Poseidon, Sealab, and other programs, and currently the shipyard operates electronic and weapons checkout and evaluation functions; and

WHEREAS, The shipyard, the workload of which consists largely of overhaul and maintenance of surface ships, is equipped with facilities and skills capable of performing all work incidental to the overhaul and repair of those ships in addition to complete design, engineering, and planning capabilities to support its industrial work; and

WHEREAS, The shipyard is a major industry and employer in the Long Beach area, with currently in excess of 5,000 employees, and it is estimated tht the shipyard performed in excess of 320 million dollars worth of work in the 1988 fiscal year; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to continue the vital role the Long Beach Naval Shipyard plays in providing logistic support for, and overhaul and maintenance capabilities to, the ships of the Navy and in the Long Beach-San Pedro area, and not to close the shipyard; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 35

Assembly Concurrent Resolution No. 135—Relative to Small Business Week.

[Filed with Secretary of State May 18, 1990]

WHEREAS, The President of the United States of America and the Governor of California, by proclamation, have designated the week of May 6 through May 12, 1990, as Small Business Week in recognition of the outstanding contributions of the owners of small businesses of this nation; and

WHEREAS, Ninety-five percent of new jobs in California are generated by small business firms; and

WHEREAS, Twenty-seven percent of the fastest growing small public companies and 13 percent of the fastest growing small private companies are in California; and

WHEREAS, More new jobs are created by small businesses than any other sector of our economy; and

WHEREAS, More than two million of our nation's 17 million small businesses are located in California and employ 55 percent of the state's workers; and

WHEREAS, California's small businesses have a vital role in expanding our state's trade relationships with Pacific Rim countries; and

WHEREAS, Small business people possess the dedication and drive to develop and market new technologies, thereby bringing more capital into the business market and further strengthening our economy; and

WHEREAS, The innovation, competitive strength, job generation,

and quality of life which small businesses bring to our economy is a vital element of our state's long-term economic health; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California salutes small business owners during the week of May 6 through May 12, 1990, which has been proclaimed California Small Business Week, in special recognition of the contributions which the owners of small businesses have made, and will continue to make, to our state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 36

Assembly Concurrent Resolution No. 143—Relative to older Californians.

[Filed with Secretary of State May 18, 1990]

WHEREAS, California ranks highest among the 50 states in total population and in total number of persons aged 65 and over; and

WHEREAS, Over three million Californians aged 65 and older comprise 11.3 percent of the state's population; and

WHEREAS, Older Californians contribute greatly to society through volunteerism and the sharing of their wisdom and experience with disadvantaged youth, shut-ins, and many other persons needing assistance; and

WHEREAS, The California Senior Legislature has provided invaluable contributions to the health and well-being of the senior community by working with the California Legislature; and

WHEREAS, Older Californians make significant contributions to all aspects of society and offer special insights and skills; and

WHEREAS, Older Californians are one of our most important yet still virtually untapped resources; and

WHEREAS, Older Californians are vibrant and effective and desire, above all else, to continue making their contribution to our state for many years to come; and

WHEREAS, Governor George Deukmejian has proclaimed the month of May 1990 as Older Californians Achievement Month with the theme being "Golden Years in the Golden State"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby memorializes all citizens of California to recognize and appreciate the numerous contributions made by older Californians, during May 1990 and throughout the year of 1990, by engaging in

appropriate observances and activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Senior Legislature, the Director of the Department of Aging, and the California Commission on Aging.

RESOLUTION CHAPTER 37

Senate Concurrent Resolution No. 40—Relative to living benefits.

[Filed with Secretary of State May 18, 1990.]

WHEREAS, The State of California, like much of the nation, is facing a growing crisis relative to providing adequate personal care and ensuring reasonable standards of living for the terminally ill; and

WHEREAS, Tremendous numbers of terminally ill citizens, especially senior citizens on fixed incomes and victims of AIDS, find themselves living in poverty conditions, unable to maintain their self-sufficiency or sense of personal esteem during their final months or years of life; and

WHEREAS, The financial burdens are often so extreme as to deny peace of mind and solace to these terminally ill individuals who are struggling to accept their conditions and end their lives with as much dignity, grace, and physical comfort as possible; and

WHEREAS, These burdens are also inflicted on the patients' families, often creating conditions of severe economic duress and emotional stress at times when families need to be functioning in the most harmonious and mutually supportive manner; and

WHEREAS, Although many terminally ill persons have previously insured themselves with life insurance policies which greatly benefit their survivors, the policyholders usually cannot adequately themselves benefit from such a program despite the immediacy and severity of their financial needs; and

WHEREAS, The Canadian subsidiary of a major United States insurance company is pioneering a "living benefits" program with encouraging results thus far; and

WHEREAS, This "living benefits" program, encouraged by Canada's regulatory environment, allows the terminally ill policyholder to receive a lump sum advance equal to 40 to 60 percent of the policy's death benefits, with the remaining benefits to be paid to the beneficiary subsequent to the policyholder's death; and

WHEREAS, The company handles the program in a manner similar to that used for a normal policy loan by deducting it from the final death benefits due the beneficiary; and

WHEREAS, This "living benefits" concept may hold great potential for alleviating the mental and physical sufferings of California's terminally ill residents and their families; and

WHEREAS, This concept is a private sector initiative encouraged and facilitated by government, not forced by government regulation or mandate; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature memorializes all life and disability insurance companies licensed in California to immediately and fully investigate the feasibility of a similar private sector initiative for this state, including, but not limited to, determining any legal hindrances or economic disincentives, then reporting them to the Legislature; and be it further

Resolved, That the Legislature memorializes the Department of Insurance and the Franchise Tax Board to cooperate with the private insurance industry in determining what regulatory or tax-related considerations and consumer protection issues are involved; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Insurance and the Franchise Tax Board, and that the Department of Insurance assist the Legislature in disseminating copies of this resolution to all licensed life and disability insurance companies within this state.

RESOLUTION CHAPTER 38

Senate Concurrent Resolution No. 54—Relative to student body organizations supplying access to legal counsel and representation.

[Filed with Secretary of State May 18, 1990]

WHEREAS, The right to an attorney, and access to legal counsel and representation, is essential to the preservation of democracy and the furthering of rights inherent in the nation's Bill of Rights and Constitution; and

WHEREAS, Student body organizations are recognized by the Board of Trustees of the California State University, and the California Legislature, as representing the interests of students; and

WHEREAS, The Governor and Legislature of the State of California have supported the student body organizations' right to legal counsel and representation by enacting Section 89903 of the Education Code which states in part that student body organizations shall have the benefit of the advice and counsel of an attorney; and

WHEREAS, The California State University, through the Board of Trustees, the chancellor, and the presidents of the 19 campuses, has a responsibility to oversee the expenditure of student funds by student body organizations, as authorized in Section 89900 of the Education Code; and

WHEREAS, The oversight of student body organization funds by the California State University, and decisions related to such

oversight, must be equitable to the interests of students; and

WHEREAS, The California State University has historically supported the right of students and student body organizations to obtain legal counsel and representation, and has approved the expenditures of student funds to pay for these costs; and

WHEREAS, A dispute arose wherein the California State University delayed the expenditure of student funds to pay for the accrued costs of appropriate legal counsel and representation; and

WHEREAS, Without the approved expenditure of student funds to pay for the costs of an attorney, the students' ability to access legal counsel and representation is limited; and

WHEREAS, This recent action by the California State University appears to be contrary to established policies and practices and although the funds were eventually released, the delay disrupted the ability of students to pay for legal expenses in a timely and equitable manner; and

WHEREAS, The students exhausted all available in-system remedies to have student funds released to pay for accrued attorney expenses; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature reaffirms its support of the students' right to access legal counsel and representation to assist students and student body organizations of the California State University; and be it further

Resolved, That the California State University is requested to reaffirm its support of student access to legal counsel and representation; and be it further

Resolved, That the California State University is requested to conduct a study, in conjunction with the California State Student Association and student representatives, to assess and report on current policies, practices and guidelines governing the approval of student body organization budgets, including the funding for legal counsel and representation; and be it further

Resolved, That the California State University is requested to submit a report concerning the results of this study to the Governor and State Legislature by January 31, 1991, which includes a review of current policies, practices, and guidelines governing the approval of student body organization budgets, with particular attention to expenses for legal counsel and representation. The report shall include a discussion of steps to be taken to rectify identified problems, whether by rule, regulation, or executive order; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Trustees and the Chancellor of the California State University.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 55—Relative to water quality in the Sacramento-San Joaquin Delta.

[Filed with Secretary of State May 18, 1990]

WHEREAS, Many Californians depend on the Sacramento-San Joaquin Delta for their drinking water supplies; and

WHEREAS, The trihalomethane formation potential of delta water supplies is a matter of grave concern to all persons who rely on those water supplies; and

WHEREAS, The quality of delta water supplies is further aggravated by salt water intrusion into the delta and the resulting impact of bromide ions and from local and upstream sources of pollution; and

WHEREAS, It is essential to the public health of delta water users that the quality of drinking water available from the delta and the impact of agricultural, industrial, and municipal discharges and other factors on delta water supplies be determined; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Water Resources Control Board and the State Department of Health Services are requested to conduct a study and prepare a report on the quality of drinking water available from the Sacramento-San Joaquin Delta, including, but not limited to, consideration of trihalomethane and other disinfection byproduct precursors contributed by agricultural drains and municipal and industrial discharges in the delta, and the effect of salt water intrusion into the delta and the resulting impacts of bromide ions on the formation of disinfection byproducts; and be it further

Resolved, That the report also include a summary of previous studies on water quality in the Sacramento-San Joaquin Delta, an examination of the quantity and quality of agricultural drains and municipal and industrial discharges, an evaluation of options available for the control of agricultural drains and municipal and industrial discharges, and a survey of the operating experiences of users of delta water supplies; and be it further

Resolved, That the Department of Water Resources is requested to fully cooperate with the board and the department in the conduct of the study and the preparation of the report; and be it further

Resolved, That the State Water Resources Control Board and the State Department of Health Services submit a final report to the Legislature on or before June 30, 1991; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the State Water Resources Control Board, the State Director of Health Services, and the Director of Water Resources.

RESOLUTION CHAPTER 40

Senate Concurrent Resolution No. 101—Relative to Museum Day.

[Filed with Secretary of State May 22, 1990]

WHEREAS, There are more than 650 museum institutions in the State of California, and the number of members of these institutions is estimated to be more than 10,000,000; furthermore, the annual attendance at museums in the State of California is estimated to be more than 268,000,000; and

WHEREAS, Museums are located in every county in the State of California, and they add to the cultural life and economic development of communities throughout California; and

WHEREAS, Museums represent history, natural history, the arts, technology, and all facets of the natural, cultural, historical, and scientific worlds, and museums collect, store, preserve, and interpret the historic, scientific, and cultural wealth of California; and

WHEREAS, Museums fulfill an educational function with the schools and the general public of California, and museums are visited, enjoyed, and supported by residents of, and visitors to, the State of California; and

WHEREAS, The celebration of Museum Day will provide an opportunity for schools and communities to focus attention on the contributions of museums to the United States and the State of California, and for the public to benefit from an awareness of these contributions; and

WHEREAS, International Museum Day, May 18 was originally proclaimed to recognize and commemorate the valuable contributions that museums have made to the preservation and interpretation of the world's natural and cultural heritage and to enriching the lives of millions of people; and

WHEREAS, Museum Day will not only honor museum institutions in the State of California, but it will also honor the volunteers and members whose support enables museums to exist; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California takes pleasure in joining with the California Association of Museums in honoring the contributions of museums, and hereby designates May 18, 1990, as Museum Day in the State of California; and be it further

Resolved, That the Legislature urges all Californians to join the celebration of Museum Day on May 18, 1990; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the Chair of the California Association of Museums for appropriate distribution.

RESOLUTION CHAPTER 41

Assembly Concurrent Resolution No. 148—Relative to proclaiming Democracy Day.

[Filed with Secretary of State May 29, 1990.]

WHEREAS, In recent months, the world has witnessed a tide of democracy rising in totalitarian states around the world; and

WHEREAS, Major political changes have occurred throughout Eastern Europe and the Soviet Union; and

WHEREAS, However, since June 4, 1989, when the brutal crackdown in Tiananmen Square in Beijing occurred, the democratic forces in China have been silenced; and

WHEREAS, June 4 is, therefore, an appropriate date to commemorate the courageous individuals throughout the world who have revolted against tyranny and have demanded their rights as human beings; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature proclaims June 4, 1990, as Democracy Day in the State of California; and be it further

Resolved, That Democracy Day shall commemorate all of the following: the Chinese students and citizens who died for the cause of peace, freedom, and democracy in Tiananmen Square in Beijing; the Romanians who died in their struggle for freedom; the Solidarity members who were jailed and prosecuted by Polish authorities during the past decade; freedom fighters in Czechoslovakia and Hungary; and all of the individuals throughout the world who have struggled, and continue to struggle, for the benefits of democratic government; and be it further

Resolved, That the Legislature urges all Californians to join in appropriate observances of Democracy Day.

RESOLUTION CHAPTER 42

Assembly Joint Resolution No. 66—Relative to the national historic trail.

[Filed with Secretary of State May 29, 1990]

WHEREAS, In the late 1770's the Franciscans, and others, wanted to find an overland access route to California, in order to support the missions and encourage more settlers to go to the area; and

WHEREAS, In 1775 and 1776, Captain Juan Bautista de Anza and an expedition of hardy people endured tremendous hardships, and successfully found a route from Arizona to the San Diego area, and then north to Monterey and the Bay area; and

WHEREAS, This expedition opened the first overland route to

northern California and made the settlement of San Francisco possible; and

WHEREAS, HR 1159, which designates the Juan Bautista de Anza National Historic Trail as part of the National Trails System, has passed the United States House Subcommittee on National Parks and Public Lands; and

WHEREAS, A study authorized by Congress in 1983 found that the proposed route meets the criteria to be designated a national historic trail; and

WHEREAS, There is substantial public support for the designation of the Juan Bautista de Anza Trail as a national historic trail, and substantial work has already been done to identify and establish the trail; and

WHEREAS, The benefits of designation of the trail exceed the costs; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to pass HR 1159 which designates the Juan Bautista de Anza National Historic Trail; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 43

Assembly Concurrent Resolution No. 104—Relative to Panama.

[Filed with Secretary of State June 1, 1990]

WHEREAS, The United States undertook military action in Panama on December 20, 1989, to remove dictator Manuel Noriega in Operation Just Cause; and

WHEREAS, Twenty-five thousand United States military personnel were involved in the invasion and many troops came from California; and

WHEREAS, United States military personnel were involved in active combat with the Panamanian Defense Forces, and performed with great valor in accomplishing their goals and reaching their objectives; and

WHEREAS, United States military women played a larger role in Panama than in any previous conflict, and both military men and women demonstrated great leadership and ability in their military roles; and

WHEREAS, Three hundred and thirty United States military

personnel were wounded in the line of duty, and 23 United States military personnel gave their lives in the advancement of America's commitment to democracy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereby concurring, That California does hereby honor the United States military personnel who participated in the invasion of Panama on December 20, 1989; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Commandant of the Marine Corps and to the Commanders of the following California military bases:

Fort Ord
March Air Force Base
Beale Air Force Base
Norton Air Force Base
Travis Air Force Base
Channel Islands Air National Guard Base

RESOLUTION CHAPTER 44

Assembly Joint Resolution No. 84—Relative to the People's Republic of China.

[Filed with Secretary of State June 1, 1990]

WHEREAS, The Legislature of the State of California deplores the wanton brutality of the government of the People's Republic of China (PRC) toward its own citizens. This brutality was graphically exemplified, but not limited to, the actions of government security forces on the streets of Beijing on June 3 and 4, 1989; and

WHEREAS, The Legislature of the State of California honors and commemorates the students of Beijing, who stared down tanks, machinegun fire, and a tidal wave of soldiers, and who have served as an inspiration for the successful struggle for democracy worldwide so that others who yearn for freedom can stand strong; and

WHEREAS, The Legislature of the State of California deplores the PRC government's shocking indifference to its own constitution, appalling abuse of its own legal processes, and utter disregard of fundamental international human rights throughout the PRC; and

WHEREAS, The Legislature of the State of California is deeply concerned about the thousands of individuals who remain incarcerated throughout the PRC for their participation in prodemocracy activities; and

WHEREAS, The Legislature of the State of California is alarmed by the harassment that PRC Buddhists, Christians, Muslims, and others are experiencing from their government for following their

religion; and

WHEREAS, The Legislature of the State of California is profoundly disturbed by attempts of the PRC government to intimidate its citizens now studying, working, or otherwise residing in the United States in an effort to stifle consideration of the aforementioned problems; and

WHEREAS, The Legislature of the State of California understands that the PRC's current treatment of its own citizenry lessens the attractiveness of the PRC both as a destination for American tourists and as a location for investment; and

WHEREAS, The Legislature of the State of California understands that the PRC government continues to enrich itself through arms sales both in this country and to the Middle East; and

WHEREAS, The Legislature of the State of California understands that the sixth largest trade deficit of the United States is with the PRC and that the deficit is increasing at a rapid rate; and

WHEREAS, The Legislature of the State of California is concerned that the PRC government will interpret silence in the United States on the aforementioned issues as affirmation for PRC government policies; and

WHEREAS, The Legislature of the State of California finds that the citizens of California remain concerned about the foregoing problems and issues and hopeful that conditions in the PRC will improve and provide a better basis for ongoing relations; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature hereby declares June 4, 1990, as World Freedom Day, the first annual Day of Remembrance for those citizens of the People's Republic of China killed, wounded, or incarcerated or otherwise punished by the government for engaging in lawful prodemocratic activity in which they have an international human right to participate; and be it further

Resolved, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States to enact legislation making illegal the importation or sale of any lethal device manufactured or assembled in, or otherwise produced or exported from, the People's Republic of China and expresses support for the President's commitment to grant any citizens of that country holding J visas who were present in the United States on December 1, 1989, irrevocable waivers until January 1, 1994, of the requirement that they return to the People's Republic of China for a two-year period prior to seeking to adjust their status in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of California.

RESOLUTION CHAPTER 45

Senate Concurrent Resolution No. 107—Relative to Management Week.

[Filed with Secretary of State June 5, 1990]

WHEREAS, Management Week has been observed annually since 1978 and has been recognized through joint resolution by the Congress of the United States and by presidential proclamation; and

WHEREAS, The Governor of California, by proclamation, will proclaim the week of June 3 through June 9, 1990, as California Management Week; and

WHEREAS, In the past the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen and revitalize the economy of the State of California; and

WHEREAS, The National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, The California Chapter of the National Management Association will join with the other managers nationwide to honor the role and achievements of managers in our society during Management Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California designates the week of June 3 through June 9, 1990, as California Management Week; and be it further

Resolved, That the Legislature of the State of California commends California business managers in special recognition of the contributions which business managers have made, and will continue to make, to our state.

RESOLUTION CHAPTER 46

Senate Joint Resolution No. 68—Relative to military bases.

[Filed with Secretary of State June 5, 1990]

WHEREAS, The United States Air Force has announced its intention to relocate its Space Systems Division from Los Angeles Air Force Base in an effort to consolidate its space and ballistic missions, provide for future expansion, improve the quality of life for its military and civilian personnel by providing access to more affordable housing and reducing commuting time, and replace its outdated and expensive to maintain structures at Los Angeles Air

Force Base; and

WHEREAS, The United States Air Force maintains an active facility at March Air Force Base which, since its acquisition by the War Department in 1918, has served as a key military installation and, most recently, as the home of the 22nd Air Refueling Wing, comprised of 20 KC-10 tanker aircraft; and

WHEREAS, March Air Force Base possesses the necessary physical space, would provide continuity of operations within the Los Angeles basin, would cause minimal environmental disruption, has access to adequate and reasonably priced housing, is in close proximity to the Ballistic Missile Division at Norton Air Force Base, offers easy access to Ontario International Airport, is close to the University of California at Riverside School of Engineering, enjoys excellent military-community relations, and has an excellent geographical location with adequate land for base and industrial expansion; and

WHEREAS, California is a critical location for the entire Pacific area with respect to strategic defense operations; and

WHEREAS, The community and leaders of the western Riverside County area have joined together to seek the transfer of the Space Systems Division of the United States Air Force to March Air Force Base; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress, and the Department of the Air Force, pursuant to plans to relocate the Space Systems Division from Los Angeles Air Force Base, to move that division to March Air Force Base; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, to the Secretary of the Air Force, and to the Chairpersons of the House and Senate Armed Forces Committees.

RESOLUTION CHAPTER 47

Assembly Concurrent Resolution No. 111—Relative to Disability Employment Awareness Month.

[Filed with Secretary of State June 5, 1990]

WHEREAS, Californians with disabilities make significant contributions to all aspects of society and offer special skills to California's workplace; and

WHEREAS, This special segment of the work force invariably performs exceedingly well, consistently offering high standards of

performance to meet the productivity expectations of their employers; and

WHEREAS, Californians with disabilities bring a wealth of diverse experience to the work environment and serve as a venerable example to all Californians through their strong desire to participate fully in the life and activities of our state; and

WHEREAS, Employment opportunities play an important role in assisting disabled Californians in their efforts to remain independent; and

WHEREAS, The Governor's Committee for Employment of Disabled Persons, the State Employment Development Department, and the State Department of Rehabilitation are committed to working in partnership with private industry, the public sector, labor, and the disabled community in fostering increased awareness of the capabilities of people with disabilities through public education and technical assistance; and

WHEREAS, All Californians should recognize and appreciate the vital contributions people with disabilities make to our workplace and all aspects of society; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates October 1990 as "Disability Employment Awareness Month."

RESOLUTION CHAPTER 48

Senate Concurrent Resolution No. 78—Relative to the Senator Hugh M. Burns State Building.

[Filed with Secretary of State June 12, 1990]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the state building at 2550 Mariposa Street in the City of Fresno is, hereby, officially designated the Senator Hugh M. Burns State Building; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Department of General Services.

RESOLUTION CHAPTER 49

Assembly Joint Resolution No. 92—Relative to Lithuania, Latvia, and Estonia.

[Filed with Secretary of State June 14, 1990]

WHEREAS, This year marks the 72nd anniversary of the establishment of the independent state of Lithuania on February 16, 1918; and

WHEREAS, Men and women of Lithuanian, Latvian, or Estonian heritage throughout California, the United States, and the world have joined in spirit to commemorate the strength and pride of the people of Lithuania, Latvia, and Estonia to denounce the illegal policies of the Soviet Union with regard to basic human rights and freedoms in their countries; and

WHEREAS, Human rights and fundamental freedoms in Lithuania, and Estonia and Latvia, have long suffered under the oppression of the Soviet Union; and

WHEREAS, Official policy of the United States of America has never recognized the illegal annexation of Lithuania, Latvia, and Estonia into the Soviet Union; and

WHEREAS, The recent attempts throughout the Eastern bloc countries, including Lithuania, Latvia, and Estonia, to throw off the yoke of communism exemplifies the yearning of all men and women to be free; and

WHEREAS, The people of Lithuania, led by the people's popular front, Sajudis, have held their first democratic elections under difficult circumstances and have overwhelmingly rejected the Communist Party and its leadership; and

WHEREAS, The Lithuanian Parliament on Sunday, March 10, 1990, issued the following declaration by a 124 to 0 vote:

"Expressing the will of the people, the Supreme Soviet of the Lithuanian Republic declares and solemnly proclaims the restoration of the exercise of sovereign powers of the Lithuanian state, which were annulled by an alien power in 1940. From now on, Lithuania is once again an independent state.

The February 16, 1918, Acts of Independence of the Supreme Constituent Assembly Resolution on the restoration of a democratic Lithuanian state have never lost their legal force and are the constitutional foundation of the Lithuanian state.

The territory of Lithuania is integral and indivisible, and the constitution of any other state has no jurisdiction within it.

The Lithuanian state emphasizes its adherence to universally recognized principles of international law, recognizes the principles of the inviolability of borders as formulated in Helsinki in 1976 in the Final Act of the Conference on Security and Cooperation in Europe, and guarantees rights of individuals, citizens and ethnic communities.

The Supreme Council of the Republic of Lithuania expressing sovereign power, by this act begins to achieve the state's full sovereignty"; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to recognize the newly reestablished independent

Government of Lithuania and the independence movements of Latvia and Estonia; and be it further

Resolved, That the people of California join with the people of Lithuania, Latvia, and Estonia and other freedom loving people around the world in supporting their struggle for freedom; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 50

Assembly Joint Resolution No. 38—Relative to school lands.

[Filed with Secretary of State June 18, 1990]

WHEREAS, In 1853, the Congress granted to the State of California the 16th and 36th sections of every township of public land to support the public education system in California, a grant long held by the courts to create a "solemn agreement" between the federal government and the state; and

WHEREAS, In California, the State Teachers' Retirement System is the beneficiary of revenues derived from these school lands; and

WHEREAS, These revenues are a significant source of income to the retired teachers of the state; and

WHEREAS, The Elk Hills Petroleum Reserve contains two school land sections rich in oil reserves and constituting the two most valuable school land sections in the state; and

WHEREAS, The inclusion of these school lands within the Petroleum Reserve in 1912 made them unavailable to the state, with the result being that the State Teachers' Retirement System is deprived of substantial income; and

WHEREAS, Although ever since 1976 the federal government has been producing oil and gas from the Petroleum Reserve at the maximum efficient rate and selling its production in order to gain further general revenues for the United States Treasury; and

WHEREAS, The federal government has stated the reserve is no longer needed for defense purposes; and

WHEREAS, The failure of the federal government to share 50 percent of the revenues from Elk Hills oil and gas production with the State of California violates its statutory obligations under the Federal Mineral Leasing Act; and

WHEREAS, The Department of Energy proposes to sell that land, including the two school land parcels, therein, without consideration of the rights of the State of California, the needs of its retired

teachers, and other state school needs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to recognize the state's valid claim to the two school land sections within the Elk Hills Petroleum Reserve, and to make them available to the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the respective Secretaries of the Interior, Energy, and Defense.

RESOLUTION CHAPTER 51

Assembly Concurrent Resolution No. 144—Relative to California Schoolbus Safety Awareness Month.

[Filed with Secretary of State June 18, 1990]

WHEREAS, More than 2.5 million pupils are transported to and from school each day by schoolbuses in California; and

WHEREAS, It is important that these children are safe during these daily trips; and

WHEREAS, Schoolbuses travel on many urban and rural roadways and are subjected to countless obstacles posing potential danger to passengers; and

WHEREAS, The California Association of School Transportation Officials is an organization of professionals who are dedicated to protecting the safety of California's schoolchildren on our roadways; and

WHEREAS, It is appropriate that Californians recognize the importance of schoolbus safety to current and future generations of pupils; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California proclaim October 1990 as California Schoolbus Safety Awareness Month and encourage all citizens to promote the safety of our schoolbuses and pupils.

RESOLUTION CHAPTER 52

Senate Joint Resolution No. 56—Relative to the Transition Program for Refugee Children.

[Filed with Secretary of State June 19, 1990.]

WHEREAS, The growth of the refugee population in California has resulted in the enrollment of thousands of students in public schools who come from greatly diverse cultures and who speak many different languages; and

WHEREAS, Existing services may be too broad-gauged for the needs of these students; and

WHEREAS, Refugee children face unique difficulties in assimilating into American society; and

WHEREAS, Diversity between ethnic groups, and vast intragroup variations add to the complexity of educating refugee children; and

WHEREAS, The federally funded Transition Program for Refugee Children is a supplemental program for school districts aimed at improving instructional services to refugee students; and

WHEREAS, This program has allowed school districts to train teachers, counselors, and their aides to respond more effectively to the needs of refugee students; and

WHEREAS, The Transition Program for Refugee Children has also allowed school districts and the State Department of Education to develop material to improve instruction for these students; and

WHEREAS, California's share of the appropriation for fiscal year 1989–90 was $5,492,812, with 157 school districts receiving grant awards ranging from $4,225 to $583,672 to serve approximately 26,000 students; and

WHEREAS, Congress did not appropriate funding for fiscal year 1990–91; and

WHEREAS, Failure to receive these funds represents a serious loss for California school districts and the many students who are eligible for this program; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress to reauthorize and appropriately fund the Transition Program for Refugee Children; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 53

Senate Concurrent Resolution No. 76—Relative to the California Law Revision Commission.

[Filed with Secretary of State June 27, 1990]

WHEREAS, The California Law Revision Commission is authorized to study only topics set forth in the calendar contained in its report to the Governor and the Legislature which are thereafter approved for study by concurrent resolution of the Legislature, and topics which have been referred to the commission for study by concurrent resolution of the Legislature; and

WHEREAS, The commission, in its annual report covering its activities for 1989, lists 26 topics, all of which the Legislature has previously authorized or directed the commission to study; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the topics listed below, all of which the Legislature has previously authorized or directed the commission to study:

(1) Whether the law relating to creditors' remedies (including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters) should be revised;

(2) Whether the California Probate Code should be revised, including, but not limited to, whether California should adopt, in whole or in part, the Uniform Probate Code;

(3) Whether the law relating to real and personal property (including, but not limited to, a Marketable Title Act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters) should be revised;

(4) Whether the law relating to family law (including, but not limited to, community property) should be revised;

(5) Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised;

(6) Whether the law relating to class actions should be revised;

(7) Whether the law relating to offers of compromise should be revised;

(8) Whether the law relating to discovery in civil cases should be revised;

(9) Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for payment of attorney's fees to the prevailing party;

(10) Whether acts governing special assessments for public improvements should be simplified and unified;

(11) Whether the law on injunctions and related matters should be revised;

(12) Whether the law relating to involuntary dismissal for lack of prosecution should be revised;

(13) Whether the law relating to statutes of limitations applicable to felonies should be revised;

(14) Whether the law relating to the rights and disabilities of minor and incompetent persons should be revised;

(15) Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised;

(16) Whether the Evidence Code should be revised;

(17) Whether the law relating to arbitration should be revised;

(18) Whether the law relating to modification of contracts should be revised;

(19) Whether the law relating to sovereign or governmental immunity in California should be revised;

(20) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including, but not limited to, liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

(21) Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised;

(22) Whether the parol evidence rule should be revised;

(23) Whether the law relating to pleadings in civil actions and proceedings should be revised;

(24) Whether there should be changes to administrative law;

(25) Whether the law relating to the payment and the shifting of attorneys' fees between litigants should be revised;

(26) Whether the law relating to the adjudication of child and family civil proceedings should be revised, and whether a Family Relations Code should be established; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 54

Assembly Concurrent Resolution No. 101—Relative to interregional transportation corridors.

[Filed with Secretary of State June 27, 1990]

WHEREAS, There is a great need for additional transportation corridors in the western Riverside County area, especially to connect that area with southeastern Orange County; and

WHEREAS, The Department of Transportation is responsible for identifying and developing needed interregional corridors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Transportation is requested to conduct a feasibility study, including, but not limited to, a Tier I environmental document, for a transportation corridor approximately paralleling Cajalco Road between State Highway Routes 215 and 15 in Riverside County, to extend westerly to the boundary of the Cleveland National Forest, and in Orange County, to extend easterly from the proposed Eastern or Foothill Toll Road to the boundary of the Cleveland National Forest, but in no case extending through the Cleveland National Forest lands; and be it further

RESOLVED, That there shall not be included in the feasibility study any proposal for toll facilities within the transportation corridor; and be it further

Resolved, That all costs of the feasibility study shall be fully paid by the Riverside County Transportation Commission; and be it further

Resolved, That the department is requested to complete this feasibility study by July 1, 1992; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 55

Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX thereof, relating to governmental revenues.

[Filed with Secretary of State June 28, 1990]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the fifth day of December 1988, two-thirds of the members elected to each of the two houses of the Legislature voting

therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 1 of Article XIX thereof, to read:

SECTION 1. Revenues from taxes imposed by the state on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for those purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for those purposes, the administrative costs necessarily incurred in the foregoing purposes, the acquisition of rail transit vehicles and rail transit equipment which operate only on exclusive public mass transit guideways, and the maintenance of the structures and the immediate right-of-way for public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

RESOLUTION CHAPTER 56

Assembly Constitutional Amendment No. 38—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 13 to Article XIII B thereof, and by adding Article XXII thereto, relating to taxation.

[Filed with Secretary of State June 28, 1990]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the fifth day of December 1988, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes that this measure shall be known and may be cited as "The Alcohol Abuse and Drug Education Tax Act of 1990"; and be it further

Resolved, That the people of California do hereby find and declare as follows:

(a) The use of illegal drugs is destroying our youth, overwhelming our jails and courts and putting enormous burdens on our society.

(b) Consumption of alcoholic beverages by minors and alcohol abuse by adults poses unacceptable health and safety risks to our

society and must be combated on all fronts.

(c) The public school system is the most effective way to consistently reach young people and shape their attitudes and behaviors.

(d) Funds now available to California schools are not adequate to provide comprehensive programs and quality education to help divert young people from illegal drug use and alcohol abuse.

(e) California local government is principally responsible for programs combating drug use and alcohol abuse, including diversion, law enforcement, and rehabilitation. Existing local government funds are insufficient to combat the crisis.

(f) Existing state general fund revenues are not sufficient to increase support to local government and schools to help deter or deal with the consequences of illegal drug use and abuse of alcohol.

(g) The need for improved public school education and county programs on illegal drug use and alcohol abuse has increased beyond anticipation. Funds for these programs must be increased, but the increases should be included in the General Fund to ensure that these programs are not funded at the expense of other important state government programs.

(h) Nothing in this measure shall be construed to prohibit the Legislature from imposing or authorizing excise taxes, surtaxes, or any other taxes or fees on the sale of alcoholic beverages, pursuant to Section 22 of Article XX and subject to Section 3 of Article XIII A of the California Constitution; and be it further

Resolved, That the purpose and intent of this measure is to:

(a) Allocate all funds collected from alcoholic beverage excise taxes and surtaxes imposed by this measure to the state General Fund so that the Legislature may appropriate them for the purposes as the Legislature shall determine.

(b) Permit the Legislature to appropriate any new revenues generated by this measure in accordance with Section 8 of Article XVI of the California Constitution, and allocate them in the following manner:

(1) For the portion which is allocated for use by the K-14 public schools, funds may be made available to combat the use of illegal drugs and alcohol abuse by improving the long-term effectiveness of educational programs.

(2) For the portion which is not allocated for use by the K-14 public schools, the people strongly urge that funds be made available to California counties and other local agencies for stronger law enforcement and the prevention, arrest, prosecution, and incarceration of drunken drivers; for the prevention of the possession, use, or sale of illegal narcotics or controlled substances; for medical treatment, including emergency trauma care, mental health, and long-term rehabilitation and recovery programs; and for the purposes set forth in paragraph (1); and be it further

Resolved,

First—That the Legislature hereby proposes to the people of the

State of California that the Constitution of the State be amended by adding Section 13 to Article XIII B thereof, to read:

SEC. 13. (a) For the 1990–91 fiscal year, "proceeds of taxes" do not include any taxes collected in accordance with Section 5 of Article XXII during that fiscal year.

(b) For fiscal years beginning on or after July 1, 1991, the appropriations limit of the state shall be the appropriations limit for the 1990–91 fiscal year as otherwise determined pursuant to this article, as increased by an amount equal to the amount of revenue received for the 1991–92 fiscal year from the taxes imposed pursuant to Section 5 of Article XXII, and as further adjusted pursuant to this article.

Second—That the Legislature hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Article XXII, to read:

Article XXII. Alcoholic Beverage Excise Taxes and Surtaxes

SECTION 1. Taxes or fees specifically imposed on the manufacture, importation, storage, distribution, sale, consumption, or use of alcoholic beverages may be levied only as provided in Sections 3, 4, and 5 of this article, or by the Legislature pursuant to Section 22 of Article XX and Section 3 of Article XIII A. Taxes or fees, which are imposed or authorized by the Legislature, and which are broadly applicable to the manufacture, importation, storage, distribution, sale, consumption or use of tangible personal property may be applied in the case of alcoholic beverages.

SEC. 2. Except as provided by the Legislature, the taxes imposed under Sections 3, 4, and 5 are in lieu of all county, city (including a charter city), or district taxes on the sale of alcoholic beverages.

SEC. 3. An excise tax is imposed upon all beer and wine sold in this State by a manufacturer, winegrower, importer, or seller of beer or wine selling beer or wine with respect to which no tax has been paid within areas over which the United States government exercises jurisdiction, at the following rates:

(a) On all beer, one dollar and twenty-four cents ($1.24) for every barrel containing 31 gallons and at a proportionate rate for any other quantity.

(b) On all still wines containing not more than 14 percent of absolute alcohol by volume, one cent ($0.01) per wine gallon and at a proportionate rate for any other quantity.

(c) On all still wines containing more than 14 percent of absolute alcohol by volume, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

(d) On champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated, thirty cents ($0.30) per wine gallon and at a proportionate rate for any other quantity.

(e) On sparkling hard cider, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

SEC. 4. An excise tax is imposed upon all distilled spirits sold in this state by a manufacturer, distilled spirits manufacturer's agent, brandy manufacturer, rectifier, wholesaler, common carrier with respect to sales made upon boats, trains, and airplanes, person licensed to sell distilled spirits upon boats, trains, and airplanes, or seller of distilled spirits selling distilled spirits with respect to which no tax has been paid within areas over which the United States government exercises jurisdiction, at the following rates:

(a) On all distilled spirits of proof strength or less, two dollars ($2) per wine gallon and at a proportionate rate for any other quantity, and on all nonliquid distilled spirits containing 50 percent or less alcohol by weight, two cents ($0.02) per ounce avoirdupois and at a proportionate rate for any other quantity.

(b) On all distilled spirits in excess of proof strength and all nonliquid distilled spirits containing more than 50 percent alcohol by weight, two times the rate specified in subdivision (a).

SEC. 5. On and after March 1, 1991, an excise surtax is hereby imposed upon all beer and wine sold in this state by a manufacturer, winegrower, or importer, and upon all distilled spirits sold in this state by a manufacturer, distilled spirits manufacturer's agent, brandy manufacturer, winegrower, importer, rectifier, wholesaler, common carrier with respect to distilled spirits sales made upon boats, trains, and airplanes, or persons licensed to sell distilled spirits upon boats, trains, and airplanes, and upon sellers of beer, wine, or distilled spirits with respect to which no tax has been paid within areas over which the United States government exercises jurisdiction, at the following rates:

(a) On all beer, sixteen cents ($0.16) per gallon and at a proportionate rate for any other quantity.

(b) On all still wines containing not more than 14 percent of absolute alcohol by volume, nineteen cents ($0.19) per wine gallon and at a proportionate rate for any other quantity.

(c) On all still wines containing more than 14 percent of absolute alcohol by volume, eighteen cents ($0.18) per wine gallon and at a proportionate rate for any other quantity.

(d) On sparkling hard cider, eighteen cents ($0.18) per wine gallon and at a proportionate rate for any other quantity.

(e) On all distilled spirits of proof strength or less, one dollar and thirty cents ($1.30) per wine gallon and at a proportionate rate for any other quantity.

(f) On all distilled spirits in excess of proof strength, two dollars and sixty cents ($2.60) per wine gallon and at a proportionate rate for any other quantity.

(g) Except with respect to beer and wine in the possession of an alcoholic beverage manufacturer, and except with respect to distilled spirits in the possession of a distilled spirits manufacturer, wholesaler, or importer, the Legislature shall impose, by appropriate

legislation, floor stock taxes in amounts equal to the surtaxes imposed by this section upon all alcoholic beverages upon which the surtaxes have not been paid, which are in the possession at 2:01 a.m. on March 1, 1991, of any person licensed pursuant to the second paragraph of Section 22 of Article XX. Any floor stock taxes with respect to alcoholic beverages shall become due and payable by remittance to the State Board of Equalization 120 days after the date upon which the floor tax is determined.

SEC. 6. The excise taxes and surtaxes imposed under Sections 3, 4, and 5 are intended to replace and therefore shall supercede the excise taxes previously imposed pursuant to statutes. The excise taxes and surtaxes imposed under Sections 3, 4, and 5 shall be subject to credits, refunds, and exemptions as described in statutes imposing those excise taxes immediately prior to the effective date of this article. The Legislature shall have the power to modify, add to, or repeal credits, refunds, and exemptions. All taxes, interest, and penalties imposed and all amounts of tax required to be paid to the State under this article shall be paid in the form of remittances payable to the State of California and deposited into the General Fund at the times and in the manner that the Legislature may prescribe. This article shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with its provisions.

SEC. 7. The measure adding this section is inconsistent with and intended as an alternative to any initiative measure that appears on the same ballot that imposes taxes or surtaxes upon alcoholic beverages. In the event that the measure adding this section and another measure that imposes taxes or surtaxes upon alcoholic beverages are adopted at the same election, a conflict shall be deemed to exist between the measures and the measure which receives the greater number of votes shall prevail in its entirety and the other measure shall be null and void in its entirety. The taxes and surtaxes imposed by the measure adding this section shall not be imposed in addition to another tax or surtax upon alcoholic beverages that is adopted at the same election.

SEC. 8. The provisions of the initiative measure, entitled the Taxpayers Right to Vote Act of 1990, if adopted by the voters at the November 6, 1990, general election, shall not apply to this measure; and be it further

Resolved, That this measure shall be liberally interpreted in order to give full effect to its provisions.

RESOLUTION CHAPTER 57

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a paragraph to subdivision (c) of Section 2 of Article XIII A thereof, relating to taxation.

[Filed with Secretary of State June 28, 1990.]

WHEREAS, It is the intent of the Legislature in enacting this act to complement, rather than conflict with the constitutional amendments proposed by Proposition 110 of the June 5, 1990, primary election ballot; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the fifth day of December, 1988, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding a paragraph to subdivision (c) of Section 2 of Article XIII A thereof to read:

(4) The construction or installation of seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies, which are constructed or installed in existing buildings after the effective date of this paragraph. The Legislature shall define eligible improvements. This exclusion does not apply to seismic safety reconstruction or improvements which qualify for exclusion pursuant to the last sentence of the first paragraph of subdivision (a).

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 118—Relative to coastal resources planning and management.

[Filed with Secretary of State June 29, 1990]

WHEREAS, There has long been a public concern for protecting and preserving the quality of commercial resources, recreational values, wildlife habitat, and public health in Morro Bay and the surrounding area that contributes to its environment, beginning with Senate Resolution 176 of 1966; and

WHEREAS, In 1966, the Senate declared that the preservation of Morro Bay's fish, wildlife, recreational, and aesthetic resources is of great importance to the people of California; and

WHEREAS, In 1966, the Senate directed the Resources Agency to conduct a study of Morro Bay and the surrounding area, and to prepare a plan for the preservation of the natural resources therein; and

WHEREAS, There has long been a need for developing a management plan, for Morro Bay and its environs, to coordinate the efforts of government agencies and other groups; and

WHEREAS, The need for a mangement plan for Morro Bay was demonstrated in a 1966 study by the Department of Fish and Game, which resulted from a Senate resolution, and described Morro Bay's rich natural resources and proposed the foundation of a multiagency planning task force to prepare a comprehensive area plan for ultimate approval by the Legislature; and

WHEREAS, The need for developing a management plan for Morro Bay was shown by the report of an intergovernmental task force in 1975, "A Coastal Watershed Environmental Management System—Morro Bay, California," which recommended various models of cooperative and comprehensive planning and management of Morro Bay and its watershed; and

WHEREAS, The need for developing a management plan was shown by the establishment of the Morro Bay Task Force in 1987, which is composed of representatives of 50 governmental agencies and interest groups and has adopted as a goal "the long-term preservation, conservation, and enhancement of the Morro Bay and associated wetlands, nearshore, and watershed environments for all occupants and users, whether human, other animal, or plant," to be reached through formalizing the task force effort at a National Estuary Program management conference; and

WHEREAS, There is now clear and compelling evidence that unmanaged human activity and pressure are causing unnaturally rapid, undesirable, and irreversible deterioration of Morro Bay, a unique and valuable natural resource, including: (1) A 1988 study, funded by the State Coastal Conservancy, which determined that Morro Bay has lost over 30 percent of its estuary over the last 100 years, and that it continues to be threatened by unnaturally rapid sedimentation and loss of riparian flow; and (2) Frequent recent State Department of Health Services measurements of coliform content in the bay exceeding safe levels; and

WHEREAS, There are unknown factors influencing the health of Morro Bay which need study, including: (1) Unsafe levels of nitrates in groundwater, in residential areas adjoining the bay, coupled with rapidly increasing coverage of intertidal mud flats with algae due to organic contaminants; and (2) Quarantine of oyster production in Morro Bay because of paralytic poisoning caused by planktonic invasion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature affirms the importance and value of Morro Bay, its estuary, and its environs to the people of California; and be it further

Resolved, That the Legislature declares a long-range management plan should be developed to coordinate the efforts of government agencies and other groups to restore, preserve, and enhance the quality of Morro Bay, its estuary and surroundings for aesthetic,

commercial, and recreational purposes and to sustain wildlife; and be it further

Resolved, That the Legislature supports the nomination of Morro Bay as a National Estuary, as provided in federal law, to be administered by the Environmental Protection Agency, so that a management planning system, involving all agencies with jurisdiction and all relevant interest groups, may be instituted, and research necessary to determine the elements of the plan may be expedited.

RESOLUTION CHAPTER 59

Senate Joint Resolution No. 67—Relative to coastal waters.

[Filed with Secretary of State July 9, 1990.]

WHEREAS, The American Trader spilled approximately 295,000 gallons of Alaskan crude oil in southern California nearshore waters necessitating the closure of some of southern California's most beautiful and heavily used beaches, and damaging natural resources; and

WHEREAS, This incident was in part the result of unexpected shallow depth at the nearshore marine terminal where this vessel was to offload its cargo; and

WHEREAS, Numerous grounding incidents have occurred in the San Francisco Bay because of unforeseeable shallow depth; and

WHEREAS, Safety is crucial to California's 8.2 billion dollar maritime industry; and

WHEREAS, Safety is of vital importance also to coastal economies which are heavily dependent upon fishing, tourism, other coastal activity; and

WHEREAS, There are 10 offshore marine terminals on state-owned land, a United States Navy terminal, and numerous privately owned marine terminals in California's nearshore waters, and these numerous marine terminals present the threat of a significant spill at any moment; and

WHEREAS, There is a need to insure that the depths on marine charts reflect the actual conditions vessels encounter in the San Francisco Bay and nearshore California coastal waters; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully memorializes the Congress of the United States to appropriate the funds necessary for the National Ocean Survey of the National Oceanic and Atmospheric Administration of the United States Department of Commerce to undertake a comprehensive ocean survey to provide accurate soundings to update navigational charts with respect to the depth of

California coastal waters as expeditiously as possible to avoid additional spills of oil and other chemicals; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the National Oceanic and Atmospheric Administration, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 60

Senate Concurrent Resolution No. 91—Relative to the Vallejo ferry service.

[Filed with Secretary of State July 9, 1990]

WHEREAS, The people of California require an extensive public transportation system to reduce congestion on existing road systems; and

WHEREAS, Solano and Sonoma Counties are the fastest growing counties in the San Francisco Bay area, and, without the development of alternative modes of transportation, will contribute to increased automobile demand on the already congested Interstate 80 corridor; and

WHEREAS, Residents of Solano and Sonoma Counties, many of whom commute to jobs in San Francisco, depend upon the regional transportation network of the San Francisco Bay area, and have limited public transit alternatives; and

WHEREAS, The Vallejo ferry service provides an important alternative mode of transportation for northbay residents, as demonstrated by high ridership following the San Francisco Bay area earthquake of October 17, 1989; and

WHEREAS, The Vallejo ferry service experienced the highest percentage retention of riders of any ferry service following the reopening of the San Francisco-Oakland Bay Bridge, but has been left without the necessary capacity to serve all of its riders; and

WHEREAS, The City of Vallejo has provided parking and terminal facilities to enable the Vallejo ferry service to serve an increased ridership; and

WHEREAS, The Metropolitan Transportation Commission has at its disposal various funds which it is authorized to allocate for projects designed to reduce vehicular traffic congestion on the bridges, including the operation of rapid water transit systems; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California urges the Metropolitan Transportation Commission to utilize eligible funds, subject to allocation by the commission, to fund the operation

of the Vallejo ferry service at a level that provides high-speed service to San Francisco, with at least two Vallejo departures during the morning commute hours; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Executive Director of the Metropolitan Transportation Commission.

RESOLUTION CHAPTER 61

Assembly Concurrent Resolution No. 106—Relative to water reclamation projects.

[Filed with Secretary of State July 10, 1990.]

WHEREAS, Availability of potable water supplies in California continues to be subject to drought conditions, the availability of imported water, and legal challenges; and

WHEREAS, Population growth in California continues to place even greater demands on potable water supplies; and

WHEREAS, The technology and economic feasibility of water reclamation have made the reuse of water a viable alternative for nonpotable purposes; and

WHEREAS, Reclaimed water may be used in place of potable water for many existing purposes such as landscape and agricultural irrigation; and

WHEREAS, Development of residential areas with greenbelts and the increase in recreational facilities such as golf courses are increasing the potential market for reclaimed water; and

WHEREAS, The State Water Resources Control Board and State Department of Health Services accept, with appropriate safeguards, the use of reclaimed water; and

WHEREAS, Other public and private entities have already established a record of successfully producing and distributing reclaimed water; and

WHEREAS, Public opinion polls have shown that in the last five years Californians overwhelmingly support the use of reclaimed water for irrigation and other nonpotable purposes; and

WHEREAS, The supply of reclaimed water is virtually uninterrupted in times of drought; and

WHEREAS, Public and private entities already have reclaimed water projects in conceptual, planning, design, and construction phases which will produce 686,105 acre feet of reclaimed water, replacing 530,970 acre feet of potable water now used, enough to supply water to more than two million California residents; and

WHEREAS, The cost of water reclamation projects in conceptual, planning, design, and construction phases totals $1.97 billion, with less than $130 million now funded; and

WHEREAS, Applications for state loans to fund water reclamation projects are administered by the State Water Resources Control Board, now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the State Water Resources Control Board to submit to the Legislature within one year a report containing the following information:

(a) The procedures now required to apply for loans administered by the State Water Resources Control Board for water reclamation projects.

(b) The average amount of time it takes, from submission to either approval or denial, to process an application for a loan for a water reclamation project.

(c) How application procedures and other measures may be modified or eliminated to expedite the loan application process for water reclamation projects, while still protecting the state's health, environmental, and economic interests; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Water Resources Control Board.

RESOLUTION CHAPTER 62

Assembly Concurrent Resolution No. 116—Relative to Public Lands Conservation and Recreation Month.

[Filed with Secretary of State July 10, 1990]

WHEREAS, Publicly held lands represent nearly 50 percent of the total acreage of the State of California; and

WHEREAS, Public lands provide a wide variety of recreational opportunities for the citizens of this state; and

WHEREAS, These public lands must be properly managed and conserved in order to protect this resource for future generations; and

WHEREAS, Population projections for California indicate in excess of 30 million residents by the year 2000, many of whom will be seeking recreational experiences on public lands; and

WHEREAS, The average citizen of the state should be fully aware of the value of public lands and the need for a cooperative conservation effort to preserve this most valuable resource; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of June be declared Public Lands Conservation and Recreation Month; and be it further

Resolved, That the Legislature hereby encourages government land management agencies, special interest groups concerned with public lands, and the public at large to participate cooperatively,

during this month, in programs aimed at heightening general awareness of the many recreational opportunities available on public lands and the role that individuals and groups can play in conserving and protecting this resource.

RESOLUTION CHAPTER 63

Assembly Joint Resolution No. 61—Relative to federal accounting procedures.

[Filed with Secretary of State July 11, 1990]

WHEREAS, Recent investigations have uncovered evidence of fraud and abuse amounting to billions of dollars in various federal programs; and

WHEREAS, The American Institute of Certified Public Accountants conducted a two-year study of the federal accounting process and concluded that "it is impossible to know how many billions of tax dollars the government is wasting because federal books are so mismanaged"; and

WHEREAS, The study further concludes that "the systems that should report on how government spends its money, and on how future generations of citizens will be affected are unreliable by any standard you may apply"; and

WHEREAS, To centralize responsibility and clarify accountability, the American Institute of Certified Public Accountants is urging a reform program to fix the financial management system the federal government uses in spending $1 trillion a year; and

WHEREAS, The reforms include all of the following:

(1) An independent, cabinet-level Chief Financial Officer of the United States and a controller for each federal department and agency.

(2) Uniform accounting and reporting standards, to be applied consistently throughout government.

(3) Annual financial statements drawn to those consistent standards.

(4) Independent audits of those financial statements; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and Congress of the United States to enact legislation which would incorporate the financial accounting reforms for the federal government recommended by the American Institute of Certified Public Accountants; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United

States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 64

Assembly Concurrent Resolution No. 120—Relative to the Benjamin E. Polak Memorial Bridge.

[Filed with Secretary of State July 11, 1990.]

WHEREAS, The State of California will soon commence construction of the State Route 125/Fletcher Parkway bridge in the City of La Mesa in San Diego County; and

WHEREAS, It is appropriate to name this bridge in honor of an individual whose exceptional service to the community will long be remembered; and

WHEREAS, Benjamin E. "Ben" Polak, a resident of San Diego County since 1924, was prominently involved in numerous, community activities and projects prior to his death on November 29, 1985; and

WHEREAS, After retiring from the United States Army in 1960 with the rank of Major, he joined the family business and became President of Harbor Management Corporation, the family-operated real estate management and construction firm, and served on the boards of the Grossmont College District and the Alvarado Community Hospital, and as a member of the board and President of the San Diego County YMCA; and

WHEREAS, An active volunteer in United Way of America for nearly two decades, Ben Polak, was instrumental in forming United Way's East County District, and was elected to the Board of Directors of United Way of San Diego County in 1972, and President and Chairman of the Board in 1983; and

WHEREAS, Mr. Polak rose to leadership roles in United Way national and international organizations, serving on various panels and committees and assisting in developing the United Way in Costa Rica; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That, in recognition of the outstanding contributions made by Ben Polak, the State Route 125/Fletcher Parkway bridge in San Diego County be officially designated the Benjamin E. Polak Memorial Bridge; and be it further

Resolved, That the Department of Transportation is hereby requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing that official designation, and, upon receiving donations from private sources to cover that cost, to erect

those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 65

Assembly Concurrent Resolution No. 123—Relative to the John C. Helmick Memorial Rest Area.

[Filed with Secretary of State July 11, 1990.]

WHEREAS, The State of California has established a safety roadside rest area on State Highway Route 5, located 1.3 miles north of Corning Road in Tehama County; and

WHEREAS, It is appropriate to name this rest area in honor of a person who spent his adult life ensuring that the state's highways were safe; and

WHEREAS, Lieutenant John C. Helmick, who was born November 5, 1946, and died February 27, 1989, was a dedicated member of the California Highway Patrol since 1969; and

WHEREAS, Lieutenant Helmick was active in community affairs and service groups, and was held in high esteem by the citizens of his community; and

WHEREAS, It is appropriate for this highway rest area to be designated the Lieutenant John C. Helmick Memorial Rest Area in recognition of Lieutenant Helmick's tireless efforts to make the state highway system safe; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Corning rest area on State Highway Route 5 in Tehama County be officially designated the "Lieutenant John C. Helmick Memorial Rest Area"; and be it further

Resolved, That the Department of Transportation is hereby requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 66

Assembly Concurrent Resolution No. 124—Relative to family centered education and human services systems.

[Filed with Secretary of State July 11, 1990]

WHEREAS, This year 4,800 California babies will die before their first birthday, many because of the lack of prenatal and maternity care; and

WHEREAS, The rate of low birth weight and infant death is twice as high among Black Californians as other infants; and

WHEREAS, Over half of all California mothers with children under six are in the workforce, but very few of their preschool children are properly supervised in licensed day care programs; and

WHEREAS, Many schoolaged children who live in neighborhoods with high rates of crime and delinquency are not supervised after school and on weekends, and are vulnerable to unhealthy influences; and

WHEREAS, One third of all students in California will drop out of high school before graduation; and

WHEREAS, The school dropout rate is close to 40 percent for minority students; and

WHEREAS, Some California hospitals report that one out of every three newborn infants shows signs of drug toxicity; and

WHEREAS, These serious problems will be exacerbated due to a population explosion of half a million new births in California each year; and

WHEREAS, These problems are most evident in certain neighborhoods where the environment is not conducive to completing school, living in a stable family, or having a steady job; and

WHEREAS, It is evident that California's system of human service programs and agencies is not properly structured to provide effective health, education, and social services to children and families in these neighborhoods; and

WHEREAS, The Family Welfare Research Group at the University of California, with support from private foundations, has initiated a new project called "Neighborhood-based Family Centered Systems" to design a more cost-effective human service system model; and

WHEREAS, The model produced by the project will be presented to the Legislature during the 1991–92 Regular Session of the Legislature prior to being established and tested in neighborhoods with the most vulnerable children and families; and

WHEREAS, The Legislature has a deep interest in helping all children and families to fulfill the American dream; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly and Senate Offices of Research shall cooperate with the Family Welfare Research Group in conducting the activities required to develop a model system of health, education, and social services to be tested in neighborhoods with high concentrations of school dropouts, low birthweight babies, drug abuse, and families living in poverty; and be it further

Resolved, That the Family Welfare Research Group is requested to share its findings, conclusions, and recommendations with the Legislature during the 1991–92 Regular Session of the Legislature; and be it further

Resolved, That the California Legislature commends the private foundations participating in this public and private partnership to find good solutions to the serious social problems facing our state.

RESOLUTION CHAPTER 67

Assembly Joint Resolution No. 12—Relative to United States Census postenumeration surveys of Asian and Pacific Islander Americans.

[Filed with Secretary of State July 12, 1990]

WHEREAS, The 1990 United States Census will provide the public with the most important demographic count of our nations' population ever, with serious and far-reaching effects on public policies and programs designed to meet the needs of a rapidly changing population; and

WHEREAS, Asian and Pacific Islander American communities have become the fastest growing minority group in America, quadrupling in population in California alone from 1960 to 1980 and, if present trends continue, doubling again by the year 2000; and

WHEREAS, Asian and Pacific Islander Americans now represent 10 percent of California's population and are the second largest minority in the state; and

WHEREAS, The United States Bureau of the Census has decided in its postenumeration survey, which is to be conducted in order to assess the level of undercounting of racial groups, not to separately survey Asian and Pacific Islander groups, instead putting these groups into an "all others" category which will include American Indians who do not live on reservations; and

WHEREAS, This decision could lead to a serious undercounting of Asian and Pacific Islanders, which would reduce both needed services to these rapidly growing communities and the overall levels of federal funds distributed to the state that are based on population figures; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, Jointly, That the Members of the California Legislature respectfully memorialize Congress and the President of the United States to take immediate steps to require the United States Bureau of the Census to include a separate category for Asian and Pacific Islander groups in its postenumeration survey and to enhance and increase efforts to ensure an accurate counting of all Asian and Pacific Islander groups; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 68

Assembly Joint Resolution No. 74—Relative to oil tankers.

[Filed with Secretary of State July 12, 1990.]

WHEREAS, There have been recent oil spills that could have been prevented if double hulls had been used on the oil tankers involved; and

WHEREAS, These incidents include the Exxon Valdez incident and the Huntington Beach spill; and

WHEREAS, The United States Supreme Court specifically held in 1978 in Ray v. Atlantic Richfield Co., Inc. (435 US 151) that congressional enactments in the field of shipping, maritime safety, and oil pollution preclude the states from, among other things, enacting requirements on construction features and designs of seagoing vessels such as tankers, and therefore, state legislation to prevent tankers from coming into state waters without double hulls and other safety requirements is not a legally viable option; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the Secretary of Transportation to utilize the secretary's explicit powers under the 1978 Federal Port and Tanker Safety Act to require that double hulls or similar improvements to tanker design be installed on all new tankers and those in repair, including those currently undergoing extensive repairs, including the Exxon Valdez which is being repaired at NASSCO's National City facility; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress to amend the Port and Tanker Safety Act to require double hulls or similar improvements to tanker design if the Secretary of Transportation fails to act administratively; and be it further

Resolved, That the Legislature respectfully memorializes the President and Congress to amend the Port and Tanker Safety Act to require all feasible improvements to navigational aids, vessel traffic systems, tanker navigational and oil handling equipment, and crew training and manning, which would help prevent oil spills; and be it further

Resolved, That because of potential preemption implications in

the pending federal oil spill liability legislation, Congress is requested to keep in mind California's unique interests in protecting our coast from oil pollution; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the State Lands Commission.

RESOLUTION CHAPTER 69

Assembly Joint Resolution No. 78—Relative to maritime safety.

[Filed with Secretary of State July 12, 1990.]

WHEREAS, California is the third largest user of transportation fuel in the world, behind only the United States and the Soviet Union, consuming over 12 billion gallons of transportation fuels per year; and

WHEREAS, Approximately 257 million barrels of crude oil are transported by tanker into California's refining facilities each year; and

WHEREAS, Approximately 310 million barrels of petroleum products and 290 million barrels of crude oil are moved between California ports and coastal facilities each year; and

WHEREAS, The continued reliance on petroleum as a major component of California's energy use is forecasted by the State Energy Resources Conservation and Development Commission; and

WHEREAS, The movement by sea of petroleum and petroleum products involves both interstate and international transportation; and

WHEREAS, The federal government has the sole constitutional authority to conduct foreign affairs and regulate interstate and international transportation; and

WHEREAS, The federal government is currently either considering or conducting numerous activities related to marine safety; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to support and enact legislation which would do all of the following:

(1) Require the United States Coast Guard to make a thorough review of tanker design, construction, and operating procedures to lessen the potential for human error resulting in loss of oil or tanker cargo, and revise the applicable requirements or standards where appropriate.

(2) Require the Coast Guard to evaluate coastal tanker traffic and routes to ensure that tankers operate at a sufficient distance from the coast to minimize the possibility for oil to reach the shoreline in case of an accidental spill.

(3) Require the Coast Guard to evaluate alarm interlocks on all automatic steering devices, which will activate visual and audible warnings sufficient to warn personnel on a tanker's bridge whenever manual operation of a steering system set in automatic steering is attempted.

(4) Require a minimum of two licensed officers to be on a tanker's bridge whenever the ship is closing with a port, navigating in difficult or congested waters, or operating under reduced visibility, and direct the Coast Guard to enforce this requirement.

(5) Require the Coast Guard to implement new certification and training requirements for maritime personnel designed to improve personnel selection and training for vessels of today and tomorrow.

(6) Support the efforts of the Coast Guard to review requirements for expanded vessel traffic systems (VTS) throughout the country, provide adequate funding for a national VTS program to include uniform standards for operations and training of VTS personnel, and require participation by all commercial vessels, both United States and foreign, in the VTS program.

(7) Since English is the internationally recognized language of the sea, require that all vessels operating within the territorial waters of the United States have navigation personnel and radio operators on duty who are able to communicate in English.

(8) Establish a national marine safety and emergency response inspection program for all tankers operated in United States territorial waters and provide for input and participation by the states, where appropriate.

(9) Ratify the International Convention of Standards of Training and Certification of Watchkeepers.

(10) Provide adequate funding for the Coast Guard to carry out its mission, as defined in federal law, with regard to oilspill prevention and response; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 70

Assembly Joint Resolution No. 86—Relative to radiation and chemical contamination.

[Filed with Secretary of State July 12, 1990]

WHEREAS, Experts in the field of radiation and radioactivity disagree as to whether, for public health purposes, there is any safe level of exposure to radiation or radioactivity; and

WHEREAS, Exposure to radiation and radioactivity can result in leukemia and other types of cancer; and

WHEREAS, It is difficult to distinguish radiation-induced biological damage from similar damage caused by other types of environmental insults, including exposure to chemical contaminants, particularly where both types of environmental insults have occurred; and

WHEREAS, The half-lives of radionuclides range from seconds to millions of years; and

WHEREAS, Contamination of soil and groundwater involving both radioactive and chemical contamination presents special problems for cleanup; and

WHEREAS, The federal Resources Conservation and Recovery Act has granted broad authority to states to regulate the release of chemical contaminants from private and federal facilities, providing the states have established regulatory programs which meet specified criteria; and

WHEREAS, The federal Atomic Energy Act has largely preempted state and local agencies in the regulation of federal agencies carrying out activities authorized by the provisions of the act which involve the use of radioactive materials, the federal Environmental Protection Agency is not empowered to regulate federal facilities, and the federal Department of Energy has regulated its own activities through the use of internal procedures manuals known as "Department of Energy Orders," which are not subject to the federal Administrative Procedures Act; and

WHEREAS, The guidance provided by the Department of Energy Orders has failed to prevent serious environmental contamination problems at more than 40 Department of Energy facilities nationwide, where chemical and/or radioactive releases will now require costly and difficult environmental restoration work; and

WHEREAS, At least five of these sites are located in California near major population areas; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending the Atomic Energy Act to allow the states to regulate federal facilities to prevent the release of both radioactive and chemical contaminants which threaten the environment and the health of nearby communities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the

United States.

RESOLUTION CHAPTER 71

Assembly Joint Resolution No. 87—Relative to Martha Raye.

[Filed with Secretary of State July 12, 1990]

WHEREAS, The Presidential Medal of Freedom was instituted by President Harry S. Truman in 1945 to recognize Americans who have made especially meritorious contributions to world peace, the security or national interest of the United States, or other public or private endeavors; and

WHEREAS, During World War II while touring with the USO, Martha Raye entertained American troops in North Africa, Europe, the South Pacific, and on Navy warships; she also entertained American troops during the Korean War; and

WHEREAS, From 1965 to 1974, Miss Raye spent over two years in Vietnam entertaining American troops, often venturing to the most remote outposts, for which she became known affectionately as "The Old Lady of the Boondocks;" her close association with the Special Forces earned her the honorary rank of lieutenant colonel, a tiger suit with Special Forces insignia, a green beret, and their love and respect; and

WHEREAS, While on tour in Vietnam, she often found herself in combat situations; she was wounded twice and on numerous occasions she tended American wounded near the battlefield; and

WHEREAS, Miss Raye has also been awarded other well deserved honors such as the Combat Field Medical Badge, but has yet to receive from the United States government recognition commensurate with her invaluable contributions and her courageous and unselfish commitment to this country during three wars; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to award Martha Raye the Presidential Medal of Freedom in recognition of her distinguished record of lifetime service to this country; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 72

Assembly Joint Resolution No. 88—Relative to ballast water.

[Filed with Secretary of State July 12, 1990.]

WHEREAS, West coast sport and commercial fisheries are resources of great economic and recreational importance; and

WHEREAS, These resources are threatened by the introduction of aquatic organisms from foreign ports brought in by means of the ballast water of freighters and tankers; and

WHEREAS, In recent years several planktonic and benthic organisms have arrived and become established, at least one of which is suspected of causing a great decline in the abundance of an important striped bass food organism in the Sacramento-San Joaquin Estuary in California; and

WHEREAS, Exotic eel grass brought in through ballast water has created problems in Humboldt Bay and estuaries along the Pacific Coast; and

WHEREAS, Similar introductions have probably occurred or will occur at other estuarine and coastal ports all along the west coast in the same manner as has already occurred in the Great Lakes, with consequent harm to Great Lakes fisheries; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Coast Guard to adopt a regulation prohibiting the dumping of ballast water originating in foreign ports in any west coast river, estuary, bay, or coastal area to protect native fisheries and ecosystems of the Pacific states. Any such ballast water should be dumped at sea and exchanged for open ocean water prior to entry into waters of the state; and be it further

Resolved, That the Chief Clerk of the Assembly shall send copies of this resolution to the Commandant of the United States Coast Guard, the Secretary of the Treasury, the Secretary of Commerce, and to each Senator and Representative in the Congress from each of the states with representatives on the Pacific Fisheries Legislative Task Force.

RESOLUTION CHAPTER 73

Assembly Concurrent Resolution No. 107—Relative to the San Francisco Bay wetlands.

[Filed with Secretary of State July 12, 1990]

WHEREAS, In 1971 a worldwide convention on wetlands created a protocol called "The Convention on Wetlands of International Importance Especially as Waterfowl Habitat" (the "Ramsar

Convention"); and

WHEREAS, The protocol was signed by the United States on September 13, 1985, accepted by the Senate and ratified by President Ronald Reagan on November 10, 1988; and

WHEREAS, The Ramsar Convention allows the signatory nations to nominate sites as "Wetlands of International Importance"; and

WHEREAS, In the United States, a wetland must be nominated by a state and then reviewed by the United States Fish and Wildlife Service; and

WHEREAS, The San Francisco Bay wetlands is a critical stop on the Pacific Flyway for migratory waterfowl and shorebirds; and

WHEREAS, The San Francisco Bay wetlands provide habitat for several endangered species of animals and plants; and

WHEREAS, The San Francisco Bay wetlands sustain a tremendous diversity of habitats, species, genes, and ecological processes; and

WHEREAS, Agriculture, salt production, urban development, and other man-induced and natural activities have resulted in the loss, or conversion to other characteristics, of 83 percent of the San Francisco Bay's historic tidal wetlands; and

WHEREAS, In spite of these tremendous losses, the remaining San Francisco Bay wetlands provide an abundance of material contributions to our economy, food supply, water supply, water quality, as well as to our recreational experiences, open space and aesthetic value; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That Governor Deukmejian is urged to nominate San Francisco Bay wetlands, where the owner requests that the property be nominated, as a "Wetlands of International Importance"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 74

Assembly Concurrent Resolution No. 117—Relative to wildlife habitat.

[Filed with Secretary of State July 12, 1990]

WHEREAS, The Department of Fish and Game, through the Wildlife Conservation Board, desires to purchase certain lands owned by the Department of Transportation in the County of Yolo near State Highway Route 80 to enhance wildlife habitat along the Pacific Flyway; and

WHEREAS, The proposed habitat area is a multiagency project involving state, federal, and private funding; and

WHEREAS, The property owned by the Department of

Transportation consists of approximately 400 acres; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California urges the Department of Transportation to take appropriate steps to determine the property to be excess, reserving whatever interest may be necessary for future use by the department, and that the property be offered for sale or transfer to the Wildlife Conservation Board, pursuant to Section 118.6 of the Streets and Highways Code; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Wildlife Conservation Board, to the Secretary of Business, Transportation and Housing, to the Director of Fish and Game, and to the Director of Transportation.

RESOLUTION CHAPTER 75

Senate Concurrent Resolution No. 83—Relative to merit awards.

[Filed with Secretary of State July 12, 1990]

WHEREAS, Section 19823 of the Government Code provides that awards in excess of $3,000, when approved by concurrent resolution of the Legislature, may be made to state employees for adopted proposals; and

WHEREAS, An award of $3,000 (divided equally) has already been made to Richard Wakeman and Carla Headley, Department of Corrections, for a proposal, resulting in annual savings of $155,470 for the development of an automated program which would eliminate the need to manually calculate overtime based on the new Fair Labor Standards Act (FLSA) regulations; and

WHEREAS, An award of $3,000 has already been made to Donald B. Kirkpatrick, Employment Development Department, for a proposal, resulting in annual savings of $32,675 for recommending that calculations of interest and penalty charged to an employer be automated rather than prepared manually; and

WHEREAS, An award of $3,000 has already been made to Gail J. Hunt, Department of Housing and Community Development, for a proposal, resulting in annual savings of $64,810 for recommending that the practice of employing loan servicers for California Home Ownership Assistance Program (CHAP) loans be replaced by a full service disclosure firm; and

WHEREAS, An award of $3,000 has already been made to Norbert J. Charanghat, Public Utilities Commission, for a proposal, resulting in a net revenue gain of $610,822 for recommending that the procedure for processing quarterly Gross Operating Revenue Reports be revised to ensure that penalties are assessed on those

reports received after the designated filing period; and

WHEREAS, An award of $3,000 has already been made to Norbert J. Charanghat, Public Utilities Commission, for a proposal, resulting in a net revenue gain of $259,375 for recommending that the required 25 percent penalty be automatically included in the balance due when a carrier fails to remit the Operating Permit Fees by the filing date; and

WHEREAS, An award of $3,000 has already been made to Patrick F. Murphy, State Department of Social Services, for a proposal, resulting in annual savings of $181,428 for recommending that a cover letter, rather than mailgram, be sent to notify claimants of medical consultations when claimant has five or more days to respond; and

WHEREAS, An award of $3,000 has already been made to Rose A. Priven, State Department of Social Services, for a proposal, resulting in annual savings of $46,125 for recommending that Western Union Priority Letters be used in place of mailgrams when claimant must respond in four days; and

WHEREAS, An award of $3,000 has already been made to Roger W. Dunn, California State University, San Francisco, for a proposal, resulting in annual savings of $68,065 for recommending that one substation transformer be used in place of two since a single transformer will meet the energy needs of the campus; and

WHEREAS, These employees' proposals have resulted in annual savings and net revenue gain amounting to $1,418,770; and

WHEREAS, As a result of these savings, it is unnecessary to appropriate additional funds for payment of awards to these employees; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby declares that the following additional awards, authorized by the Department of Personnel Administration, are hereby made as follows to the employees named:

Richard Wakeman $6,273.50;
Carla Headley, $6,273.50;
Donald B. Kirkpatrick, $268;
Gail J. Hunt, $3,481;
Norbert J. Charanghat, $58,082;
Norbert J. Charanghat, $22,937;
Patrick F. Murphy, $6,071;
Rose A. Priven $1,613;
Roger W. Dunn, $3,806; and be it further

Resolved, That copies of this resolution be transmitted by the Secretary of the Senate to the Controller, and to the Department of Personnel Administration.

RESOLUTION CHAPTER 76

Senate Joint Resolution No. 51—Relative to broadcasting emergency information.

[Filed with Secretary of State July 12, 1990]

WHEREAS, The Federal Communication Commission's current rules concerning the broadcasting of emergency information do not apply to cable television; and

WHEREAS, All broadcasters, including cable broadcasters should provide emergency information in a legible visual form if they elect to provide emergency information during a crisis; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully urges the Federal Communications Commission to amend its rules governing the broadcasting of emergency information to make those rules applicable to cable television broadcasters; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Chairperson of the Federal Communications Commission.

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 85—Relative to a veterans' center for Butte County.

[Filed with Secretary of State July 16, 1990]

WHEREAS, Fifteen years after the end of the Vietnam war, Vietnam veterans and their families continue to suffer from untreated service-connected distress, generally referred to as posttraumatic stress; and

WHEREAS, Butte County and the immediately surrounding area in the northern Sacramento Valley of California have a very high proportion of veterans, comprising approximately 20,000 or about 15 percent of the area's population; and

WHEREAS, The closest veterans' center for these veterans is in Sacramento, over an hour away, making consultation and treatment on a regular basis very difficult for these veterans; and

WHEREAS, The establishment of a veterans' center to serve these veterans, with services that include professional counseling for posttraumatic stress disorders, assistance in overcoming drug and alcohol abuse problems, marriage and family counseling, career development, and assistance to the homeless veterans and their

families, will enable these veterans to become productive members of their community; and

WHEREAS, A veterans' center will also help with employment needs by providing job placement services and assistance with job training needs, and will also provide employers in the north valley area with a potential labor pool and provide assistance to those employers now employing veterans in retaining them and upgrading their skills; and

WHEREAS, It has been found by professional counselors, experienced in the treatment of veterans, that there is strong word-of-mouth networking by veterans, and it is their professional opinion that the north valley area needs a clearly identified center where veterans can obtain assistance from other veterans and persons who understand the special needs of veterans of the most unpopular and misunderstood conflict in this nation's history; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and the Congress of the United States to support the establishment of a veterans' center for Butte County, California, to serve the large veteran population of the northern Sacramento Valley area; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Director of the United States Department of Veterans Affairs.

RESOLUTION CHAPTER 78

Assembly Concurrent Resolution No. 125—Relative to the Temecula Valley Freeway.

[Filed with Secretary of State July 16, 1990]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 15 in Riverside County between the southern boundary of the county and Bundy Canyon Road be officially designated the "Temecula Valley Freeway"; and be it further

Resolved, That this designation supersedes the present legislative designation of a portion of this segment of Route 15 as the Escondido Freeway; and be it further

Resolved, That the Department of Transportation is hereby requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state

highway system, showing the official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 79

Senate Concurrent Resolution No. 90—Relative to the Eagle Prairie Bridge.

[Filed with Secretary of State July 18, 1990]

WHEREAS, Bridge 4-15, on State Highway Route 283 between Rio Dell and Scotia was officially designated the "A.S. Murphy Bridge"; and

WHEREAS, Years later, when the State Highway Route 101 bypass was constructed near Rio Dell, a new bridge on that bypass was designated the "A.S. Murphy Bridge" although that designation remained for the bridge on Route 283; and

WHEREAS, Eagle Prairie was the former name of Rio Dell, and 1990 is not only the 50th anniversary of the construction of Bridge 4-15 but also the 25th anniversary of the incorporation of Rio Dell as a city; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That Bridge 4-15 on State Highway Route 283 between Rio Dell and Scotia be officially designated the "Eagle Prairie Bridge"; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of erecting appropriate signs, consistent with signing requirements for the state highway system, showing that official designation, and, upon receiving donations from private sources covering that cost, to erect those signs; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 80

Senate Concurrent Resolution No. 85—Relative to the Linus F. Claeys Freeway.

[Filed with Secretary of State July 18, 1990]

WHEREAS, It is appropriate to acknowledge the pioneer heritage of Contra Costa County by honoring a distinguished citizen of the county who was a part of that heritage; and

WHEREAS, The late Linus F. Claeys was a descendant of a pioneer Contra Costa County family and a distinguished rancher and benefactor of education; and

WHEREAS, The original Claeys family ranch included land which is now traversed by a portion of State Highway Route 80; and

WHEREAS, It is appropriate that Linus F. Claeys be memorialized by naming that segment of State Highway Route 80 in his honor; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, in recognition of the contributions made by Linus F. Claeys, the segment of State Highway Route 80 from the southern terminus of the Carquinez Bridge to State Highway Route 4 in Contra Costa County be offically designated the Linus F. Claeys Freeway; and be it further

Resolved, That the Department of Transportation is hereby requested to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing that official designation, and, upon receiving donations from private sources to cover that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 81

Assembly Joint Resolution No. 63—Relative to the Emergency Broadcasting System.

[Filed with Secretary of State July 19, 1990]

WHEREAS, On October 17, 1989, the day of the Loma Prieta earthquake, emergency broadcast information through the use of open captioning or visual display was unavailable to California's approximately 2,000,000 deaf and hearing impaired residents; and

WHEREAS, Open captioning is defined as an accurate written description of a dialogue that is electronically transmitted by a television broadcaster, and seen on a television screen without the aid of a decoder device; and

WHEREAS, The deaf and hearing impaired community received no emergency information or instruction; and

WHEREAS, In the San Francisco Bay area, hearing impaired residents were denied access to vital emergency information about food, shelter, medical and hospital services, fire warnings, transportation, freeway collapses, gas leakages, contaminated water supplies, missing person reports, and Red Cross services; and

WHEREAS, On October 18, 1989, the day after the disaster, the Deaf Counseling, Advocacy, and Referral Agency in San Leandro

contacted local television stations requesting emergency access through open captions, but was denied immediate assistance; and

WHEREAS, Only KRON Channel 4 and KGO Channel 7, San Francisco, consented to have a sign language interpreter as part of their emergency reporting; however, this was 19 hours after the earthquake's initial occurrence; and

WHEREAS, In the Los Angeles area, which includes Orange, San Bernardino, and Ventura Counties, there were no visual displays of open captions on television, and the ABC, NBC, and CBS network news programs, all of which are closed captioned, were preempted by local news channels, which do not close caption their news; and

WHEREAS, In the San Diego, Fresno, and Sacramento areas there were no open captions, but closed captions were available for the limited audience with telecaption decoders; and

WHEREAS, Government officials, scientists, the American Red Cross, and the mass media continually advise Californians to prepare for disasters; and

WHEREAS, No plans are in place to advise and protect deaf and severely hearing impaired residents of California when an impending disaster occurs; and

WHEREAS, Since all residents of California live in potential earthquake areas, health and safety emergency information is of vital importance to all residents of the state; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Federal Communications Commission to initiate rulemaking that would require commercial television stations that belong to the Emergency Broadcast System to transmit information through an open captioning system during times of state and local emergencies as declared by the Governor; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the members of the Federal Communications Commission and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 82

Assembly Concurrent Resolution No. 152—Relative to Red Ribbon Week.

[Filed with Secretary of State July 19, 1990]

WHEREAS, Californians for Drug Free Youth, Inc., a statewide parent-community organization, the Department of Alcohol and Drug Programs, the State Department of Education, the California Parent Teacher Association, and the Attorney General's Crime Prevention Center are cosponsoring October 20 through 28, 1990, as

"Red Ribbon Week"; and

WHEREAS, Business, government, law enforcement, schools, religious institutions, service organizations, youth, senior citizens, medical and military personnel, sports teams, and individuals throughout the State of California will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, The Assembly has further committed its resources to ensure the success of the Red Ribbon campaign; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature does hereby support the Red Ribbon campaign by proclaiming October 20 through 28, 1990, as "Red Ribbon Week," and by encouraging the citizens of California to help build drug-free communities, and participate in drug prevention activities by making a visible statement that we are firmly committed to a drug-free life; and be it further

Resolved, That the California Legislature encourages all citizens to personally pledge, "MY CHOICE, DRUG-FREE!"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 83

Assembly Concurrent Resolution No. 138—Relative to Northern Ireland.

[Filed with Secretary of State July 19, 1990]

WHEREAS, By passage of Assembly Bill 2443 of the 1989–90 Regular Session, the Legislature of the State of California expressed concern about allegations of religious and ethnic discrimination against minority workers in some firms conducting business in Northern Ireland; and

WHEREAS, California state retirement systems have investments in excess of one billion nine hundred million dollars in United States firms presently conducting business in Northern Ireland; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby reaffirms its support of the MacBride Principles of Fair Employment, and be it further

Resolved, That the Office of the Auditor General shall determine the extent to which United States firms in which state retirement system funds are invested and who have business operations in Northern Ireland, are adhering to standards of fair employment encompassed in the MacBride Principles of Fair Employment and

the statutory provisions contained in the Fair Employment Act (Northern Ireland) 1989 and shall submit a report based on the investigation to the Legislature on or before January 1, 1991.

RESOLUTION CHAPTER 84

Senate Joint Resolution No. 64—Relative to tuna product labeling.

[Filed with Secretary of State July 30, 1990.]

WHEREAS, Dolphins, porpoises, whales and other marine life have been seriously jeopardized in recent years due to human activities; and

WHEREAS, There is an existing threat to dolphins in the form of purse seine netting, which drowns thousands of dolphins annually in pursuit of tuna in the Eastern Tropical Pacific Ocean; and

WHEREAS, There is also an existing threat to dolphins, porpoises, whales, and other marine life from large-scale drift nets on the open seas, which are also targeted on tuna and other species of fish; and

WHEREAS, It is the goal of the Marine Mammal Protection Act of 1972 to reduce the incidental kill of marine mammals to "insignificant levels approaching zero mortality"; and

WHEREAS, In 1988, federal government estimates indicate that at least 78,927 dolphins were killed in purse seine operations in the Eastern Tropical Pacific Ocean; and

WHEREAS, The majority of dolphin mortality from purse seine operations (75 percent in 1988) is caused by foreign vessels in the Eastern Tropical Pacific Ocean; and

WHEREAS, Dolphin, porpoise, and whale mortality in large-scale drift nets are exclusively caused by foreign vessels; and

WHEREAS, United Nations General Assembly Resolution 44/225 recommends "moratoria on all large-scale pelagic driftnet fishing on the high seas by June 30, 1992"; and

WHEREAS, The vast majority of tuna is caught by fishermen through methods that do not harm dolphins, porpoises, or whales; and

WHEREAS, Fishermen in the United States who conduct fisheries that do not harm dolphins, porpoises, or whales are harmed by the activities of the small number of fishermen who engage in technologies which hurt these species; and

WHEREAS, Consumers are often willing to change their consuming habits in order to protect threatened resources, like dolphins, porpoises, and whales; and

WHEREAS, Consumers who wish to support efforts to end the dolphin slaughter in the Eastern Tropical Pacific Ocean are forced to avoid all types of tuna because inadequate verification procedures exist for "dolphin safe" labels presently offered by many tuna

companies; and

WHEREAS, Requiring labeling information for canned tuna based on how that tuna is caught, reflecting methods that are safe and unsafe to dolphins, would allow consumers to make informed and conscientious purchases; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the Congress and the President of the United States to enact legislation to immediately require the labeling of all tuna products sold in the United States which would enable consumers to determine if the method of harvest is harmful to dolphins, porpoises, whales, and other marine life; and be it further

Resolved, That the California Legislature respectfully memorializes the Congress and the President of the United States, and the tuna industry to explore and encourage the use of alternative technologies to render the practice of netting of dolphins obsolete; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each member of the Tuna Processors Association, to the Marine Mammal Commission, to the Commissioner of the Food and Drug Administration, to the Secretary of Commerce, to the Chairperson of the National Marine Fisheries Service, to the Chairpersons of the Senate Committees on Commerce, State, and Justice, and to related committees of the United States Senate, and to the Chairperson of the House of Representatives Committee on Merchant Marines and Fisheries and the Chairperson of the House of Representatives Committee on Energy and Commerce.

RESOLUTION CHAPTER 85

Senate Joint Resolution No. 72—Relative to the desecration of the American Flag.

[Filed with Secretary of State July 30, 1990.]

WHEREAS, The United States Supreme Court, in U.S. v. Eichman and U.S. v. Haggerty, declared unconstitutional the Flag Protection Act which prohibits the burning or other desecration of the American Flag; and

WHEREAS, For more than 200 years, the American Flag has occupied a unique position as the symbol of our nation; and

WHEREAS, At the time of the American Revolution, the flag served to unify the 13 colonies at home while obtaining recognition of national sovereignty abroad; and

WHEREAS, Thousands of courageous Americans have given their lives in defense of the principles that the American Flag stands for; and

WHEREAS, The American Flag symbolizes the nation in peace as well as in war; and

WHEREAS, A country's flag is a symbol of more than nationhood and national unity; it signifies the ideals that characterize the society that has chosen that emblem, as well as the special history that has animated the growth and power of those ideals; and

WHEREAS, The American Flag is more than a proud symbol of the courage, the determination, and the gifts of nature that transformed 13 fledgling colonies into a world power; it is a symbol of freedom, of equal opportunity, of religious tolerance and of good will for other peoples who share our aspirations; and

WHEREAS, Sanctioning the public desecration of the flag will tarnish its value to an extent unjustified by the trivial burden on free expression occasioned by requiring that an available, alternative mode of expression--including uttering words critical of the flag--be employed; and

WHEREAS, By preventing flag burning, we in no way prohibit anyone's constitutional right to criticize our nation or the beliefs we share; and

WHEREAS, The ideals of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers, like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach; and

WHEREAS, If those ideals are worth fighting for--and our history demonstrates that they are--it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 86

Assembly Joint Resolution No. 64—Relative to earthquake programs.

[Filed with Secretary of State August 23, 1990.]

WHEREAS, An earthquake measuring 7.1 on the Richter Scale caused 66 deaths and an estimated five billion dollars in direct economic damages to 11 northern California counties on October 17, 1989; and

WHEREAS, The scientific community continues to warn that the United States is on the verge of a major earthquake within the next 20 to 30 years with anticipated overall property damage losses alone estimated at $70 billion; and

WHEREAS, According to the United States Congress, all 50 states are vulnerable to the hazards of earthquake and at least 39 states are subject to major or moderate seismic risk; and

WHEREAS, 70 million Americans are exposed to severe earthquake risk and an additional 120 million people are exposed to moderate earthquake risk; and

WHEREAS, The Director of the National Center for Earthquake Engineering Research at the State University of New York at Buffalo states that "the probability of [an earthquake] occurring somewhere in the Eastern United States before the year 2000 can be considered better than 75 to 95 percent. Before the year 2010, nearly 100 percent"; and

WHEREAS, The United States Geological Survey predicts that there is a 60 percent chance of a devastating earthquake on the San Andreas Fault in southern California within the next 30 years; and

WHEREAS, A catastrophic earthquake in a populated, developed area, would inflict severe damage on the nation's economy; and

WHEREAS, Insurance companies and government at all levels need to make advance preparations for a cooperative effort to respond to a major earthquake disaster; and

WHEREAS, The Earthquake Project has developed a program for both a primary residential earthquake program and a federal reinsurance program to provide an economic safety net in the event of a major earthquake; and

WHEREAS, The Federal Earthquake Insurance and Reinsurance Corporation Act developed by the Earthquake Project would ensure that the public receives affordable, reliable, and adequate insurance against the risk of earthquake, protect people and businesses by providing for the prompt and efficient handling of claims, reduce the inevitable economic fallout from a devastating earthquake, and avoid large amounts of federal disaster relief by relying on a pre-funding mechanism through the vehicle of insurance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to carefully study and consider the Earthquake Project and other proposed federal approaches in order to determine whether such a program should be established in the United States to insure against

a catastrophic earthquake; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 87

Assembly Joint Resolution No. 82—Relative to fishing vessels.

[Filed with Secretary of State August 23, 1990]

WHEREAS, 46 U.S.C. Sec. 12108 requires that certain vessels be documented in order to be used for commercial fishing; and

WHEREAS, Existing federal law further provides that vessels of at least five net tons which are not registered under the laws of a foreign country are eligible for United States registration only if they are owned by United States citizens; and

WHEREAS, Existing federal law further requires that documentation be available only to vessels owned by United States citizens, that only United States citizens may serve as certain key personnel on documented vessels, and that documented vessels be commanded only by United States citizens; and

WHEREAS, These federal statutes were first enacted over 200 years ago to protect against invasion by sea and to promote American shipping in general and the merchant marine in particular, and to ensure that vessels would be available as naval auxiliaries in times of war; and

WHEREAS, The Congress of the United States has recently disavowed any national defense interest in the small fishing boats covered by these statutes; and

WHEREAS, These statutes have recently been invoked by the United States Coast Guard, effectively preventing several hundred permanent resident aliens in California from pursuing the only livelihood they know; and

WHEREAS, These vessels contribute to the economy of California and are as integral a part of the domestic fishing industry as the vessels operated by United States citizens; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to amend federal statutes which prohibit all persons except United States citizens from documenting or piloting commercial fishing vessels, and to permit permanent resident aliens to document and pilot such vessels; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of

this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 88

Senate Concurrent Resolution No. 87—Relative to health care costs.

[Filed with Secretary of State August 24, 1990.]

WHEREAS, The cost of health care in California continues to persistently increase at rates substantially above that of the overall economy; and

WHEREAS, The reasons for health care cost inflation are multiple and complex; and

WHEREAS, The reasons for medical cost escalation must be understood by all interested parties including purchasers, payors, carriers, patients, providers, brokers and regulators in order to develop a program that will effectively address medical cost escalation; and

WHEREAS, Costs cannot be contained by provider controls alone; and

WHEREAS, Patient demand for services, high cost technological changes, increased utilization, an aging population, sociobiological epidemics (including, but not limited to, AIDS, drug abuse, and tobacco use), increased exposure of providers to liability, increased administrative and marketing costs of insurers, and increasingly higher medical education costs contribute to cost escalation; and

WHEREAS, Cost shifting resulting from a growing number of uninsured workers, underfunded government programs, selective contracting, and the cost of charity care are other major causes of medical cost escalation; and

WHEREAS, Certain practices in the health care delivery system may contribute to the cost escalation, including, but not limited to, all of the following:

(a) Redundant capital equipment expenditure and associated staffing.

(b) Income guarantees issued by hospitals to attract business.

(c) Referrals to medical businesses owned by referring professionals.

(d) Performance of inappropriate medical procedures.

(e) Inability of employers to maximize their purchasing power so as to facilitate prudent health care purchasing selections for their employees or enrollees; and

WHEREAS, There is not sufficient data about the causes of health

cost inflation in California to address the problem of medical cost escalation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Auditor General shall conduct a study to identify the major causes of health care cost increases and define the extent to which each component contributes to the overall medical cost escalation.

RESOLUTION CHAPTER 89

Senate Joint Resolution No. 49—Relative to retirement.

[Filed with Secretary of State August 24, 1990]

WHEREAS, Many residents of the State of California are currently engaged in railroad employment or have engaged in that employment in the past, and look to the Railroad Retirement System to provide benefits when they retire; and

WHEREAS, Many residents of the State of California are currently receiving benefits under the Railroad Retirement System and rely on those benefits to a large extent to meet the normal costs of living; and

WHEREAS, Any reduction in the amount of benefits received by beneficiaries under the Railroad Retirement System would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, Projections of the financial condition of the Railroad Retirement System show that unless corrective action is taken, monthly annuities will have to be reduced significantly with additional reductions required in the future; and

WHEREAS, The Railroad Retirement Solvency Act of 1983 (P.L. 98-76), was introduced in the United States House of Representatives on February 24, 1983, by Representative James Florio; and

WHEREAS, That act resolved the short-term financial problems of the Railroad Retirement System through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive those benefits in the future; and

WHEREAS, The employee work force of our nation's railroads is diminishing, through no fault of the rail employee; and

WHEREAS, The employee is currently paying $220.78 per month into the retirement fund, based on a $2,200 per month salary, with the rail carrier paying $564.66 per month for that employee, making a total payment per month of $785.44, and

WHEREAS, Additional funding has to be derived from sources other than the carrier or employee, as they are currently paying their

fair share; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and President of the United States to actively support and secure funding to make the Railroad Retirement System solvent again without reducing benefits; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 90

Senate Joint Resolution No. 58—Relative to the unemployment insurance shortfall.

[Filed with Secretary of State August 24, 1990.]

WHEREAS, The United States Department of Labor has determined that there is a national unemployment insurance administration shortfall of $120 million for the current 1990 federal fiscal year; and

WHEREAS, The United States Department of Labor is reallocating available resources among the states and reducing California's unemployment insurance adminstrative funding by $22.9 million, which is 9 percent of the state's current fiscal year administrative budget for this program; and

WHEREAS, This disproportionate cut will require significant reductions in services, including employment-generating services to California's unemployed workers, which will increase unemployment costs to California employers; and

WHEREAS, This reduction represents a breach of faith with employers who pay the federal unemployment tax expressly to fund the administration of the unemployment insurance program; and

WHEREAS, More than $3 billion from this employer tax is held in the Employment Security Administration Account of the federal Unemployment Trust Fund, and is available to fund a supplemental appropriation; and

WHEREAS, These funds cannot be used for any other purposes; and

WHEREAS, The surplus balance in the Employment Security Administration Account is being held to mask the true size of the federal budget deficit; and

WHEREAS, California continues to face major economic and labor market changes, including military base closures, significant plant

closures, and the restructuring of major industries; and

WHEREAS, Continued effective administration of the unemployment insurance program is necessary to mitigate the hardships of unemployment caused by these economic and labor force changes; and

WHEREAS, Rather than cutting critical services, the federal government should be assisting employers and jobseekers to meet the challenges of a changing economy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to take immediate steps to grant a supplemental appropriation to cover the unemployment insurance administration shortfall for federal fiscal year 1990; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Labor.

RESOLUTION CHAPTER 91

Assembly Concurrent Resolution No. 108—Relative to child care.

[Filed with Secretary of State August 30, 1990.]

WHEREAS, An increasing number and percentage of California's young children are enrolled in licensed child care programs while their parents work; and

WHEREAS, Research continues to demonstrate that young children benefit from enrollment in child care programs of high quality; and

WHEREAS, All California's children who participate in licensed child care programs deserve the benefits of high quality programs; and

WHEREAS, State government has a role in assuring basic quality of licensed child care programs and promoting the high quality of these programs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly Select Committee on Child Care and Child Abuse and the Senate Select Committee on Infant and Child Care and Development shall jointly convene a task force consisting of parents, child care teachers, child care center directors, family day care providers, and representatives of civic and professional organizations concerned with child care and development; and be it further

Resolved, That the task force shall determine the feasibility and

content of new regulations in Title 22 of the California Code of Regulations to be adopted by the State Department of Social Services which would set measuable standards for quality in licensed child care programs, and if it finds that the regulations are feasible, to recommend the content of the regulations; and be it further

Resolved, That the task force shall report its findings to the Legislature by January 1, 1992; and be it further

Resolved, That the task force shall review similar activities by other states, including the institution of regulations requiring basic quality by the States of New Jersey and Virginia; and be it further

Resolved, That every effort is made to ensure that the ethnic and social composition of the task force is reflective of the current racial and ethnic distribution of children in licensed child care programs.

RESOLUTION CHAPTER 92

Assembly Concurrent Resolution No. 114—Relative to Peace Day.

[Filed with Secretary of State August 30, 1990]

WHEREAS, Peace is a goal to which all persons, regardless of political affiliation, are committed; and

WHEREAS, In September 1984, in a speech before the United Nations, President Reagan stated, "We need a fresh approach to reducing international tensions. History demonstrates beyond controversy that just as the arms competition has its root in political suspicions and anxieties, so it can be channeled in more stabilizing directions and eventually be eliminated, if those political suspicions and anxieties are addressed as well"; and

WHEREAS, Congress passed and the President signed legislation in 1984 to establish the United States Institute of Peace; and

WHEREAS, A broad spectrum of our elected officials, religious leaders, veterans' groups, business persons, physicians, teachers, lawyers, and homemakers, among others, have determined that peace and a strong national security are compatible concepts; and

WHEREAS, Many Californians have made significant contributions to the search for a lasting peace, including letters from children to leaders of foreign countries, students who have graduated from colleges and universities with degrees in peace and conflict studies, and individuals who have quietly brought peace initiatives to the public forum; and

WHEREAS, It is crucial to our participatory democracy that every citizen understand the importance of his or her involvement in the achievement of the goal of peace at an individual, community, and global level; and

WHEREAS, Recent initiatives, such as the late and respected psychotherapist Carl Rogers' Peace Project, have brought new

meaning to the role of responsible citizen commitment to achieving individual, community, and global peace; and

WHEREAS, The State of California, through many volunteer organizations and community activities, has assumed leadership among the other 49 states, and indeed among many nations of the world, in developing responsible and innovative approaches to achieving world peace; and

WHEREAS, California students especially, through their involvement in exchange programs, world affairs councils, student councils, and other student organizations, have demonstrated their commitment to bringing peace to their own communities and to the world they will soon inherit; and

WHEREAS, Educators, scientists, business leaders, physicians, and other professionals have organized within their professions to seek greater dialogue and greater understanding among nations of the world; and

WHEREAS, International cooperation among professional associations has proven to transcend artificial and state-imposed limitations in that cooperation; and

WHEREAS, There has arisen within every nation, and especially within less democratic nations, an outspoken and growing body of progressive leaders seeking to achieve peaceful resolution of conflicts and seeking to avoid the unimaginable consequences of thermonuclear war; and

WHEREAS, These efforts should be supported, within the United States, within California, and within our communities, and by each of us personally; and

WHEREAS, California communities are today engaging in many locally oriented peace activities, sponsored by cities and counties, and supported by thousands of individual Californians; and

WHEREAS, This community expression of the desire for peaceful resolution of conflict has successfully united within these communities diverse cultural, economic, political, racial, and ethnic groups, and has brought together people of all ages and interests in the expression of this common goal; and

WHEREAS, It is altogether fitting and valuable to recognize and encourage these individual and community efforts by more and more Californians by establishing an annual day to celebrate the common goal of peace; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That each city, county, and city and county, be urged to proclaim annually the third Sunday in May as Peace Day in recognition of the desire of all Californians to establish a firm and lasting peace in the world; and be it further

Resolved, That it is the intention of the Legislature that all persons and institutions, and especially the individual communities, cities, and counties, and various professional and civic and veterans' organizations of California shall set aside some part of that day toward the promotion and recognition of the peaceful resolution of

conflict through mutual understanding and good will; and be it further

Resolved, That it is the intention of the Legislature by this measure to recognize specific community models for the celebration of Peace Day and to assist in the statewide coordination of all community efforts.

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 128—Relative to the long-term impact of legalization applicants upon adult and community college education.

[Filed with Secretary of State August 30, 1990]

WHEREAS, The changing composition of California society has resulted in an increase in the adult population demand for English language and basic skills instruction that school districts and community college districts have been unable to meet due to budget constraints; and

WHEREAS, It is the intent of the Legislature to revise the manner in which state funding is calculated for adult education programs provided by school districts; and

WHEREAS, Increased accountability is necessary at the state level in order to monitor and evaluate the activities and benefits of adult education and education on a noncredit basis; and

WHEREAS, Available information needs to be expanded to include information about the numbers of students completing courses, job placements, and diplomas granted; and

WHEREAS, An urgent need exists among new immigrants for English instruction; and

WHEREAS, Under the federal Immigration Reform and Control Act of 1986 (P.L. 99-603), the 1.2 million eligible legalized individuals wishing to become citizens have only two and one-half years to show language proficiency, and federal funds to expand English as a second language and citizenship classes for these purposes are available but their utilization is restricted because of the state-imposed cap on adult education; and

WHEREAS, Legislation enacted in 1979, subsequent to the addition of Article XIII A to the California Constitution, provided state funding for those adult education programs in existence in the 1977–78 fiscal year, but did not permit the funding of programs not in operation at that time; and

WHEREAS, Many school districts that desire to initiate programs of adult education to meet the educational needs of adults in their respective communities are thus not authorized to receive state funds for those programs, and are, therefore, denied equality under

the law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Postsecondary Education Commission is hereby requested to consult with representatives of the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, nonprofit community-based organization providers, and other current and potential providers of Immigration Reform and Control Act educational services, as well as the consumers of these educational services, to consider the long-term impact of legalization applicants upon adult and community college education within the context of existing unmet educational needs. Based upon the advice and recommendations of these various groups, the commission shall present policy recommendations regarding the following:

(1) Easing the transfer of the fiscal burden from the federal funds provided by the State Legalization Impact-Assistance Grant Program to state funds.

(2) Providing effective educational services as needed for the next five years by the new permanent residents, including, but not limited to, assisting them to become functionally literate and to be able to complete basic skill and job training programs.

(3) Accommodating the increased need and demand for educational services created by legalization applicants, including the revenue limit adjustments for adult education and for community college credit and noncredit courses.

(4) Accommodating the increased need and demand created by legalization applicants through the effective use of community-based organizations and private career and job training programs.

(5) Analyzing the effects of phasing out the State Legalization Impact-Assistance Grant funding and identifying the capacity of existing state and privately financed programs to absorb clients.

(6) Analyzing the relationship between funding from the State Legalization Impact-Assistance Grant Program and other federally funded educational services.

(7) The identification of strategies that have assisted adult learners to receive information on available education resources.

(8) The effectiveness of existing job training programs in meeting the needs of Immigration Reform and Control Act populations.

(9) A strategy for completing an evaluation of state education programs, including the community colleges, in providing and promoting basic skills and job training for these populations and the relationship between the training provided and local job market needs.

(10) Reviewing possible strategies for effectively maintaining data on immigrants to California, including the development of a clearinghouse.

The commission is hereby requested to submit its recommendations to the legislative budget committees and to the Governor before March 1992.

RESOLUTION CHAPTER 94

Assembly Concurrent Resolution No. 129—Relative to the California Decade of Preservation.

[Filed with Secretary of State August 30, 1990]

WHEREAS, Local, county, regional, and statewide organizations are engaged in efforts to promote historical preservation; and

WHEREAS, The Oakland Technical High School Students Historical Preservation Committee has worked for, and succeeded in garnering, the endorsement for a "Decade of Preservation" from national and local organizations; and

WHEREAS, The National Student Historical Preservation Association and the Oakland City Council have both endorsed the "Decade of Preservation"; and

WHEREAS, The concept of a "Decade of Preservation" is one which can help achieve important goals of historical preservation in the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the final decade of the 20th century to be the "California Decade of Preservation," and urges our individual citizens and public agencies to participate with existing historical preservation groups and encourage the formation of additional student preservation groups in the expanded furtherance of historical preservation awareness and involvement; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 95

Assembly Concurrent Resolution No. 133—Relative to an education consortium for eastern Europe.

[Filed with Secretary of State August 30, 1990]

WHEREAS, In recent months the world has witnessed a remarkable series of events in eastern Europe, as popular movements have swept those countries up in a tide of democracy; and

WHEREAS, The critical challenge those countries face now is to stabilize their nascent reforms and new institutions; and

WHEREAS, Successful political and economic reform brightens the prospects for world peace; and

WHEREAS, California boasts an extraordinary wealth of knowledge and a treasure trove of creativity and innovation, which we can share with the aspiring democrats of eastern Europe; now,

therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the universities and colleges of the State of California be urged to collaborate in developing an education consortium for the emerging democratic leaders of eastern Europe.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 140—Relative to standardized tests.

[Filed with Secretary of State August 30, 1990]

WHEREAS, The Legislature is committed to provide access to public higher education for all Californians; and

WHEREAS, Asian and Pacific American communities are the fastest-growing in California, comprising nearly 10% of the state's total population and are projected to grow to 14% of the population by the year 2020; and

WHEREAS, Good relations with Asian and Pacific Rim nations are critical to promote the growth and development of California's rich economy; and

WHEREAS, Significant numbers of Californians with the ability to communicate in Asian languages would help to promote California's competitiveness in the Pacific Rim economy; and

WHEREAS, Standardized tests, such as the Scholastic Aptitude Test and the American College Test, are major factors used by four-year institutions in determining eligibility for admission; and

WHEREAS, Currently, there are standardized achievement tests offered in second languages such as French, German, Greek, Hebrew, Italian, Latin, Russian, and Spanish; and

WHEREAS, There are no such achievement tests offered in second languages such as Chinese, Japanese, Korean, Vietnamese, Tagalog, and other Asian languages; and

WHEREAS, The absence of achievement tests in Asian languages may actually discourage students from using or learning Asian languages, and may discourage K–12 schools from offering courses in the Asian languages; and

WHEREAS, The State of California and universities throughout the state should be encouraging students to learn Asian languages and other second languages; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature expresses its encouragement to all testing organizations which offer college admissions achievement tests to create and to offer second-language achievement tests in Asian languages; and be it further

Resolved, That, if the testing organizations fail to offer

achievement tests in Asian languages within three years of the enactment of this resolution, it is the intent of the Legislature that the University of California, the California State University, and other four-year colleges in this state shall not use any achievement tests as criteria for admission to four-year undergraduate institutions of higher education; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a copy of this resolution to the Regents of the University of California, the Trustees of the California State University, the Association of Independent California Colleges and Universities, and to appropriate testing organizations, including the College Board, the Educational Testing Service, and the American College Testing Service.

RESOLUTION CHAPTER 97

Assembly Concurrent Resolution No. 149—Relative to the University of California and the recycling of waste.

[Filed with Secretary of State August 30, 1990]

WHEREAS, The State of California has taken aggressive steps through Chapter 1095 of the Statutes of 1989 and other legislation to address the growing state solid waste crisis though source reduction, recycling, and the procurement of recycled products; and

WHEREAS, The University of California produces between 70,000 and 80,000 tons of solid waste a year; and

WHEREAS, More activity could be undertaken within the university to reduce or recycle that waste or to use recycled materials; and

WHEREAS, The University of California, as an institution of higher education, should take a leadership role in the development of environmentally sound policies and practices, and should provide a model for other private and public institutions; now, therefore, be it

RESOLVED, That the University of California is requested to develop and implement integrated solid waste management programs with source reduction, composting, recycling, and procurement components, and the university is encouraged to consult with the associated students, faculty, and administrative representatives in this endeavor; and be it further

Resolved, That the university should review and revise specifications currently used by the university in order to eliminate any possible discrimination against the procurement or purchase of recycled products; and be it further

Resolved, That the University of California should give purchasing preference to recycled paper products and other recycled products

when all of the following apply:

(1) The product meets applicable standards.

(2) The product can be substituted for a comparable nonrecycled product.

(3) The product costs no more a comparable nonrecycled product; and be it further

Resolved, That in planning and implementation of the integrated solid waste management programs, the university is encouraged to work in cooperation with their respective city and county recycling coordinators and the county task force created pursuant to Chapter 1095 of the Statutes of 1989, in developing a program; and be it further

Resolved, That the Legislature requests that the university report on its solid waste management activities to the Legislature by September 1, 1991.

RESOLUTION CHAPTER 98

Assembly Joint Resolution No. 47—Relative to utility ratepayer refunds.

[Filed with Secretary of State August 30, 1990]

WHEREAS, The federal Tax Reform Act of 1986 (Public Law 99–514) represents a comprehensive change in federal income tax law that has and will continue to profoundly affect the citizens of California; and

WHEREAS, Electric, gas, telephone, and other public utility rates are determined in part based on the amount of revenue that public utilities need to pay their federal income taxes; and

WHEREAS, Public utility customers and subscribers could see a significant reduction in their utility bills if federal tax reform savings are passed on to them; and

WHEREAS, The reduction in the corporate federal income tax rate from 46 percent to 34 percent as provided in the federal Tax Reform Act of 1986 resulted in utilities having collected from ratepayers approximately $19 billion in federal taxes no longer due to the federal treasury, including $1.9 billion in federal taxes paid by California ratepayers; and

WHEREAS, Section 203(e) of the Tax Reform Act of 1986 restricts federal and state utility regulators from ordering a refund to ratepayers of these utility overcollections except over an extremely lengthy repayment schedule which extends as long as 30 years; and

WHEREAS, The effect of Section 203(e) is harmful to all utility ratepayers who overpaid the utility companies for the federal tax component of the cost of providing public utility services, and provides an unjustified windfall to utility companies; and

WHEREAS, Section 203(e) restricts the right of federal and state regulatory commissions to determine the appropriate timing for returning federal tax reform savings to utility ratepayers; and

WHEREAS, Legislation has been introduced in the Congress of the United States to authorize federal and state utility regulatory commissions to order the refund of tax overcollections to ratepayers in a more timely and equitable manner; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact a law to amend Section 203(e) of the Tax Reform Act of 1986 so that federal and state utility regulatory commissions may direct that utilities return to ratepayers, within appropriate timeframes, but over no shorter period than three years, $19 billion in federal taxes collected by the utilities but no longer owed to the federal government; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor, and to the President of the California Public Utilities Commission.

RESOLUTION CHAPTER 99

Assembly Joint Resolution No. 69—Relative to federal labor laws.

[Filed with Secretary of State August 30, 1990.]

WHEREAS, The National Labor Relations Act and the National Labor Management Relations Act protect the rights of employees to organize, to bargain collectively, and to engage in other concerted activities for their mutual aid and protection; and

WHEREAS, The National Labor Relations Board (NLRB) is responsible for protecting those rights through its processes, remedies, and orders; and

WHEREAS, The NLRB remedies for employees whose rights are violated by employers through unlawful discipline and discharge are too weak to provide either meaningful redress for the wronged employee or an effective deterrent to employer wrongdoing; and

WHEREAS, The NLRB processes for protecting the employees' choice of their collective bargaining representatives are too slow and cumbersome, and afford employers too many opportunities to subvert employee free choice; and

WHEREAS, The use of permanent replacements as strikebreakers encourages employers to avoid bargaining in good faith with an intention to reach agreement with striking employees, and promotes

industrial strife and worker insecurity; and

WHEREAS, The violation of employee rights and the subversion of employee free choice adversely affects the economic well-being of California citizens and adversely affects the California economy, which depends on the principle of fair compensation for a fair level of effort; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to amend the National Labor Relations Act to provide for immediate reinstatement of employees who have been discharged for exercising their rights to participate in union activities, with triple damages for lost pay and benefits; recognition of collective bargaining representatives on the basis of majority will as evidenced by signed and authenticated authorization cards; elimination of permanent replacements as strikebreakers, and elimination of incentives for the use of strikebreakers by employers; and any other provisions which will provide meaningful protection of employee rights; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 100

Assembly Joint Resolution No. 71—Relative to health insurance for retired teachers.

[Filed with Secretary of State August 30, 1990]

WHEREAS, California's retired teachers do not have a health insurance component in the retirement plan offered through the State Teachers' Retirement System; and

WHEREAS, An estimated 30 percent of California's retired teachers, or more than 30,000, are not eligible for health insurance through Medicare Part A; and

WHEREAS, Many retired teachers and other retirees would be willing to purchase the necessary Medicare quarters for that eligibility; and

WHEREAS, Many retired members of the State Teachers' Retirement System and other retirees need assurance of a minimum guarantee of health insurance such as Medicare Part A; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are

respectfully memorialized to establish a process by which retired members of the State Teachers' Retirement System and other retirees could purchase the quarters needed to meet Medicare Part A eligibility and that in establishing a purchase process, previous payments for the purchase of Medicare Part A be credited to the cost of purchasing those quarters; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health and Human Services.

RESOLUTION CHAPTER 101

Assembly Joint Resolution No. 72—Relative to federal contractors.

[Filed with Secretary of State August 30, 1990]

WHEREAS, State laws enacted to assure responsibility and competency of contractors, as well as to protect employees of those contractors against injury, are of value to agencies of the United States; and

WHEREAS, Application of these state requirements to federal contractors and subcontractors would not impede the ability of federal agencies to obtain timely performance; and

WHEREAS, Many federal contracts are joint ventures with state public entities and many are performed on nonfederal lands where the states' interests in protecting their citizens are paramount; and

WHEREAS, The application of state standards and employee protections to federal contractors and subcontractors is uncertain because of inadequate and conflicting judicial precedent; and

WHEREAS, It is appropriate that the Congress clarify the status of these contractors and subcontractors under state laws in order to promote the interests of the United States and its individual states; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to enact legislation specifically making federal contractors and subcontractors subject to state licensing laws and state laws for the protection of employees; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 102

Assembly Joint Resolution No. 79—Relative to television broadcasting.

[Filed with Secretary of State August 30, 1990.]

WHEREAS, Effective January 1, 1990, the Federal Communications Commission adopted rules reinstating syndicated program exclusivity; and

WHEREAS, These rules prohibit a cable television system from carrying any program as broadcast by any other television signal when the system is notified that the syndicated exclusivity rights to that program are held by a commercial station licensed by the commission; and

WHEREAS, These rules were reinstated over the objections of the cable television industry; and

WHEREAS, The rules make no exception for circumstances in which implementation of the rules is disruptive to cable viewers; and

WHEREAS, Blanket imposition of the syndicated exclusivity rules has caused disruption of programming across state borders and between different time zones; and

WHEREAS, Although the commission reinstated syndicated program exclusivity to promote program diversity, the consequences of the reinstatement of the rules do not appear to be in the best interests of local viewers; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to require the Federal Communications Commission to reconsider its adoption of the rules concerning syndicated exclusivity, particularly as they affect local viewers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the members of the Federal Communications Commission, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 103

Assembly Joint Resolution No. 80—Relative to the North American Waterfowl Management Plan.

[Filed with Secretary of State August 30, 1990]

WHEREAS, Wetlands provide habitat for a broad diversity of fish and wildlife, including many rare and endangered species, thereby providing multiple benefits to the people of California; and

WHEREAS, California's central valley is the winter home to more than 60 percent of the migratory waterfowl of the Pacific flyway, yet 95 percent of the wetlands in the central valley have been destroyed; and

WHEREAS, Migratory waterfowl populations have declined dramatically, including a decline of more than 50 percent in the wintering duck population in the last 30 years; and

WHEREAS, The governments of the United States and Canada signed an agreement in 1986 to support and implement the North American Waterfowl Management Plan for the purposes of restoring continental waterfowl populations to the levels of the mid-1970s through the preservation and restoration of adequate habitat; and

WHEREAS, The California component of the North American Waterfowl Management Plan is carried out through the Central Valley Habitat Joint Venture, which has developed a wetland habitat preservation program that includes:

(1) Protection of 80,000 acres of existing wetlands.

(2) Establishment of 120,000 acres of new wetlands.

(3) Improvement of habitat on existing public and private wetlands and agricultural lands.

(4) Securing water of adequate quality and in sufficient quantity to service state and federal wildlife management areas and the private wetlands of the Grasslands Resource Conservation District.

(5) Securing affordable power supplies for pumping water for all public and private wetlands in the central valley of California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the State of California supports the wetland habitat preservation program of the Central Valley Habitat Joint Venture and its full implementation by the year 2000; and be it further

Resolved, That the lead implementation agency for the state is the Department of Fish and Game; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 104

Assembly Joint Resolution No. 81—Relative to savings and loan bondholders.

[Filed with Secretary of State August 30, 1990]

WHEREAS, Taxpayers are footing a federal savings and loan bill that is estimated to cost over two hundred billion dollars; and

WHEREAS, It is unfortunate that 22,000 Californians bought bonds in the parent company of Lincoln Savings and Loan and may stand to lose $200 million dollars; and

WHEREAS, It is the responsibility of informed investors to assume the risks of the investments they undertake; and

WHEREAS, Many of the bondholders were led to believe that the bonds were as safe as certificates of deposit with federal deposit insurance; and

WHEREAS, Prospectuses and other information stated that the bonds did not have federal deposit insurance; and

WHEREAS, Many bondholders claim to never have received the prospectuses or other information or not to have understood the implications of that information; and

WHEREAS, The bonds offered a higher rate of return than certificates of deposit or other savings accounts and the bondholders chose the bonds because of the higher rate of return; and

WHEREAS, The bonds did not have federal deposit insurance; and

WHEREAS, Bonds and other securities issued by private companies are not insured or guaranteed by the federal government; and

WHEREAS, Bailout of the bondholders by the federal government would establish precedent that other investors in private companies would rely on; and

WHEREAS, The taxpayers have paid enough for the failures in the savings and loan crisis; and

WHEREAS, To have the taxpayers stand behind bonds issued by a private company would make a farce of the entire financial system; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to oppose any federal legislation to bail out investors who purchased bonds through the parent company of Lincoln Savings and Loan Association; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 105

Assembly Joint Resolution No. 83—Relative to deposit insurance.

[Filed with Secretary of State August 30, 1990]

WHEREAS, More than 100,000 California public employees have over $1 billion in deferred compensation plan funds in savings and loan associations; and

WHEREAS, Under federal regulations each employee's funds up to $100,000 in deferred compensation in savings and loan associations are protected by federal deposit insurance; and

WHEREAS, The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) placed savings and loan deposit insurance under the Federal Deposit Insurance Corporation (FDIC) and directed the FDIC to adopt uniform deposit insurance regulations for financial institutions; and

WHEREAS, FDIC policy provided that each participant in a deferred compensation plan was not insured up to the $100,000 limit but that the deposit insurance covered an entire plan in a financial institution in the aggregate; and

WHEREAS, The FDIC proposed to adopt a regulation which would eliminate $100,000 deposit insurance coverage for each participant in a deferred compensation plan in a savings and loan; and

WHEREAS, Without deposit insurance protection up to $100,000 employees would not participate in deferred compensation plans that place funds into savings and loan associations; and

WHEREAS, Deferred compensation plans that are insured up to $100,000 for each participant encourage savings, and in California have proven to be an outstanding method for public employees to gather savings, minimize risk and minimize income tax on current income; and

WHEREAS, Deferred compensation funds deposited into savings and loan associations are a large and stable source of deposits; and

WHEREAS, Without deposit insurance protection up to $100,000 deferred compensation funds would rapidly be withdrawn from savings and loan associations; and

WHEREAS, On April 30, 1990, the Board of Directors of the FDIC voted to continue until January 29, 1992, $100,000 deposit insurance coverage for each participant in a deferred compensation plan in a savings and loan association; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the United States Congress be memorialized to amend federal tax laws, and Congress and the Federal Deposit Insurance Corporation be memorialized to retain full deposit insurance coverage for each participant in a deferred compensation plan the funds of which are deposited into savings and loan associations; and be it further

Resolved, That deposit insurance coverage for each participant in a deferred compensation plan be extended to cover the funds of those plans deposited into banks; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the President of

the United States Senate, the Chairman of the House Banking Committee, the Chairman of the Senate Banking Committee, each Senator and Representative from California in the Congress of the United States, and to the Chairman and Executive Secretary of the Federal Deposit Insurance Corporation.

RESOLUTION CHAPTER 106

Senate Concurrent Resolution No. 88—Relative to county reports.

[Filed with Secretary of State September 4, 1990]

WHEREAS, County government, acting as an administrative arm of state government, provides a multitude of services, including health, welfare, and criminal justice; and

WHEREAS, The provision of these services includes the preparation and submittal of numerous reports and other documents to state government; and

WHEREAS, County government has a limited tax and revenue base to deal with the growing public service demands for local services and state-mandated local programs; and

WHEREAS, The Legislative Counsel compiles, pursuant to Section 10242.5 of the Government Code, monthly inventories of reports that counties, among other public entities, must submit to the Legislature or the Governor, or both; and

WHEREAS, The current fiscal situation of both state and county government demands that all potential economies in the operation of existing programs be carefully and fully evaluated; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate Select Committee on Governmental Efficiency review those specific reports identified by the County Supervisors Association of California from the monthly publication entitled "List of Reports Prepared by State and Local Agencies" compiled by the Legislative Counsel, or from other sources, and determine the feasibility of modifying or eliminating those reports prepared by counties; and be it further

Resolved, That, in addition to any other factors considered by the Senate Select Committee on Governmental Efficiency to be appropriate, the select committee shall consider each of the following:

(a) The cost savings to local government.

(b) The possibility of cost savings to the state.

(c) The net overall cost savings to state and local government agencies.

(d) Any negative effects associated with the elimination or modification of a report or document; and be it further

Resolved, That the Senate Select Committee on Governmental Efficiency shall complete this inventory and feasibility study and submit a report of the initial findings and recommendations to the Legislature by January 1, 1991; and be it further

Resolved, That the existing staff and resources of the Senate Select Committee on Governmental Efficiency be utilized to implement this measure.

RESOLUTION CHAPTER 107

Senate Concurrent Resolution No. 97—Relative to college entrance examinations.

[Filed with Secretary of State September 4, 1990]

WHEREAS, A major education priority identified in the Master Plan for Higher Education in California is the recognition of cultural diversity and the need for achieving educational equity; and

WHEREAS, It is in the interest of all citizens of the State of California that barriers that inhibit full participation in the educational activities of the state be eliminated; and

WHEREAS, There is in California a large and growing population of persons of Asian and Pacific Islander origin; and

WHEREAS, The Legislature recognizes the unique social, cultural and linguistic heritage of the Asian and Pacific Islander community and its substantial contributions to the economic enrichment and diversity of our society; and

WHEREAS, Communicating in Asian languages is increasingly important to California because of our economic and cultural ties to the Pacific Rim; and

WHEREAS, The College Entrance Examination Board currently provides achievement tests, for college admissions or placement, in French, Spanish, German, Italian, Latin, and Hebrew; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the College Entrance Examination Board be requested to create and provide achievement tests in Asian and Pacific Island languages at the earliest possible time; and be it further

Resolved, That the College Entrance Examination Board be requested to establish a task force or advisory board to be selected primarily from the Asian and Pacific Islander community or from groups that represent that community to assist in the development of the achievement tests; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the College Entrance Examination Board and to all local postsecondary education institutions in the state, both public and private.

RESOLUTION CHAPTER 108

Senate Joint Resolution No. 53—Relative to military base closures.

[Filed with Secretary of State September 4, 1990]

WHEREAS, The Commission on Base Realignment and Closure, on December 29, 1988, recommended the closure of five major military installations in this state: Mather Air Force Base in Sacramento County, George Air Force Base and Norton Air Force Base in San Bernardino County, the Presidio, including Letterman General Hospital and Research Center, in the City and County of San Francisco, and Hamilton Army Airfield in Marin County; and

WHEREAS, Even though Congress approved the closure of these military installations by the end of 1995, the Secretary of Defense has proposed closing additional major military bases in California, including Alameda Naval Air Station and Oak Knoll Naval Hospital in Alameda County, Treasure Island in the City and County of San Francisco, Sacramento Army Depot in Sacramento County, Moffett Field Naval Air Station in Santa Clara County, Fort Ord in Monterey County, El Centro Naval Base in Imperial County, and Long Beach Naval Shipyard in Los Angeles County; and

WHEREAS, The Secretary of Defense also has proposed reductions and realignments for the Mare Island Naval Facility in Vallejo, Beale and McClellan Air Force Bases near Sacramento, Letterman Army Institute for Research at the Presidio, and Edwards, Redlands, March, and Norton Air Force Bases in southern California; and

WHEREAS, California is considered a critical location for the entire Pacific area with respect to strategic defense operations, and the location of military installations in California was clearly a primary consideration of the United States Defense Department as well as its predecessor, the United States War Department, as long ago as the early 19th century in the siting of major facilities; and

WHEREAS, Considering the strategic capability of our modern military forces, the closure of key military bases in California requires serious consideration in light of the experience of the past 50 years involving California military locations as staging areas during World War II, the Korean and Vietnam conflicts, and the recent Panama expedition; and

WHEREAS, Many new technologies and rapidly evolving technical and strategic capabilities were developed in California and perfected at the very bases now proposed for realignment or closure; and

WHEREAS, The primary mission of the United States Armed Forces is to defend and protect this great country; and

WHEREAS, California has been affected more than any other state by the initial proposed closure of these five major military installations and, together with the proposed additional major base

realignments and closures, will suffer economic effects throughout the entire state; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memoralizes the President and Congress of the United States to establish a new commission on base realignment and closure to include a representative cross section of the military community, both active and retired personnel, and the business communities in the states where key military installations are located; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, and to the Chairpersons of the House and Senate Armed Forces Committees.

RESOLUTION CHAPTER 109

Senate Joint Resolution No. 54—Relative to air transportation.

[Filed with Secretary of State September 4, 1990]

WHEREAS, When Congress passed the Airline Deregulation Act of 1978, it intended that the marketplace, rather than government regulation, would determine the variety, quality, and price of air transportation services; and

WHEREAS, Congress expected that actual and potential competition would result in greater efficiency and innovation in air transportation services, and lower air fares; and

WHEREAS, Although the purpose of deregulation was to stimulate competition, as the result of mergers which have taken place, air traffic in California is now dominated by five major carriers; and

WHEREAS, These mergers have resulted in a decline in the quality of service, greater passenger inconvenience, and higher fares; and

WHEREAS, Ten years after deregulation, airfares for intrastate flights from some of the smaller airports in California have risen as much as 1000 percent; and

WHEREAS, The State of California has a legitimate interest in assuring its citizens of the availability of air transportation services within its borders free of unfair or deceptive practices and predatory pricing; and

WHEREAS, United States Transportation Secretary Samuel Skinner is developing new national transportation policies which are expected to provide for an expansion of state authority and

responsibility on aviation issues; and

WHEREAS, An expanding role for states in aviation policy must be accompanied by more flexible federal policies regarding aviation and airport funding, including release of the Airport and Airways Trust Fund; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support the aviation and airport component of the national transportation policies developed by the Department of Transportation; and be it further

Resolved, That the Congress support the expeditious release of the Airport and Airways Trust Fund for aviation and airport use; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 110

Senate Joint Resolution No. 60—Relative to the Bodie Mining District.

[Filed with Secretary of State September 4, 1990]

WHEREAS, The historic gold mining district of Bodie, located in Mono County, is the site of the largest and best preserved authentic ghost town in the west, the importance of which, as a national and historic treasure, is underscored by its inclusion on the Federal Historic American Buildings Survey, its listing on the National Register of Historic Places, and its status as both a state and national historic landmark; and

WHEREAS, The evolution and development of gold mining as represented by the remaining mine buildings and sites; cemetery; and residential, commercial, and community buildings, give dramatic insights into the historic mining procedures, ethnic mix, evolution of social institutions, family structure, modes of entertainment, patterns of violence, sense of community spirit, and role of labor unions on California's pioneer fringe; and

WHEREAS, The weather-beaten buildings, dusty belongings, and silent surroundings remain to remind all of us of the remote and harsh reality of existence in early mining towns and serve as a symbolic link to one of the most exciting eras of the American West, its importance in our American culture represented in art, literature, and legend; and

WHEREAS, Bodie State Historic Park is the only unit in the state park system within the California Desert Mountains Landscape Province with a sample of the large sagebrush scrub biotic community; and

WHEREAS, Bodie State Historic Park was established in 1962 for the purpose of making available forever, to the people, the opportunity to appreciate and enjoy the ghost town of Bodie in its historic and natural setting; and

WHEREAS, This state historic park is visited by in excess of 170,000 people each year, many of them from other states or foreign lands, whose visits result in the addition of up to nine million dollars annually to the local economy; and

WHEREAS, The possible resumption of gold mining on properties located within the historic Bodie Mining District may have adverse physical and esthetic impacts on the district's historical integrity and sites, as well as on the flora and fauna, and on the recreational and cultural values, of the area; and

WHEREAS, The public interest in, and concern for, the potential impact of mining at Bodie has been expressed in numerous magazine and newspaper articles; television news programs; and hundreds of letters to the County of Mono, the Governor, and other public officials; and

WHEREAS, The California Legislature recognizes that a setting reflecting the natural quiet and sense of remoteness, in an environment free of modern intrusions, is important to the unique experience and interpretation of the ghost town of Bodie; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the Secretary of the Interior, as the federal official responsible for the federal public lands surrounding Bodie State Historic Park, to protect the park, its ghost-town qualities, its ambience, its historic buildings, and the viewshed of the town and the principal approach to Bodie from Highway 395, and, only if necessary to protect the park and these qualities, to withdraw, subject to valid existing rights, federal lands located within the Bodie Bowl management area, as depicted on Map 7-A appended to the Bureau of Land Management's 1983 Management Framework Plan for the Bodie and Coleville Planning Units, from all forms of location entry and patent, for any claim upon which a patent application was not pending on March 15, 1990, under the mining laws of the United States and reserving those lands for their historical, cultural, and recreational values; by determining the validity of all recorded mining claims which are located within the withdrawn area and taking such steps as are necessary to eliminate invalid claims; and by seeking to acquire title to any valid mining claims located within the withdrawn area; and be it further

Resolved, That the Secretary of the Senate transmit copies of this

resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 111

Senate Joint Resolution No. 62—Relative to civil rights.

[Filed with Secretary of State September 4, 1990.]

WHEREAS, There have been a series of recent United States Supreme Court decisions addressing employment discrimination claims under federal law which have dramatically encroached on the scope and effectiveness of civil rights protections; and

WHEREAS, Existing remedies and protections under federal law are not adequate to deter unlawful discrimination or to compensate victims of discrimination; and

WHEREAS, It is incumbent upon the California Legislature to request that the Congress restore the civil rights protections which were so dramatically limited by those Supreme Court decisions, and to strengthen the existing protections and remedies available under civil rights laws, in order to provide more effective deterrence of discrimination, and adequate compensation for the victims of discrimination; and

WHEREAS, There are two bills currently moving through Congress, Senate Bill 2104 and House Resolution 4000, that are designed to restore and strengthen the civil rights laws banning discrimination in employment and to accomplish other purposes; and

WHEREAS, The Civil Rights Act of 1990 would restore the prohibition against racial discrimination in the creation and enforcement of contracts, restore the burden of proof of unlawful employment practices in disparate impact cases, clarify the prohibition against impermissible consideration of race, color, religion, sex or national origin in employment practices, facilitate prompt and orderly resolution of challenges to employment practices that carry out litigated or consent judgments or orders, grant all protected classes the same right to recover damages for intentional employment discrimination, and restore strong civil rights enforcement; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and the Congress of the United States to adopt and enact these important bills to further the goals of civil rights laws in this nation; and be it further

Resolved, That the Secretary of the Senate transmit copies of this

resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 112

Senate Joint Resolution No. 69—Relative to a national health care plan.

[Filed with Secretary of State September 4, 1990.]

WHEREAS, The United States is the only modern nation in the world, besides South Africa, without a national health care system; and

WHEREAS, Despite the expenditure of over 600 billion dollars annually on health care, which is over 11 percent of our gross national product, millions of Americans do not have access to decent health care; and

WHEREAS, Despite this vast expenditure, $2,600 for each American, which is the largest in the world, we rank 14th among all nations in infant mortality, 10th among Western nations in life expectancy, and low on the scale in maternal mortality; and

WHEREAS, This vast expenditure does not buy health care for the 37 million Americans who have no health insurance, most of whom work, or are dependents of workers; and

WHEREAS, One million Americans each year join the ranks of the uninsured; and

WHEREAS, There is a growing understanding and agreement nationally among leading physicians, labor leaders, prominent businessmen and businesswomen, and community leaders that the only answer to the crisis in health care is for the United States to establish a program of national health care so that every American will have adequate health care; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a national health care plan building upon the principles of the Social Security Act, to be federally administered and implemented by each state, with provisions to utilize existing state health care systems with the national health care plan, to provide incentives to assure access to quality affordable care, and to include preventive, acute, and long-term care, and a full range of health services; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and

Representative from California in the Congress of the United States, and to the California Senior Legislature.

RESOLUTION CHAPTER 113

Senate Joint Resolution No. 70—Relative to corporations.

[Filed with Secretary of State September 4, 1990.]

WHEREAS, California investors own more than 15 percent of the outstanding shares and debt obligations of corporations in the United States; and

WHEREAS, There is a need to promote long-term investment in corporations to provide for increased capital formation; and

WHEREAS, There has been an increase in the concentration of ownership of public corporations; and

WHEREAS, Shareholders should have the ability to meaningfully participate in corporate affairs and exercise their rights as owners of corporations; and

WHEREAS, The corporate electoral system and proxy voting will play an increasingly important role in the selection of directors and in formulating strategic decisions of corporations; and

WHEREAS, The basic corporate electoral rules have not changed in the last 60 years to reflect the increased need for management accountability in a more competitive global economy; and

WHEREAS, The Senate of the State of California has created a Commission on Corporate Governance, Shareholder Rights and Securities Transactions to reconcile the need to establish stability for corporations operating in or desiring to locate in California with the fiduciary obligations of investment managers and pension fund trustees to prudently invest shareholder funds; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Securities and Exchange Commission to undertake a careful evaluation of the corporate election process for the purpose of changing its rules to provide for:

(1) Proxy rules to allow for open and clear communication among shareholders and corporations; and

(2) Confidential proxy voting with independent tabulation of results; and be it further

Resolved, That the Senate of the State of California, through the Commission on Corporate Governance, Shareholder Rights and Securities Transactions, actively participate with the Securities and Exchange Commission, the state's institutional investors, and California corporations in hearings and meetings that are covened for the purpose of drafting new rules for corporate elections and the reform of proxy voting; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chair of the Energy and Commerce Committee of the House of Representatives, to the Chair of the Committee on Commerce, Science and Transportation of the United States Senate, to the Chair and each Commissioner of the Securities and Exchange Commission, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 114

Assembly Joint Resolution No. 101—Relative to McClellan Air Force Base.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, The Office of the Secretary of Defense has directed the Secretary of the Air Force to study the possible termination of activities at McClellan Air Force Base in Sacramento; and

WHEREAS, McClellan Air Force Base has been a leader in the development of high-technology logistics support for the Air Force mission and has become one of the Air Force's most advanced technological centers; and

WHEREAS, High technology capabilities at McClellan include advanced electronics, specialized computer software applications and space responsibilities, very high speed integrated circuits, fiber optics, advanced composites, software design and development, neutron radiography, and nondestructive X-ray inspection; and

WHEREAS, The base serves as systems manager for 223 Communications-Electronics systems and programs and eight space systems, including the meteorological satellite program; and

WHEREAS, This impressive and state-of-the-art facility comprises over 17,200 military and civilian members and, in addition to its high-technology logistics support mission, the base handles over 75,000 aircraft operations each year and is host to more than 40 military units with greatly diversified missions; and

WHEREAS, The environmental program at McClellan is on the leading edge of environmental management, including waste minimization and environmental cleanup; and

WHEREAS, McClellan Air Force Base, with an annual gross payroll of over $534,000,000, is northern California's second largest employer, surpassed only by the State of California;

WHEREAS, The base also provides services to more than 40,000 retired military members and their families in the greater Sacramento metropolitan area, and is in line to assume responsibility for even more military retirees as the Sacramento Army Depot and

Mather Air Force Base proceed toward closure; and

WHEREAS, The contribution of McClellan Air Force Base to the Combined Federal Campaign was $1.4 million last year, and its people give generously of their free time and resources in support of the greater Sacramento area community; and

WHEREAS, McClellan's contribution to the development of high-technology facilities has never been greater nor its ability to keep pace with the technology revolution more important than at the present time; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the Secretary of Defense not to close McClellan Air Force Base or otherwise terminate its activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Air Force and the Secretary of Defense.

RESOLUTION CHAPTER 115

Assembly Concurrent Resolution No. 153—Relative to the International Geothermal Association Secretariat.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, The International Geothermal Association Secretariat is a prestigious organization that is a conduit for educational exchange, shared research, and international business relating to geothermal energy production; and

WHEREAS, The host site of the secretariat is rotated every four years among countries having active geothermal programs, and will move from Pisa, Italy to a new location in 1992; and

WHEREAS, California has the highest installed geothermal generation capacity, largest number of geothermal fields in production, most innovative government programs, greatest volume of published technical papers, and largest number of technical conferences in the world; and

WHEREAS, Hosting the secretariat in California would bring worldwide attention to the state's geothermal industry; enhance research under way at California universities; and increase technical exchange with other world, state, and local governments; and

WHEREAS, Locating the secretariat in California will create opportunities that are likely to result in an increase of export business for California's geothermal industry; and

WHEREAS, The citizens of California would benefit from increased geothermal energy production that would further diversify California's energy resources and reduce California's reliance on depletable and foreign sources of energy; and

WHEREAS, The State Energy Resources Conservation and Development Commission is the lead state agency for development of alternative energy technologies, and has sponsored successful programs to develop geothermal resources and to respond to environmental issues relating to geothermal energy technology; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the Governor to establish a coordinating council under the State Energy Resources Conservation and Development Commission with representatives from the State Energy Resources Conservation and Development Commission, Department of Commerce, other appropriate government agencies, universities engaged in geothermal research, and California-based geothermal energy companies to oversee efforts to locate the secretariat in California and that the State Energy Resources Conservation and Development Commission preside over this council; and be it further

Resolved, The Legislature commends and encourages the State Energy Resources Conservation and Development Commission's efforts to bring the secretariat to California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, the State Energy Resources Conservation and Development Commission, and the Department of Commerce.

RESOLUTION CHAPTER 116

Assembly Concurrent Resolution No. 154—Relative to the California Commission on Health Care Policy and Financing.

[Filed with Secretary of State September 6, 1990]

WHEREAS, Providing consistent access to quality health care at an affordable cost to all California residents is in the best interest of the public and is sound state policy; and

WHEREAS, A commitment to maintaining and improving the health status of the people of California is a shared responsibility of government, of public and private institutions and enterprises, of the family, and of the individual; and

WHEREAS, Current trends indicate we are rapidly moving towards a crisis in health care that is impacting people's lives and is threatening the stablility of health care professions and institutions; and

WHEREAS, Many California residents are not receiving the basic health care they need, and increasing numbers are without any health coverage; and

WHEREAS, The quality of health care services is neither consistent nor of high quality in all cases; and

WHEREAS, Health care costs continue to escalate, to the point where many residents cannot afford needed care and many hospitals and other health care institutions are subject to increasing financial instability; and

WHEREAS, Population growth and the increasingly multicultural nature of California society are creating greater and different demands for health care, while the public and private funds allocated to meet this demand are becoming less sufficient; and

WHEREAS, Efforts made during past years to stem the escalation of costs have been largely unsuccessful and have resulted in shifting expenditures and costs among payers and providers; and

WHEREAS, The complex administrative requirements of multiple public and private health care delivery systems at federal, state, regional, and local levels are becoming more costly, confusing, and frustrating to patients, their families, and providers; and

WHEREAS, It is appropriate to expect that the health care needs of the diverse California populations will continue to be met by multiple programs and types of providers, both private and public; therefore, seeking resolution to the many issues of health care financing, access, and quality requires consulting and involving the many constituencies of California providers, beneficiaries, and payers; and

WHEREAS, The residents of California must play a responsible role in their own health promotion and maintenance; and

WHEREAS, Federal policies, programs, and funding are essential to the provision of health care in California; the state, while taking them into account, nevertheless, has an obligation as well as an opportunity to shape its own approach to health care policy and program development; and

WHEREAS, California has a long and distinguished history of innovation in the organization, delivery, and financing of health care services; and

WHEREAS, The medical, social, and economic pressures on both California residents and the health care delivery system require developing a long-term health policy and suggest the need for systemic reform; and

WHEREAS, The problems of cost, quality, and access to health care services are longstanding, complex, and related, and their solution will require diligent study and analysis guided by a comprehensive range of decisionmakers; and

WHEREAS, California does not yet have the framework that it requires to examine and resolve the complex health care issues facing its rapidly growing and diverse population; the state needs to establish an entity which will systematically consider the range of

issues, review the available research, listen to interested parties, identify the fundamental problems, develop appropriate alternatives for their solution, set priorities for courses of action, and consult with and advise the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Commission on Health Care Policy and Financing is hereby established to advise the Legislature on health care problems and issues; and be it further

Resolved, That the commission shall consist of up to 30 members. The Speaker of the Assembly shall appoint three members of the Assembly and up to 12 members who are recognized leaders or responsible spokespersons from among the following categories, and the Senate Committee on Rules shall appoint three members of the Senate and up to 12 members who are recognized leaders or responsible spokespersons from among the following categories:

(a) Small business.
(b) Major private sector corporation.
(c) Organized labor union.
(d) Major health insurance carrier.
(e) Managed care organization.
(f) Secretary of Health and Welfare, or his or her designee.
(g) County health director.
(h) Medical school representative.
(i) Private nonprofit community hospital executive.
(j) County hospital administrator.
(k) California Nurses Association.
(*l*) California Medical Association.
(m) California Association of Hospitals and Health Systems.
(n) Persons not included in the above categories who have demonstrated expertise and concern with regard to health care problems and issues within and affecting the State of California and who have a background of participation in and positive contribution to projects, task forces, or forums related to the public interest; and be it further

Resolved, That in making appointments to the commission, the Speaker of the Assembly and the Senate Committee on Rules shall ensure that the membership of the commission represents the ethnic, racial, gender, and economic composition of the state and that the membership of the commission is bipartisan and reflective of the two major political affiliations of the population of the state; and be it further

Resolved, That the chairperson of the commission shall be appointed by the Speaker of the Assembly; and be it further

Resolved, That the Members of the Legislature appointed to the commission shall participate in the activities of the commission to the extent consistent with their legislative duties; and be it further

Resolved, That the Members of the Legislature appointed to the commission shall be considered a joint committee of the two houses of the Legislature constituted and acting as an investigating

committee, and as such shall have the power and duties imposed on such committees by the Joint Rules of the Senate and the Assembly; and be it further

Resolved, That the duties and objectives of the commission shall include, but not be limited to:

(a) Review, monitor, and evaluate the current status of, and proposals for changes to, health care policy, availability, access, quality, and financing.

(b) Identify the critical health care issues and problems, and examine and understand the fundamental causes and systemic relationships underlying them.

(c) Formulate priorities, timing, and recommendations for solving the comprehensive range of problems affecting health care quality, access, and cost within California now and in the future.

(d) Plan for the health care requirements of an increasingly multicultural society.

(e) Identify ways in which state tax policy can help maintain a healthy public and private health care industry.

(f) Develop specific proposals to government for enacting legislation and administrative regulations, and to business and labor for establishing policies and procedures that will implement the recommendations of the commission; and be it further

Resolved, That the commission shall have the following additional powers and duties:

(a) Establish advisory councils and task forces, composed of appropriate representatives of private organizations and state and local government agencies as well as individuals who are experts in their subject matter, on such subjects as economics, taxation, and finance; federal and interstate relations; large and small business; and medical, social, and economic values and ethics.

(b) Assemble and establish the professional, technical, research, and administrative staff and acquire the services of consultants that it needs to support its operations and to enable it to achieve its objectives.

(c) Do all things necessary and convenient to enable it to fully exercise its powers, perform its duties, and accomplish the purposes of this resolution; and be it further

Resolved, That the commission is authorized to receive funding from public and private sources, including, but not limited to, grants from public and private sources, and is authorized to conduct fundraising activities; and be it further

RESOLVED, That the commission shall hold its first meeting within 90 days of the effective date of this resolution and shali meet at least once every 60 days thereafter; and be it further

Resolved, That the commission shall be established for a period of five years, commencing September 1, 1990, and shall report its findings and recommendations to the Legislature, to the Governor, to the public, and to the appropriate federal agencies annually by June 30 of each year commencing with June 30, 1991, with the report

in the final year due on September 1, 1995; and be it further

Resolved, That both the Assembly Committee on Rules and the Senate Committee on Rules may make allocations from their contingent fund for the expenses of the commission, its staff, consultants, advisory councils, and task forces, and for the members of the commission appointed by the Speaker of the Assembly and the Senate Committee on Rules, and that all expenditures of these funds shall be in compliance with policies of, and subject to the approval of, the Assembly Committee on Rules and the Senate Committee on Rules; and be it further

Resolved, That the commission shall be terminated on September 1, 1995.

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 156—Relative to vessels.

[Filed with Secretary of State September 6, 1990]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Boating and Waterways and the Department of Motor Vehicles are requested to jointly conduct a study to determine the economic feasibility of either transferring the functions relating to registration of vessels from the Department of Motor Vehicles to the Department of Boating and Waterways or enhancing the current program in ways which will improve service, thereby benefiting the boating community and associated industries; and be it further

Resolved, That, in the conduct of this study, the departments are requested to jointly chair a task force comprised of representatives from the respective departments and boating organizations and associations, including representatives of the Northern California Marine Association, Southern California Marine Association, Marina and Recreation Association, Recreational Boaters of California, California Yacht Brokers, and National Marine Manufacturers Association; and be it further

Resolved, That the departments are requested to report their findings, conclusions, and recommendations to the Legislature on or before January 1, 1992; and be it further

Resolved, That the requirements of this resolution be carried out using existing funds, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Boating and Waterways and the Director of Motor Vehicles.

RESOLUTION CHAPTER 118

Assembly Concurrent Resolution No. 159—Relative to the Putah Creek Management Program.

[Filed with Secretary of State September 6, 1990]

WHEREAS, Putah Creek is a highly valued resource that serves a variety of interests in both Solano and Yolo Counties; and

WHEREAS, The Yolo County Board of Supervisors recognizes that conflicts exist over the use and management of the resources of Putah Creek; and

WHEREAS, The United States Fish and Wildlife Service will take the lead in formulating a management program for Putah Creek and federal funding will be appropriated to the United States Fish and Wildlife Service for the completion of that task; and

WHEREAS, The Legislature recognizes that participation by state agencies is required for the successful completion of this effort; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Department of Fish and Game, the Department of Water Resources, the State Lands Commission, and the Reclamation Board to assist the United States Fish and Wildlife Service in the formulation of the Putah Creek Management Program; and be it further

Resolved, That these agencies submit a copy of their report on the development and implementation of the program to the Legislature on or before June 30, 1992; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for distribution.

RESOLUTION CHAPTER 119

Assembly Concurrent Resolution No. 160—Relative to transportation planning.

[Filed with Secretary of State September 6, 1990]

WHEREAS, No single technology is capable of meeting all of California's future transportation needs; and

WHEREAS, There are advanced technologies available which, in an integrated, multimodal transportation system under a well-funded program, will help solve California's present and future transportation needs; and

WHEREAS, Present government policies and funding have not met the demand for transportation; and

WHEREAS, The report "Vision: California 2010" places great importance on the state's transportation infrastructure in supporting

the continued economic well-being and development of California and its citizens; and

WHEREAS, California's transportation system is essential for the state to take advantage of its unique geographic location and resources in connection with the burgeoning Pacific Rim trade; and

WHEREAS, The Department of Transportation has undertaken an effort to identify long-term transportation issues in the report entitled "California Transportation Directions: Mobility 2020"; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Department of Transportation is hereby requested to continue its long-term transportation planning efforts through the development of a multimodal, integrated strategic transportation plan; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 120

Assembly Concurrent Resolution No. 163—Relative to the Year of the Child.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, The American Academy of Pediatrics, Emergency Nurses Association, American Red Cross, American Heart Association, American College of Emergency Physicians and several other organizations have declared that 1990 is "The Year of the Child" in emergency medical services; and

WHEREAS, It is known that death and disability among children can be decreased through organized systems of emergency medical services for children and pediatric critical care systems; and

WHEREAS, Many organizations in California, including several departments of state government, have programs which are intended to improve critical care services for children and to promote preventive health services; and

WHEREAS, During 1990, many public and private organizations will be making special efforts to improve emergency medical services and critical care services to children and will be working to prevent morbidity and mortality among children; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California recognizes 1990 as "The Year of the Child" in emergency medical services in California and urges all state agencies and departments to consider the special needs of children in their programs and activities; and be it further

Resolved, That the Legislature hereby requests the Governor to proclaim 1990 as "The Year of the Child" in emergency medical services in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and to the Secretary of the Health and Welfare Agency.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 164—Relative to Twentynine Palms Highway.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, State Highway Route 62 is well known throughout Morongo Valley, Yucca Valley, Joshua Tree, and Twentynine Palms as the Twentynine Palms Highway; and

WHEREAS, The official designation and signing of State Highway Route 62 as the Twentynine Palms Highway is important to the economic development of Twentynine Palms and the Morongo Basin; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 62 from Interstate Route 10 to State Highway Route 177 be officially designated as the "Twentynine Palms Highway"; and be it further

Resolved, That the Department of Transportation is requested to determine the costs of appropriate plaques and markers, consistent with signing requirements for the state highway system, showing this designation and, upon receiving donations from nonstate sources covering those costs, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 122

Assembly Concurrent Resolution No. 173—Relative to crime and violence: self-esteem.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, In 1986, hoping to discover some possible causes and cures for California's most pressing social concerns, the Governor and Legislature of California created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians--diverse as

to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation--all but four of whom were volunteers: the Superintendent of Public Instruction, the Secretary of Health and Welfare, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The task force was charged with three primary goals: to compile the latest, best knowledge as to whether self-esteem is a causal factor in any or all of six of California's most pressing social concerns--crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; if this was found to be the case, then the task force was to compile the latest, best knowledge as to how healthy self-esteem is developed, how it can be damaged or lost, and how it can be strengthened or regained; and to identify model programs for the development of self-esteem and personal and social responsibility; and

WHEREAS, During its 40-month existence, the task force conducted extensive public hearings across California; engaged the University of California, its researchers, and the press in compiling the latest academic research regarding self-esteem; convened panels of experts, which were diverse as to race and gender from across the United States, to further advise regarding self-esteem; and reviewed extensive literature on the same topic; and

WHEREAS, On January 23, 1990, the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating one's own worth and importance and having the character to be accountable for oneself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report cites families as "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem in persons in the family, school, workplace, community, and in programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential, as the basis for carrying this work into practice, that each person make a commitment to developing his or her own self-esteem and sense of responsibility; and

WHEREAS, California, in order to retain its present status as the sixth largest economy in the world, must invest wisely in its future through using the most effective problem-solving strategies found for boosting self-esteem; and

WHEREAS, California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, and we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the States of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, Since California has proven to be the leader in generating a national problem-solving effort, we owe it to ourselves and our future, as well as to those other states now following our lead, to fully carry out the recommendations of this report; and

WHEREAS, People with high self-esteem are less likely to engage in destructive and self-destructive behavior, including child abuse, alcohol abuse, drug abuse, violence, and crime; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature urges every person, group, institution, program, and publication which is involved in operating programs or otherwise seeking to address in either preventive or curative ways the problems of crime and violence, to do all of the following:

(1) Obtain the task force report, "Toward a State of Esteem," and bring it into his or her family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the recommendations of the report applicable to crime and violence.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their lives, workplaces, and programs, both for the development of staff, and for the assistance or treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution, with an order blank for "Toward a State of Esteem," to every county sheriff, every city police chief, the head of every police officers' association, each member of the California Supreme Court, the presiding justice of each District Court of Appeal, each county superior court, the warden of each state prison, the director of each county jail, the Director of the Department of the Youth Authority, members of the Youthful Offender Parole Board, each county chief probation officer, the Office of Criminal Justice Planning, and the Governor.

RESOLUTION CHAPTER 123

Assembly Concurrent Resolution No. 177—Relative to self-esteem.

[Filed with Secretary of State September 6, 1990]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians, diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation, and all volunteers except four, the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The task force was charged with three primary missions:

(1) To compile the latest, best knowledge indicating whether self-esteem is a causal factor in any of the following six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure.

(2) If self-esteem were found to be a causal factor in any of those areas, to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated or regained.

(3) To identify model programs for the development of self-esteem and personal and social responsibility.

WHEREAS, During its 40-month existence, the task force conducted extensive public hearings across California, engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications, convened panels of experts, diverse as to race and gender, from across the United States, to further advise on the implications regarding self-esteem, and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the task force published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report states that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of

healthy self-esteem especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that as the basis for carrying this work into practice, that each person commit and attend to his or her own continuing self-esteem and responsibility in development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, Since California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to the carrying out of the recommendations in the task force's final report and realizing its promise; and

WHEREAS, California has the highest teen pregnancy rate in the nation, and evidence shows that young men and women with a high self-esteem carry goals and attitudes which delay too early childbearing; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof, concurring, That the Legislature urges every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventative or curative ways the consequences and challenges faced by pregnant and parenting teenagers.

(1) Obtain the final report of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility, "Toward a State of Esteem" and bring it into his or her family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the relevant recommendations of the report on teen pregnancy.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs-both for the development of staff and the assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution, together with an order blank for "Toward a State of Esteem" to the directors of teenage pregnancy and parenting programs located at the community and school levels, as identified in the Teen Services Directory published by the California Alliance Concerned with School Aged Parents (CACSAP), and to all members of the California Teen Pregnancy and Parenting Coalition and of the CACSAP.

RESOLUTION CHAPTER 124

Assembly Concurrent Resolution No. 178—Relative to self-esteem.

[Filed with Secretary of State September 6, 1990.]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians, diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation, and all of whom were volunteers except four, the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The task force was charged with three primary missions:

(1) To compile the latest, best knowledge indicating whether self-esteem is a causal factor in any of the following six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure.

(2) If self-esteem were found to be a causal factor in any of those areas, to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated or regained.

(3) To identify model programs for the development of self-esteem and personal and social responsibility.

WHEREAS, During its 40-month existence, the task force conducted extensive public hearings across California, engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications, convened panels of experts, diverse as to race and gender, from across the United States, to further advise on the implications regarding self-esteem, and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the task force published its final

report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report states that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that as the basis for carrying this work into practice, that each person commit and attend to his or her own continuing self-esteem and responsibility in development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, Since California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to the carrying out of the recommendations in the task force's final report and realizing its promise; and

WHEREAS, Community leaders play an important and influential role in fostering a sense of self-esteem and personal and social responsibility in the citizens, workers, ethnic leaders, health care clients, and senior citizens of this state; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventative or curative ways the many social problems which plague our nation to do all of the following:

(1) Obtain the final report of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility,

"Toward a State of Esteem" and bring it into his or her family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the relevant recommendations of the report applicable to community and business leadership.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs—both for the development of staff and the assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution, together with an order blank for "Toward a State of Esteem" to all the following:

(1) All members of the Cal Business Roundtable.

(2) The Chief Executive Officer and all members of the governing board, and the legislative advocates for, the California State Chamber of Commerce, California Manufacturing Association, California Taxpayers Association, American Electronics Association, California Banking Association, each county and city chamber of commerce, and trade associations.

(3) The Chief Executive Officer and every member of the governing boards of each private or public employee labor union.

(4) The members of the press covering the state capitol, the publisher and editor of each California daily newspaper and each major California magazine, the director of each California television station, including cable, the legislative advocates for these television stations, and the head of each college and university journalism program in this state.

(5) The Chief Executive Officer and members of the governing boards of the Motion Picture Producers Association, the Directors Association, and the screenwriters and screen actors guilds.

(6) The Chief Executive Officer and members of the governing board of the California Council of Churches, the California Catholic Committee, each local Jewish Federation, the Church of Scientology, the Buddhist Churches of America, and the Friends Committee.

(7) The Chief Executive Officer and members of the governing board of the National Association for the Advancement of Colored People (NAACP), the Urban League, the Black-American Political Association of California (BAPAC), the Mexican-American Legal Defense in Education Fund (MALDEF), the League of United Latin American Citizens (LULAC), the G.I. Forum, the Mexican-American Political Association, the Japanese-American Citizens' League, the Organization of Chinese-Americans (OCA), the Chinese-American Citizens' Alliance (CICA), and APPCON.

(8) The director of all local area agencies on aging and members of the California Senior Legislature.

(9) The director of each private or public hospital, including state hospitals.

RESOLUTION CHAPTER 125

Assembly Concurrent Resolution No. 176—Relative to self-esteem.

[Filed with Secretary of State September 6, 1990]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians, diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation, and all volunteers except four, the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The task force was charged with three primary missions:

(1) To compile the latest, best knowledge indicating whether self-esteem is a causal factor in any of the following six of California's most pressing social concerns: crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure.

(2) If self-esteem were found to be a causal factor in any of those areas, to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated or regained.

(3) To identify model programs for the development of self-esteem and personal and social responsibility.

WHEREAS, During its 40-month existence, the task force conducted extensive public hearings across California, engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications, convened panels of experts, diverse as to race and gender, from across the United States, to further advise on the implications regarding self-esteem, and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the task force published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report states that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of

healthy self-esteem especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that as the basis for carrying this work into practice, that each person commit and attend to his or her own continuing self-esteem and responsibility in development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem solving strategies found in self-esteem; and

WHEREAS, Since California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to the carrying out of the recommendations in the task force's final report and realizing its promise; and

WHEREAS, The task force found that being a welfare recipient can be destructive to self-esteem, encourages a "learned helplessness," and undermines one's efforts to be personally and socially responsible, unless assistance is administered in a way that is sensitive to every person's need for dignity and respect; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication who and which are involved in operating programs or otherwise seeking to address in either preventative or curative ways the many social problems which plague our nation to do all of the following:

(1) Obtain the final report of the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility, "Toward a State of Esteem" and bring it into his or her family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the relevant recommendations of the report applicable to welfare dependency.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs, both for the development of staff and the assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics

regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution, together with an order blank for "Toward a State of Esteem" to all of the following:

(1) County supervisors.

(2) County welfare directors.

(3) Every county chief administrative officer.

(4) The director of the Family Support Unit in each county district attorney's office.

(5) The leaders of California Welfare Rights Organization, the Western Center on Law and Poverty, California NOW, and the California Coalition of Welfare Rights Organizations, as well as the state and local administrative officials in charge of the Greater Avenues for Independence (GAIN) program.

RESOLUTION CHAPTER 126

Senate Joint Resolution No. 26—Relative to fish and wildlife.

[Filed with Secretary of State September 10, 1990]

WHEREAS, Fish and wildlife in California are dependent on adequate flows of freshwater in the state's rivers and estuaries; and

WHEREAS, The State Water Resources Control Board has commenced hearings to determine the amount and quality of water flowing through the San Francisco Bay-Delta estuary which is necessary to protect the fisheries, wildlife, and other beneficial uses of the water and will decide if the amount of water diverted from the estuary should be modified to protect the fisheries and other beneficial uses of the delta; and

WHEREAS, During the recent hearings, the State Water Resources Control Board was presented with extensive testimony that the past operations of the Central Valley Project, State Water Project and other diverters are causing significant damage to the bay-delta fisheries; and

WHEREAS, The area of origin of water has the first right to all the water which is reasonably required to adequately supply the beneficial needs of the protected area before the water may be exported; and

WHEREAS, On December 29, 1978, the Secretary of the Interior issued a formal decision directing the agencies of the Department of the Interior to determine the status of the fish and wildlife resources of the Central Valley and recognizing the obligation of the federal government to participate in meeting water quality and other conditions necessary to conserve and protect the fish and wildlife resources of the Central Valley and the San Francisco Bay-Delta

estuary; and

WHEREAS, The secretary's decision was partially intended to assure that the uncommitted water supply of the federal Central Valley Project could be used to correct past damages and to meet the needs of fish and wildlife; and

WHEREAS, The Department of the Interior agencies have not carried out those fish and wildlife studies; and

WHEREAS, The Bureau of Reclamation, an agency of the Department of the Interior, operates the Central Valley Project, and furnishes 7.3 million acre-feet of water each year to project customers under long-term contracts from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers; and

WHEREAS, The Bureau of Reclamation estimates that 1.5 million acre-feet of dependable annual water supply remains uncommitted in its project; and

WHEREAS, The Bureau of Reclamation is actively seeking long-term contracts for the sale of the 1.5 million acre-feet of water which it estimates remains unsold and unused in its Central Valley Project; and

WHEREAS, Until the agencies of the Department of the Interior have completed the fish and wildlife water needs studies as directed by the Secretary of the Interior in 1978, and until the State Water Resources Control Board determines how much water is necessary to protect fishing and other beneficial uses of the delta, it is uncertain as to how much, if any, water remains uncommitted in the project; and

WHEREAS, The Bureau of Reclamation, the California Department of Water Resources, and associations of their water contractors have insisted that the bay-delta hearings of the State Water Resources Control Board be delayed; and

WHEREAS, In the absence of that information, the Bureau of Reclamation's current water marketing program is premature, and should not proceed until the water needs of fish and wildlife in the Central Valley and the San Francisco Bay-Delta estuary have been determined and addressed; and

WHEREAS, If additional water is found necessary to protect beneficial uses of water of the San Francisco Bay estuary, that increase shall come first from any uncommitted water supply in the Central Valley Project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the Bureau of Reclamation to suspend its current efforts to sell 1.5 million acre-feet of water from the Trinity, Sacramento, American, Stanislaus, and San Joaquin Rivers of California, and to complete the determination of how much water is needed to mitigate the adverse effects on fish and wildlife caused by the development and operation of the Central Valley Project by January 1, 1993; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 127

Senate Joint Resolution No. 57—Relative to earthquake insurance.

[Filed with Secretary of State September 10, 1990]

WHEREAS, Earthquakes are a national problem requiring a national solution. The earthquake risk exists throughout nearly all the United States. The United States Congress and the United States Geological Service have found that portions of all 50 states are vulnerable to the hazards of earthquakes, and that 37 states are especially susceptible to major or moderate quakes; and

WHEREAS, The next major earthquake may well hit east of the Rocky Mountains, especially along the New Madrid Fault in Missouri, where the strongest seismic events ever recorded in American history occurred in 1811 and 1812; and

WHEREAS, A midwestern and eastern earthquake will do more damage than a California earthquake, due to the relatively loose and moist soil conditions and the proliferation of structures in the east and midwest that are not built to withstand major quakes; and

WHEREAS, California is not the only western state at risk. Other especially high-risk earthquake states include Alaska, Washington, Oregon, Idaho, Utah, Montana, Nevada, Wyoming, Arizona, New Mexico and Hawaii; and

WHEREAS, The probable maximum loss of a great earthquake (8.0 or larger on the Richter Scale) is estimated at $50 to $60 billion dollars, including claims for workers' compensation, business interruption, property loss, and injuries; and

WHEREAS, The recent Loma Prieta earthquake which devastated northern California gave us a preview of the potential destruction in business and the financial community brought on by a great quake; and

WHEREAS, Regardless of where in the United States an earthquake actually occurs, the financial implications will be nationwide. Some examples include the following:

(a) Infrastructure damage will affect the entire nation. Major quakes can rupture pipelines, severing the entire Eastern seaboard, down transmission power lines, block river traffic, and destroy interstate highways.

(b) The municipal bond market would be impacted by the sudden sale of billions of dollars in bonds by insurance companies to

pay claims. Local communities all across the country may find it difficult to enter the municipal bond market for some time after a major quake.

(c) Policyholders nationwide would be impacted as some insurance companies would become insolvent and others would have insufficient reserves to write new coverage for conventional risk, such as auto and homeowners coverage.

(d) Taxpayers from the entire country would pay for disaster relief efforts. Taxpayers are currently paying for the $4 billion dollars federal rescue package passed by Congress in the aftermath of the recent California quake; and

WHEREAS, The current system of earthquake coverage is unacceptable to both the insurance industry and policyholders, inviting adverse selection and resulting earthquake insurance coverage being unaffordable for many and unavailable for those most susceptible to the peril of earthquake; and

WHEREAS, The recent Loma Prieta earthquake has shown how inefficiently the current coordination of federal and state relief funds operates, leaving many individuals without any assistance long after the earthquake has occurred; and

WHEREAS, A prepaid insurance fund built up from premiums collected from homeowners and businesses throughout the nation should save the federal government money in the long run by reducing the need for disaster relief; and

WHEREAS, The principal beneficiaries of a federally cosponsored program would be the insurance policyholders themselves--America's homeowners and business owners who currently can't afford earthquake insurance. Moreover, such a program would also protect our nation's economic health, which would be jeopardized by the severe disruptions of a catastrophic earthquake; and

WHEREAS, Only a partnership between the federal government and the insurance industry will ensure the effective management of such an unpredictable and widespread risk; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the United States Congress to support legislation to establish a national earthquake insurance program. The Congress should be encouraged because insurance is a preferable protection against earthquakes over disaster aid; because insurance provides a better incentive to reduce risk since people contribute to their own assistance in the form of premiums; insurance provides more complete compensation for damages and is more equitable; insurance gives people more control over their degree of protection; insurance is more efficient in dispensing payments to victims; and insurance is less expensive for the federal government in the long run; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States,

to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 128

Senate Joint Resolution No. 61—Relative to federal motor vehicle safety standards for multipurpose passenger vehicles.

[Filed with Secretary of State September 10, 1990]

WHEREAS, The motor vehicle preferences of American families, especially Californians, relative to family vehicles have changed substantially in recent years; and

WHEREAS, Since the introduction of multipurpose passenger vehicles in 1983, the sales of these vehicles have increased greatly; and

WHEREAS, Multipurpose passenger vehicles are becoming a substitute for station wagons for many American families, especially in California; and

WHEREAS, Multipurpose passenger vehicles and passenger cars serve the same function and purpose, which is the transportation primarily of passengers and secondarily of property; and

WHEREAS, Multipurpose passenger vehicles are not subject to the same federal safety standards as are passenger cars; and

WHEREAS, The states cannot impose their own vehicle safety standards; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the United States Department of Transportation to require the National Highway Traffic Safety Administration to adopt motor vehicle safety standards for multipurpose passenger vehicles which are the same as those applicable to passenger cars so that a consumer purchasing a multipurpose passenger vehicle will have the same safety protection provided to the purchaser of a passenger car; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Secretary of Transportation, and to the Administrator of the National Highway Traffic Safety Administration.

RESOLUTION CHAPTER 129

Senate Joint Resolution No. 66—Relative to creditors committees in bankruptcy proceedings.

[Filed with Secretary of State September 10, 1990]

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President to support and the Congress of the United States to enact legislation which would permit the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System to serve on creditor and equity committees in bankruptcy cases; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 130

Senate Concurrent Resolution No. 81—Relative to the Secretary of Child Development and Services.

[Filed with Secretary of State September 10, 1990.]

WHEREAS, The population of California is increasing at a dramatic rate and a major portion of the growth is in the younger segment; and

WHEREAS, There has been a disproportionate increase in the number of children with disabilities and special needs, such as physical disabilities, drug addiction, and the effects of abuse and neglect; and

WHEREAS, The costs and efforts required to address the needs of these afflicted children place a substantial burden upon the economy of the state; and

WHEREAS, Since the success of children represents the hope for the future, it is necessary to give a high priority to improving the services that are provided to the children of the state; and

WHEREAS, A coordinated focus on all childrens' services will help to improve education, the economy, and the social health of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to appoint a cabinet-level Secretary of Child Development and Services; and be it further

Resolved, That the secretary would work with the State Department of Education, as well as other providers of services to children, to provide for cooperation and improved communication between providers of services, to determine the effectiveness of programs for children, to bring about the more effective use of state funds, and to examine the need for additional children's services.

RESOLUTION CHAPTER 131

Senate Concurrent Resolution No. 84—Relative to the Valdez Principles.

[Filed with Secretary of State September 10, 1990.]

WHEREAS, The people of the State of California recognize the importance of protecting the environment to guarantee the future quality of life and economic prosperity of this state; and

WHEREAS, The growing evidence of air and water pollution, acid rain, ozone depletion, toxic waste, destruction of wetlands, wildlife habitats, and rain forests, and other types of environmental damage caused by industrial activity and population growth has increased the need for environmental sensitivity in economic decisionmaking; and

WHEREAS, Catastrophic events such as the Alaskan Oil Spill have demonstrated the enormous destructive potential of a failure of prevention and response by even a single corporation; and

WHEREAS, The Coalition for Environmentally Responsible Economies was formed and authored the Valdez Principles to establish standards and procedures for the evaluation of activities by corporations that directly or indirectly affect the earth's biosphere; and

WHEREAS, These principles set forth an environmental code of conduct for corporations which calls for a long-term commitment to update practices in light of advances in technology and science and to make consistent measurable progress in the following areas:

(1) Protection of the Biosphere. Minimize and strive to eliminate the release of any pollutant that may cause environmental damage to the air, water, or earth or its inhabitants. Safeguard habitats in rivers, lakes, wetlands, coastal zones, and oceans and minimize contributing to the greenhouse effect, depletion of the ozone layer, acid rain, and smog.

(2) Sustainable Use of Natural Resources. Make sustainable use of renewable natural resources, such as water, soils, and forests, and conserve nonrenewable natural resources through efficient use and careful planning. Protect wildlife habitat, open spaces, and wilderness, while preserving biodiversity.

(3) Reduction and Disposal of Waste. Minimize the creation of waste, especially hazardous waste, and wherever possible recycle

materials. Dispose of all wastes through safe and responsible methods.

(4) Wise Use of Energy. Make every effort to use environmentally safe and sustainable energy sources. Invest in improved energy efficiency and conservation and maximize the energy efficiency of products that are produced or sold.

(5) Risk Reduction. Minimize the environmental, health, and safety risks to employees and communities in which the corporation operates by employing the safest technologies and operating procedures and by being constantly prepared for emergencies.

(6) Marketing of Safe Products and Services. Sell products and services which minimize adverse environmental impacts and are safe to use. Inform consumers of the environmental impact of products.

(7) Damage Compensation. Take responsibility for any harm caused to the environment by activities of the corporation and make every effort to fully restore the environment and to compensate those persons who are adversely affected.

(8) Disclosure. Disclose to employees and to the public incidents relating to operations that cause environmental harm or pose health or safety hazards. Disclose potential environmental, health, or safety hazards and do not take action against employees who report conditions that pose a threat to the environment or to the health and safety of employees or others.

(9) Environmental Directors and Managers. Establish procedures to ensure that the board of directors and chief executive officer are informed of all environmental matters affecting the corporation and its employees. Make a commitment to encourage the inclusion on the board of directors of a person qualified to represent pertinent environmental issues, the establishment of a board committee on environmental affairs, and a good faith effort on the part of management to implement these principles.

(10) Assessment and Annual Audit. Conduct and make public an annual self-evaluation of progress in implementing these principles and in complying with all applicable laws and regulations throughout the world; and

WHEREAS, The Valdez Principles were created to help investors make informed decisions around environmental issues, based on the belief that corporations and their shareholders have a direct responsibility for the environment and must strive to conduct their business as responsible stewards of scarce natural resources; and

WHEREAS, These principles are part of a long-term process seeking corporate cooperation on the development of specific requirements and standards derived therefrom; and

WHEREAS, The intent of the Valdez Principles is to create a voluntary mechanism of corporate self-governance that will maintain business practices consistent with the goals of sustaining our environment for future generations; and now, therefore, be it

Resolved by the Senate of the State of California, the Assembly

thereof concurring, That the future well-being of California's economy and the health of its corporate and individual citizens will be materially enhanced by the adoption and diligent pursuit of the Valdez Principles; and be it further

Resolved, That the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board are hereby requested to consider:

(1) Inclusion of the Valdez Principles in the existing criteria for responsible voting of corporate shares owned by the systems.

(2) Supporting, through the voting of proxies, corporate adoption of the Valdez Principles ; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each member of the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board.

RESOLUTION CHAPTER 132

Senate Concurrent Resolution No. 89—Relative to the Legislative Advisory Committee on Bioethics.

[Filed with Secretary of State September 10, 1990]

WHEREAS, The remarkable and dramatic advances in medical science and technology over the past several decades have created many complex medical, ethical, and legal choices which are generally referred to as bioethical issues; and

WHEREAS, These medical advances force both individuals and society to make agonizing choices which have never had to be made before and which involve the most fundamental aspects of life and death; and

WHEREAS, The choices imposed by new medical options require a reevaluation of traditionally accepted medical, moral, ethical, and legal standards, and of public policies and the law; and

WHEREAS, California courts are increasingly confronted with cases involving bioethical issues, but lack necessary policy direction from the Legislature and society; and

WHEREAS, Bioethical issues are issues of statewide concern and involve state statutes; and

WHEREAS, The gravity and urgency of the challenges posed by these medical, ethical, and legal issues require thoughtful consideration; and

WHEREAS, There is little expertise and experience in the state's executive departments and in study bodies of the Legislature concerning bioethical issues; and

WHEREAS, This deficiency makes it impossible to effectively provide the leadership Californians need and desire in this respect;

now, therefore, be it

Resolved by the Senate, the Assembly thereof concurring, That the Legislative Advisory Committee on Bioethics is hereby created to undertake studies of the ethical, legal, social, and economic consequences of the problems presented by medical advances and developments; and be it further

Resolved, That the committee shall consist of an initial membership of 11 members appointed as follows:

(1) Four members to be appointed by the Senate Committee on Rules, of which one member shall be a physician and surgeon, and one member shall be a member of the judiciary.

(2) Four members to be appointed by the Speaker of the Assembly, of which one member shall be a nurse, and one member shall be affiliated with the biotechnology industry.

(3) Three members to be appointed by the Governor, of which one member shall be a practicing ethicist and one member shall be an attorney experienced in medical ethics law.

Resolved, That in making appointments to the committee, each appointing authority shall appoint persons who have demonstrated abilities, vision, or experience in the consideration and resolution of these medical, ethical, and legal issues; and be it further

Resolved, That the chair and vice chair of the committee shall be selected by the Senate Committee on Rules. Members shall serve for a term of two years, at the pleasure of, and renewable by, their appointing authority. The committee may establish any subcommittees which may be necessary to enhance its studies of the issues under its review. Subcommittees shall be chaired by members of the committee but may include persons with relevant expertise and interest who are not members of the committee. The committee shall be directed to host public meetings to receive public testimony on any subject it considers, but may meet in closed sessions in order to organize and draft reports; and be it further

Resolved, That the committee shall be supported entirely by private grants, funds, or gifts provided for the purposes of the committee. The chairperson and vice chairperson of the committee may hire an executive director and other administrative staff as necessary and consistent with the limitations of its budget as approved by the Senate Committee on Rules; and be it further

Resolved, That the Senate Committee on Rules shall submit any initial funding applications for the committee and provide any organizational staff support necessary to initiate and constitute the committee as deemed appropriate by the Senate Committee on Rules; and be it further

Resolved, That the committee shall consider any of the following health-related matters and their associated societal consequences and report to the Legislature any recommendations it thinks appropriate:

(a) Issues concerning the care and treatment of the terminally ill, including death and dying, aid in dying, and the withholding or

withdrawing of medical treatment or food and hydration.

(b) Issues involved with the allocation and distribution of health care resources.

(c) Issues related to organ transplantation, including concerns involving the availability and procurement of organs for transplant purposes, and the use of organs from anencephalic donors.

(d) Issues concerning medical experimentation with human subjects.

(e) Issues involved with eugenics, recombinant DNA research, genetic screening, testing, engineering, and counseling which directly relates to human health.

(f) Issues raised by reproductive alternatives such as in vitro fertilization, ovum transfers, and surrogate parenting.

(g) Issues relating to new medical procedures and prenatal care and treatment.

(h) Any other related medical, ethical, and legal matters, which the commission determines appropriate for study; and be it further

Resolved, That in determining subjects for consideration, the committee shall give priority to requests by the Legislature; and be it further

Resolved, That the committee shall consider and report to the public and the Legislature on not less than three subjects each calendar year; and be it further

RESOLVED, That if by January 1, 1992, the committee has not received private grants, funds, or gifts adequate to initiate and sustain its operations, as determined by the Senate Committee on Rules, the authority conferred on the committee by this measure and the existence of the committee, shall terminate.

RESOLUTION CHAPTER 133

Senate Concurrent Resolution No. 106—Relative to the California Postsecondary Education Commission.

[Filed with Secretary of State September 10, 1990]

WHEREAS, California's public colleges and universities will be engaged in massive faculty hiring efforts in the next 15 years, due to retirements, expected growth, and changing workplace demands; and

WHEREAS, Since, by the year 2000, the University of California expects to hire 6,000 faculty members, the California State University anticipates seeking 8,000 new faculty, and the community colleges estimate a need for 9,800 new faculty, the public postsecondary systems will be replacing approximately 64 percent of their current faculty within the next 10 years; and

WHEREAS, Diversifying the ethnic, racial, disability, and gender

composition of the faculty is an increasingly important state policy goal as greater proportions of the undergraduate student body of postsecondary institutions are of American Indian, Asian, Black, and Latino backgrounds; and

WHEREAS, The Joint Legislative Committee for the Review of the Master Plan for California Higher Education recommended in 1988 the goal of doubling the number of minority faculty and increasing the number of women faculty by 50 percent by the end of the century; and

WHEREAS, Because of the sheer numbers involved -- a situation that will not occur again for approximately 30 years -- the opportunity exists to develop a quality faculty that represents the ethnic, racial, disability, and gender diversity of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Postsecondary Education Commission is requested to do a study and prepare a report based on that study that will identify the needs that California faces in the next 15 years in replenishing its faculty, and contain a policy agenda for the state to pursue in replenishing its faculty; and be it further

Resolved, That the commission's report shall include, but not be limited to, all of the following:

(a) An analysis of the future demand for faculty by discipline and by system;

(b) An estimate of the pool of candidates within the state and the nation who are expected to be available for faculty positions by gender, disability, and racial-ethnic categories, discipline, and system;

(c) Identification of critical points in the process from graduate school admission through tenure appraisal that affect the composition of the faculty;

(d) Specification of programs, practices, and policies that have demonstrated the capacity to enhance progress in diversifying the faculty;

(e) Development of policy recommendations designed to promote progress in diversifying the faculty; and be it further

Resolved, That the commission present policy recommendations based on its study that will identify all of the following:

(a) Short-term actions, involving a maximum of 10 years, that will expand the pool of candidates who are eligible for, and interested in, faculty positions from groups historically underrepresented among faculty and staff, including those who are disabled, women, American Indian, Asian, Black, or Latino;

(b) Long-term solutions that will expand the pool of candidates, including support for developing and continuing programs at the precollege and undergraduate levels that have demonstrated success in diversifying the professoriate;

(c) Innovative approaches to diversify the faculty, including appropriate reward and incentive structures that respond to faculty

prerogatives and institutional values;

(d) Institutional procedures affecting the selection of qualified faculty members that might be strengthened to promote a more diverse faculty;

(e) The role of California's independent institutions in contributing to the pool of candidates available for faculty positions from groups historically underrepresented among faculty and staff, including those who are disabled, women, American Indian, Asian, Black, or Latino; and be it further

Resolved, That the commission's report and recommendations shall be inclusive of all historically underrepresented groups, including ethnic-racial minorities, women, and disabled persons, to the extent that data are available for each of the higher education systems; and be it further

Resolved, That the commission submit its report and policy recommendations to the Legislature, the Governor, and the California colleges and universities prior to September 1, 1991.

RESOLUTION CHAPTER 134

Senate Concurrent Resolution No. 109—Relative to the Valley Circle Interchange Task Force.

[Filed with Secretary of State September 10, 1990.]

WHEREAS, It has come to the attention of the Legislature that a decision has been made to halt work on the Valley Circle Interchange project on the Ventura Freeway (State Route 101); and

WHEREAS, The existing interchange is woefully inadequate to meet the current and future traffic needs of the area which it serves; and

WHEREAS, Elected officials representing the area served by the interchange have unanimously supported this project and for a number of years have worked with members of the community to secure funding for the much needed interchange; and

WHEREAS, As a result of this support from elected officials and local citizens, the project was included in the 1988 State Transportation Improvement Program as Project Number 0633P; and

WHEREAS, Some members of the community have nonetheless opposed the project which has prompted the frustrated Department of Transportation to terminate the work; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Valley Circle Interchange Task Force is hereby created to study the Valley Circle Interchange project and its impact on the communities of Calabasas, Hidden Hills, Woodland Hills, and Los Angeles, to consult with all necessary parties so as to

resolve any continuing conflicts, and to make recommendations concerning appropriate changes to and reinstatement of the project; and be it further

Resolved, That the Valley Circle Interchange Task Force be comprised of the following members:

(a) One member representing the City of Los Angeles, who is not a member of the city council, appointed by the City Council of the City of Los Angeles.

(b) One member representing the unincorporated area of Calabasas, appointed by the Senate Rules Committee.

(c) One member representing the community of Woodland Hills, appointed by the Senate Rules Committee.

(d) One member appointed by the City Council of Los Angeles, who may be a member of the city council.

(e) One member appointed by the City Council of Hidden Hills.

(f) One member representing the Department of Transportation, appointed by the Director of Transportation; and be it further

Resolved, That the Valley Circle Interchange Task Force is requested to submit a report of its findings and recommendations to the Legislature and the Director of Transportation by January 30, 1991; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Board of Supervisors of the County of Los Angeles, the City Council of the City of Los Angeles, the City Council of the City of Hidden Hills, and the Director of Transportation.

RESOLUTION CHAPTER 135

Senate Concurrent Resolution No. 115—Relative to a sister state agreement.

[Filed with Secretary of State September 10, 1990]

WHEREAS, A delegation of California Senators recently participated in an environmental seminar in Marseilles, the capital of the Provence-Alpes-Cote d'Azur region of France, at which mutually beneficial information was exchanged regarding legislative and technological innovations in environmental protection; and

WHEREAS, The delegation of California Senators also held discussions in Marseilles with representatives of governmental and business agencies regarding methods of strengthening trade and economic ties between California and the Provence-Alpes-Cote d'Azur region of France; and

WHEREAS, Governmental and corporate officials of the Provence-Alpes-Cote d'Azur region of France have expressed great interest in establishing a formalized means of exchanging economic, environmental, and other types of pertinent information between

their region and California; and

WHEREAS, The Provence-Alpes-Cote d'Azur region of France and California share many geographic, agricultural, and industrial similarities, such as a diverse landscape, a beautiful seacoast, major port facilities, an impressive agricultural export program, a strong level of tourism, an important wine-making industry, many prestigious universities and scientific research centers, a number of major high-tech centers, and a burgeoning population of immigrants; and

WHEREAS, The size and strategic Mediterranean placement of the Port of Marseilles (the largest port in France and the second largest in Europe), as well as its interconnections via waterways, airways, and railroads, make the Provence-Alpes-Cote d'Azur region ideally suited for international trade, and have earned it the nickname of "the guiding light of Southern Europe"; and

WHEREAS, A sister state relationship between California and the Provence-Alpes-Cote d'Azur region of France would facilitate the exchange of environmental protection information and other scientific and technical knowledge, and would provide a forum for sharing legislative solutions; and

WHEREAS, Such a sister state relationship would also promote mutual international trade and commerce, and increase the potential for commercial relationships between small, medium, and large companies in California and the Provence-Alpes-Cote d'Azur region of France; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California, on behalf of the people of California, declares the region of Provence-Alpes-Cote d'Azur in France as a sister state, extends to the people of the Provence-Alpes-Cote d'Azur region of France an invitation to join California as a sister state, and commits to the establishment of programs which will further the sister state relationship; and be it further

Resolved, That the appropriate state officials are encouraged to immediately contact the government of the region of Provence-Alpes-Cote d'Azur of France in order to negotiate a sister state agreement between that region and California which facilitates the exchange of scientific and technical information and promotes mutual international trade and commerce; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the Regional Council of Provence-Alpes-Cote d'Azur, to the Governor of California, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 136

Senate Concurrent Resolution No. 116—Relative to Vietnam veterans exposed to Agent Orange.

[Filed with Secretary of State September 10, 1990.]

WHEREAS, During the Vietnam conflict, between 1962 and 1971, the United States authorized the spraying of more than 10.6 million gallons of Agent Orange to clear dense jungle in Southeast Asia; and

WHEREAS, Agent Orange is a herbicide which contains dioxin, a highly toxic chemical linked with cancer and birth defects; and

WHEREAS, After the Vietnam conflict, thousands of veterans claimed that they developed forms of cancer, skin rashes, and other diseases and problems due to exposure to Agent Orange; exposure to Agent Orange may have caused various types of cancer among the 3.1 million American military personnel who served in Southeast Asia; and

WHEREAS, In 1984, Congress enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (P.L. 98-542) to ensure that veterans injured from exposure to dioxin during the Vietnam conflict would be compensated by the former Veterans' Administration (now, the United States Department of Veterans Affairs); and

WHEREAS, The Veterans' Administration rejected almost all of the claims for dioxin exposure on the grounds that scientific proof of their relationship to Vietnam service was lacking; and

WHEREAS, The regulations that the Veterans' Administration relied on to reject those claims were invalidated by the United States District Court in May 1989, in the case of Nehmer v. U.S. Veterans' Admin., 712 F. Supp. 1404; and

WHEREAS, The District Court ruled that the Veterans' Administration imposed an impermissibly demanding test on veterans; and

WHEREAS, A 1990 study by the United States Center for Disease Control found Vietnam veterans had a 50 percent increased risk for non-Hodgkin's lymphoma, a cancer of the lymph nodes and lymphatic tissue similar to leukemia; and

WHEREAS, This year, the United States Department of Veterans Affairs ordered full benefits to be paid to the more than 1,600 Vietnam veterans suffering from non-Hodgkin's lymphoma; and

WHEREAS, An advisory panel, using new standards, found that it was at least as likely as not that a significant statistical association could be found between exposure to dioxin-laden herbicides and soft-tissue sarcoma; and

WHEREAS, The United States Department of Veterans Affairs has decided to compensate an estimated 1,100 Vietnam veterans suffering from soft-tissue sarcomas; and

WHEREAS, It has been a 12-year battle to gain benefits for

veterans who cite Agent Orange as the cause of a wide variety of cancers, neurological conditions, and birth defects; and

WHEREAS, There may be more than 30,000 Vietnam veterans with other suspected Agent Orange injuries; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to support and enact legislation to provide benefits to Vietnam veterans exposed to Agent Orange; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, and the United States Department of Veterans Affairs.

RESOLUTION CHAPTER 137

Senate Concurrent Resolution No. 117—Relative to the ancient Library of Alexandria.

[Filed with Secretary of State September 10, 1990]

WHEREAS, The Library of Alexandria was a beacon of scholarly research and a translating center for Mediterranean and Near Eastern knowledge, and precious to the ancient Egyptians, Africans, Greeks, and Romans; and

WHEREAS, The roots of all libraries everywhere stem from the ancient heritage of the Library of Alexandria in Egypt; and

WHEREAS, The spirit of academic research that characterized the Library of Alexandria has become a model for all public libraries; and

WHEREAS, Libraries have flourished as information and research centers in science, philosophy, art, and in modern times, technology, from the Alexandrian tradition; and

WHEREAS, Libraries preserve human knowledge for all future generations and are a profound resource in the development of civilization; and

WHEREAS, The government of the Arab Republic of Egypt currently is undertaking the historical task of reviving the ancient Library of Alexandria, and through the Alexandria Library International Committee is calling upon international organizations and interested individuals to assist the project; and

WHEREAS, Organizations and individuals throughout the world should be encouraged to participate in and support this project for its unique significance and contribution to world knowledge and civilization; and

WHEREAS, There are efforts within the State of California to form a statewide committee entitled "Friends of Alexandria," to further

California's participation in this project; and

WHEREAS, Californians have benefited and continue to benefit from the ancient legacy of the Library of Alexandria; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That they take great pride in commending the people and government of the Arab Republic of Egypt for undertaking the historical task of reviving the ancient Library of Alexandria; and be it further

Resolved, That organizations and individuals in the State of California be encouraged to participate in and support the efforts of the government of the Arab Republic of Egypt to revive the ancient Library of Alexandria; and be it further

Resolved, That a suitable copy of this resolution be sent to the government of Egypt and the Alexandria Library International Committee; and be it further

Resolved, That a suitable copy be sent to the California State Library for dissemination to California libraries in recognition of their contribution to culture and knowledge.

RESOLUTION CHAPTER 138

Assembly Joint Resolution No. 65—Relative to broadcasting emergency information.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, On October 17, 1989, broadcasters did not provide open captions or visual display during television broadcasts of the earthquake disaster to California's 1,837,645 deaf and severely hard of hearing residents; and

WHEREAS, Deaf and hard of hearing persons in the community had no idea what was happening during the earthquake disaster, and they were not provided with any instructions to follow for their own safety and the safety of others; and

WHEREAS, Hearing impaired residents were in need of access to vital emergency information concerning where to go for food and shelter, Red Cross services, and medical or hospital services; information on fire warnings, transportation and the freeway collapse, gas leakage areas, contaminated water supplies and the necessity to boil water; and how to report missing persons; and

WHEREAS, Because many hearing impaired individuals do not understand sign language, visual communication, especially open captions which are an accurate written description of a dialogue that is electronically transmitted by a television broadcaster, and which is seen on a television screen without the aid of a decoder device, would serve not only the deaf, but also the hearing impaired,

including many elderly persons; and

WHEREAS, Organizations and individuals representing deaf and hearing impaired persons should be involved with the planning for emergencies and disasters at the national level; and

WHEREAS, The Legislature finds and declares that current rules of the Federal Communications Commission require that emergency information must be broadcast visually and that this resolution in no way intends to change the mandatory nature of that requirement; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes Congress and the President of the United States to require the Federal Communications Commission to develop voluntary guidelines for commercial television broadcasters which clarify the steps that can be taken to provide vital information to deaf and hearing impaired persons during emergencies and disasters; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Chairperson of the Federal Communications Commission, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 139

Assembly Joint Resolution No. 70—Relative to cable television.

[Filed with Secretary of State September 12, 1990]

WHEREAS, The Cable Communications Policy Act of 1984, passed by the House of Representatives and Senate of the United States, prohibits state and local regulation of cable television rates; and

WHEREAS, Consumers of cable television service have experienced increasing rates; and

WHEREAS, The Federal Communications Commission is currently reviewing issues related to cable television rates and the effect of competition in the marketplace so that it may make the appropriate legislative recommendations to the Congress; and

WHEREAS, The price of cable television may increase beyond the reach of some elderly Californians; and

WHEREAS, Some elderly persons living in senior housing complexes often have no alternative to cable television for information and other services that are available solely through cable television because of a prohibition against antennas and satellite dishes; and

WHEREAS, Existing federal law effectively prohibits both the state and local franchising authorities from controlling or

questioning the imposition of rates for service upon subscribers by cable franchisees; and

WHEREAS, Legislation is currently pending in the Congress that would enact comprehensive changes in the Cable Communications Policy Act of 1984; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That Congress consider any and all proposals that would allow state and local governments to protect consumers from excessive rates and to ensure service quality; and be it further

Resolved, That the Assembly and Senate of the State of California, jointly, respectfully memorialize the Congress, and the President, to enact appropriate legislation which would address the concerns set forth in this measure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the chairpersons of the House and Senate Committees having jurisdiction over cable television matters.

RESOLUTION CHAPTER 140

Assembly Joint Resolution No. 95—Relative to community economic adjustment assistance.

[Filed with Secretary of State September 12, 1990]

WHEREAS, The United States budget for defense outlays will total approximately 287 billion dollars in the 1989–90 fiscal year, of which 55 billion dollars, or 22 percent of the national total, will be expended by military installations and defense contractors located in California; and

WHEREAS, The President has proposed an annual defense spending decrease of approximately 2 to 3 percent per year over the next five-year period, while certain Members of Congress and others are suggesting larger reductions; and

WHEREAS, In an analysis of the projected economic impact of reductions in defense spending on California's economy and on employment, the Commission on State Finance concluded that, in the long term, the reallocation of defense funds may have a positive effect on both the United States and California economies; and

WHEREAS, The Commission on State Finance also estimates that decreased defense spending would directly reduce production, employment, and income in aerospace and related California industries, and indirectly result in adverse impacts on other segments of the economy providing goods and services to defense contractors, military installations, and affected employees; and

WHEREAS, Reductions in military installation facilities are likely to constitute a significant portion of defense expenditure reductions, and it has been assumed that California will bear a proportionate share of these base closings and consolidations; and

WHEREAS, Advance strategic planning, including the identification of compatible land uses, local market analysis studies, and business recruitment strategies, is a critical component in a state's or community's economic recovery from a major dislocation such as a military base closure; and

WHEREAS, Assistance to states and localities whose economies will suffer as a result of closures or realignments of military base facilities is made available through a number of federal programs; and

WHEREAS, The Community Planning Assistance Program within the Office of Economic Adjustment of the United States Department of Defense provides important technical and planning assistance facilitating a community's response to a base closure; and

WHEREAS, Currently available federal funding for the Community Planning Assistance Program allows a maximum of only $70,000 in planning grant funds to an affected community and prohibits release of those funds until Congress has authorized the final closure of a targeted military installation; and

WHEREAS, Affected California communities require additional financial assistance to support multiyear planning for facility reuse, and current funding levels allowed under the Community Planning Assistance Program are proving to be inadequate; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to augment current appropriations to the Department of Defense Community Planning Assistance Program to provide increased resources in support of multiyear planning for military base reuse for any community located near a military installation being closed or realigned, or any community located near a military installation to which functions will be transferred as a result of that closure or realignment; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, and to the Chairpersons of the House and Senate Armed Forces Committees.

RESOLUTION CHAPTER 141

Assembly Joint Resolution No. 105—Relative to the World Summit for Children.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, Approximately 40,000 children die every day around the world from causes that are readily preventable at low costs, and in the United States, approximately 46,000 children under five years of age die each year primarily from preventable causes; and

WHEREAS, For the first time in history, 60 heads of state from around the world will meet at the World Summit for Children, held under the sponsorship of the United Nations, and on September 23, 1990, candlelight vigils will be held throughout the world in support of the summit; and

WHEREAS, The purpose of the World Summit for Children is to bring attention and promote commitment, at the highest political level, to developing goals and strategies to ensure the survival, protection, and development of children in the next decade as key elements in the socioeconomic development of all countries and of human society; and

WHEREAS, President Bush, along with Prime Minister Thatcher, President Mitterand, and 57 other world leaders, has agreed to attend and address the summit; now, therefore, be it

Resolved, By the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to take a leadership role on behalf of all children at the World Summit for Children, and to support the goals and plans of the summit to ensure the well-being of the children of the world; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 142

Assembly Joint Resolution No. 108—Relative to the National Collegiate Athletic Association.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, The National Collegiate Athletic Association (NCAA) is a national unincorporated association consisting of public and private colleges and universities, and it is a private monopolist that controls intercollegiate athletics throughout the United States; and

WHEREAS, The NCAA adopts rules governing member institutions' admissions, academic eligibility, and financial aid standards for collegiate athletes; and

WHEREAS, An NCAA member institution must agree contractually to administer its athletic program in accordance with NCAA legislation; and

WHEREAS, NCAA rules provide that association enforcement procedures are an essential part of the intercollegiate athletic program of each member institution; and

WHEREAS, The NCAA exercises great power over member institutions by virtue of its monopolistic control of intercollegiate athletics and its power to prevent a nonconforming institution from competing in intercollegiate athletic events or contests; and

WHEREAS, Substantial monetary loss, serious disruption of athletic programs, and significant damage to reputation may result from the imposition of penalties on a college or university by the NCAA for what the association determines to be a violation of its rules; and

WHEREAS, Because of such potentially serious and far-reaching consequences, all proceedings which may result in the imposition of any penalty by the NCAA should be subject to the requirements of due process of law; and

WHEREAS, Without due process, it is inevitable that the enforcement mechanism used by the NCAA will result in unjust punishment; and

WHEREAS, The handling of the case of University of Nevada at Las Vegas and its basketball coach, Jerry Tarkanian, who is one of the finest basketball coaches in the nation and who led the Running Rebels to a national championship in 1990, is one example of where the absence of due process has resulted in an unfair result; and

WHEREAS, Legislation has been introduced in the Congress of the United States by Senator Harry M. Reid and Representative James H. Bilbray of Nevada which would require the NCAA to adopt procedures to provide due process of law in dealing with athletic teams, coaches, and students; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and the Congress of the United States to pass legislation which would require the National Collegiate Athletic Association to adopt procedures to guarantee due process to member schools and their students and coaches; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Collegiate Athletic Association.

RESOLUTION CHAPTER 143

Assembly Concurrent Resolution No. 32—Relative to the coastal bicycle route.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, California is the nation's leading state for bicycle touring; and

WHEREAS, The most popular long distance bicycle touring route in California is the Pacific Coast Bicentennial Bike Route; and

WHEREAS, The Pacific Coast Bicentennial Bike Route was established by the California American Revolution Bicentennial Commission and the Department of Transportation, in honor of the birth of our nation, as a 1,000 mile long journey into the history and future of California; and

WHEREAS, This challenging route passes some of the nation's most beautiful scenery, including vast redwood forests, Big Sur, the wine country, and the Carmel-Monterey area, as well as portions of the historic Mission Trail; and

WHEREAS, Along this route can be found California's Spanish, Russian, and early American heritage; forts, lighthouses, missions, and old mining and lumbering areas; and rich agricultural lands and busy cities and towns filled with a wealth of the past and bustling with the life of today; and

WHEREAS, The Pacific Coast Bicentennial Bike Route connects with the Canada to California Bicycle Route and with the Southwest U.S. Bicycle Route; and

WHEREAS, Resolution Chapter 31 of the Statutes of 1975 designated this route as an official state Bikecentennial Route; and

WHEREAS, That designation as a state Bikecentennial Route terminated in 1983; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the coastal bicycle route, as now established or hereafter modified, be permanently designated an official state bicycle route; and be it further

Resolved, That the Department of Transportation is requested to maintain appropriate signs for experienced bicyclists who may wish to use the route; and be it further

Resolved, That the designation of this route does not revoke the previous designation of portions of this route as the Cabrillo Highway, El Camino Real, and the Pacific Coast Highway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 144

Assembly Concurrent Resolution No. 35—Relative to the Legislative Task Force on District Elections.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, Minority groups comprise approximately one-third of California's population—over 20 percent are Hispanic, 8 percent are Black, and 5 percent are Asian; by the year 2000 the percentage of minority groups will probably increase to nearly 50 percent; and

WHEREAS, Minorities are seriously underrepresented among California's local elected officials; of the state's more than 5,000 school board members approximately 6 percent are Hispanic, 2 percent are Black, and less than 1 percent are Asian; of the state's more than 2,000 city council members, approximately 6 percent are Hispanic and 3 percent are Black: and

WHEREAS, Experience has shown that the most effective way to increase the number of minorities elected to local office is to switch from at-large to district elections; over 95 percent of the state's school boards and city councils are elected at-large; and

WHEREAS, The United States Court of Appeal in the case of Gomez v. City of Watsonville, 863 F. 2d 1407, required the City of Watsonville to switch to district elections in order to protect the voting rights of minorities, and lawsuits requesting district elections have been and continue to be filed in California; and

WHEREAS, There is a need to determine whether there are other cities or school districts in California in which minority voters are prevented from electing candidates of their choice because of the use of at-large elections; the statistical information needed to make that determination is not readily available for all local government agencies; and

WHEREAS, There may be changes that can be made in the electoral process, other than district elections, that would have the effect of increasing minority representation among local elected officials; and

WHEREAS, Women are substantially underrepresented among California's elected city officials; women comprise almost 51 percent of California's population; and 23.5 percent of city council members are women; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature, working through a task force appointed by the Speaker of the Assembly and the Senate Committee on Rules, conduct a study of the desirability of district elections at the local level in California and that this task force be known as the Legislative Task Force on District Elections; and be it further

Resolved, That the task force shall be composed of at least, but not limited to, 14 members, seven each appointed by the Speaker of

Assembly and Senate Committee on Rules; the chair and vice chair shall be elected among the members of the task force; and the task force shall include at least one representative from Hispanic organizations or groups, one representative from black organizations or groups, one representative from Asian organizations or groups, one representative of Filipino or other Pacific Islander organizations or groups, and one representative from a group representing city council members, one representative from a group representing school district board members, one representative from a group representing community college trustees, and one representative of a women's organization or group, one local elected official, one member of the faculty or the research staff of the University of California or of any other university in California who has expertise in areas related to the subject matter to be addressed by the task force, and may include Members of the Legislature, or their representatives, and any other persons interested in correcting the underrepresentation of minorities in local elective office; and be it further

Resolved, That the task force be provided staff support as deemed necessary and appropriate by the Assembly Committee on Rules and the Senate Committee on Rules, and that the task force do all of the following:

(a) Collect and analyze information, including, but not limited to, the following:

(1) Information on minority members of city councils, community college boards of trustees, and school boards, including the number of these officials, the offices they hold, and whether they were originally elected or appointed.

(2) The level of voter registration and voter turnout of Spanish surname individuals and other minority groups that can be identified by surnames from the records of the Secretary of State and the county clerks. The Secretary of State is urged to make this information available to the task force, and to assist in the identification of Spanish surnames and other voters.

(3) Information on minority candidates for city councils, community college boards of trustees, and school boards, including the number of these candidates, the offices for which they sought election, and the results of the elections in which they were candidates.

(4) Information on those cities, community college districts, and school districts which have, or which have had, elections by single member district, and the number of minority elected officials in each of these jurisdictions, both before and after the adoption of district elections.

(5) Information on those cities, community college districts, and school districts which have minority populations of 25 percent or more, and the type of electoral system and the number of minority candidates and minority elected officials in each jurisdiction. The Department of Finance is urged to assist the task force in obtaining

this information.

(b) Conduct an analysis of selected cities, community college districts, and school districts which now have at-large election systems, or variations on these systems, to evaluate whether a change to district elections would be likely to increase the number of minority elected officials. In conducting this analysis, the task force shall consider the criteria set forth in the case of Gomez v. City of Watsonville. The task force shall analyze at least two cities, two community college districts, and two school districts, choosing at least one city with a population of 200,000 or more, one community college district with a student enrollment of 25,000 or more, and one school district with a student enrollment of 100,000 or more. If the task force has adequate resources, it shall analyze up to 10 different school districts.

(c) Analyze whether there are changes which could be made to the electoral process, other than district elections, which would have the effect of increasing minority representation among local elected officials.

(d) Analyze the effect, if any, of district elections on women candidates.

(e) Solicit information, assistance, and advice from various sources, including the Secretary of State, the county clerks, outside experts, state and local agencies and departments, and other states so as to accomplish its mandate. The Secretary of State, the county clerks, and all other state and local agencies and departments are urged to cooperate with the task force.

(f) Hold hearings concerning the need for district elections. At least one hearing shall be held in a city, one in a community college district, and one in a school district, which is evaluated pursuant to subdivision (b).

(g) Identify ways in statutes or the California Constitution might hinder a switch to district elections in jurisdictions in which district elections may be appropriate, and identify changes that could be made in statutes or the California Constitution to facilitate a switch to district elections when appropriate.

(h) Identify ways in which the state could assist local jurisdictions which wish to change to district elections ; and be it further

RESOLVED, That the task force shall cease operation on January 31, 1991; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of State, the Department of Finance, the county clerks, and all other state and local agencies.

RESOLUTION CHAPTER 145

Assembly Concurrent Resolution No. 132—Relative to a student exchange program between California and Eastern Europe.

[Filed with Secretary of State September 12, 1990]

WHEREAS, Democracy is best fostered in an environment of peace and all that comes with it: interaction, exchange, and growth; and

WHEREAS, World peace is a goal to which all persons, regardless of political affiliation, are committed; and

WHEREAS, Individual trust and cultural understanding, through the eradication of fear and hatred, lay the foundations for a healthy and productive relationship between nations; and

WHEREAS, The fall of the Berlin Wall symbolizes the crumbling of barriers between Eastern European countries and the West: barriers which are political, economic, and social—but also cultural and interpersonal; and

WHEREAS, Student exchange programs have enabled thousands of California's youth to learn about, and develop links and bonds with, thousands of persons of many countries and cultures; these programs have led towards societies that are enriched with the beauty of the world's diversity and sown with the seeds of world peace; and

WHEREAS, Through their education, curiosity, and idealism, California's students—who are our investment for a better, more peaceful world—represent the highest virtues of participatory democracy to the developing democracies of Eastern Europe; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges the California Postsecondary Education Commission to study and design an exchange program, involving 5,000 postsecondary education students, between the State of California and the nations of Eastern Europe in order to promote a relationship of mutual trust and understanding as an initial step towards world peace; and be it further

Resolved, That it is the intent of the Legislature that the study and final program design of the student exchange shall include a compilation and evaluation of existing programs and alternative approaches, recommendations relating to the roles and responsibilities of the federal government in the proposed student exchange, identification of appropriate nations and possible sister states, cost analyses, and criteria for selection of participants who would reflect racial, geographic, and economic diversity as well as an adequate knowledge of the language of the country to be visited; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a

copy of this resolution to the California Postsecondary Education Commission.

RESOLUTION CHAPTER 146

Assembly Concurrent Resolution No. 146—Relative to housing.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, Since the enactment of Proposition 13 in 1978, local governments have turned to developer fees as the principal means of financing infrastructure within cities and counties; and

WHEREAS, Locally imposed developer fees have substantially raised the cost of housing within these communities; and

WHEREAS, The number of our citizens able to purchase a home has diminished proportionately; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Housing and Community Development study the impact of developer fees on the affordability of manufactured homes and rental housing by using historical data from 1978 to the present; and be it further

RESOLVED, It is the intent of the Legislature that the costs of the study be funded from moneys in the Mobilehome-Manufactured Home Revolving Fund established by Section 18016.5 of the Health and Safety Code; and be it further

Resolved, That the Department of Housing and Community Development report its findings to the Legislature by January 1, 1992; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Housing and Community Development.

RESOLUTION CHAPTER 147

Assembly Concurrent Resolution No. 166—Relative to environmental cleanup standards for former military installations.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, In 1989, Congress approved the recommendations of the Commission on Base Realignment and Closure for the closure of 86 United States military bases, including six California bases; and

WHEREAS, In January 1990, the United States Secretary of Defense announced a further proposal for the closure of additional military installations, including facilities in California, and, while that recommendation is a proposal only and has not

formally been submitted to Congress, it is likely that further base closures will take place as the threat of conflict with the Soviet Union diminishes; and

WHEREAS, Although military base closures may cause at least short-term economic dislocations in surrounding communities, economic recovery occurs when military land is converted to civilian uses, often creating even more jobs and economic activity than existed prior to closure; and

WHEREAS, The discovery of toxic pollution sites on many military bases is a major obstacle to reuse, and in those instances when redevelopment is delayed pending cleanup of those sites, the economic recovery of the affected communities may be substantially delayed or reduced; and

WHEREAS, The federal government's Installation Restoration Program, which is designed to clean up these hazardous waste sites, is being implemented at all military installations where toxic contamination exists and will continue independently of base closure or realignment actions; and

WHEREAS, United States Department of Defense policy requires the funding of projects for cleanup on a "worst-first" system of priorities, and those military facilities scheduled for closure will not receive any increased priority for environmental restoration; and

WHEREAS, Short-term redevelopment plans may necessitate reuse of uncontaminated portions of military base property; and

WHEREAS, Protection of public health should be considered foremost in the base reuse process; and

WHEREAS, There is need for the development of clear technical cleanup standards and guidelines to guide local governments in facility reuse planning, allowing the reuse of uncontaminated sections of those bases which are scheduled for closure; and

WHEREAS, It is the intent of the Legislature that the long-term goal of the Installation Restoration Program should be to achieve cleanup that will permit maximum flexibility in future land use; and

WHEREAS, No portion of a military installation subject to the Installation Restoration Program should be transferred or put to other uses before a thorough investigation of all contiguous base property has determined that any area to be transferred or put to other uses is not environmentally affected by contaminated portions of base property or would impede the cleanup of contaminated property; and

WHEREAS, All contaminated sites and treatment facilities, where there is a potential for public contact with toxic materials, should be fenced and posted with appropriate warnings; and

WHEREAS, Buffer zones of minimum distances determined by health officials should separate inhabited or occupied areas from surface contamination and treatment facilities, if appropriate, and the size of these zones should reflect the nature of the particular contamination; and

WHEREAS, All documents covering the sale, lease, rental, or other

transfer of property which was originally part of a former military installation where contamination has been found should inform the transferee that the installation was listed as a hazardous waste site; and

WHEREAS, The Legislature recognizes that the public participation process is an essential ingredient in the conduct of the Installation Restoration Program for these bases; and

WHEREAS, It is the intent of the Legislature that environmental mitigation of base property should be integrated into local reuse planning so that, to the extent possible, those cleanup activities are compatible with site redevelopment plans; and

WHEREAS, Actual cleanup levels should not be specified until the investigation and public participation process for each site has been completed; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the State Director of Health Services to develop and adopt environmental cleanup standards and guidelines consistent with this resolution for consideration by the appropriate federal agencies and for use by local governments with respect to California military base facilities scheduled for closure; and be it further

Resolved, That the State Director of Health Services is further requested, prior to final adoption of environmental cleanup standards and guidelines, to obtain public input through two or more public workshops, with at least one workshop to be held in the southern part of the state and one in the northern part of the state; and be it further

Resolved, That the State Director of Health Services submit the environmental cleanup standards and guidelines to the Governor, the Legislature, and the United States Secretary of Defense not later than July 31, 1991; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the State Director of Health Services, the United States Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 148

Assembly Concurrent Resolution No. 170—Relative to proclaiming California Coast Weeks, and Adopt a Beach Coastal Cleanup Day.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, The State of California has a diverse coastline consisting of sandy beaches, rocky shores, productive estuaries, marshes and tidal flats, urban areas, and harbors; and

WHEREAS, The coast provides a rich scenic, recreational,

cultural, and historical heritage; and

WHEREAS, The natural resources of the coastal zone are among California's most important environmental and economic resources; and

WHEREAS, The marine environment is one of the most valuable resources for recreation, tourism, fishing, and other coastal industries; and

WHEREAS, The Legislature is strongly committed to the wise management of the coastline to assure that the environmental and economic value of the coastal zone will be sustained; and

WHEREAS, Preserving the productivity and quality of coastal resources requires public awareness, support, and understanding that protection of the coast is a responsiblity shared by the citizens, the business community, and public institutions; and

WHEREAS, The California Coastal Commission's Adopt a Beach program helps reduce litter, promotes recycling, and encourages preservation of natural resources; and

WHEREAS, National Coast Weeks will be held from September 15 through October 8, 1990, and the California Coastal Commission will be coordinating appropriate activities in this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims September 15 through October 8, 1990, as California Coast Weeks; and be it further

Resolved, That the Legislature proclaims September 22, 1990, as Adopt a Beach Coastal Cleanup Day; and be it further

Resolved, That the Legislature urges all Californians to join in appropriate observances of California Coast Weeks and Adopt a Beach Coastal Cleanup Day; and be it further

Resolved, That the chief clerk of the Assembly transmit copies of this resolution to the California Coastal Commission.

RESOLUTION CHAPTER 149

Assembly Concurrent Resolution No. 171—Relative to self-esteem and K–12 education.

[Filed with Secretary of State September 12, 1990]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and the California Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians—diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation—and all volunteers except four: the

Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Department of Corrections and the Attorney General; and

WHEREAS, The task force was charged with three primary missions: to compile the latest, best knowledge indicating whether self-esteem is a causal factor in any or all of six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; if such was the case, then to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated and regained; and to identify model programs for the development of self-esteem and personal and social responsibility; and

WHEREAS, During its 40 months' existence, the task force: conducted extensive public hearings across California; engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications; convened panels of experts—diverse as to race and gender—from across the United States, to further advise regarding the implications regarding self-esteem; and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report cites that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential, that as the basis for carrying this work into practice, each person commit and attend to her or his own continuing self-esteem and responsibility development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, California is about to become the first state in the mainland United States in which no one ethnic group will constitute

a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to carrying out the recommendations of this report and realizing its promise; and

WHEREAS, Schools have been identified as second only to families in nurturing the self-esteem necessary for personal and academic success; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventive or curative ways the problems of K–12 education to do all of the following:

(1) Obtain the task force report, "Toward a State of Esteem" and bring it into her or his family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the recommendations of the report applicable to K–12 education.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs—both for the development of staff and the assistance and treatment of the clients involved.

(4) To advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the director of each public library in California consider featuring a display on self-esteem, with bibliography and bookmarks related to self-esteem, as well as a copy of the task force report; and be it further

Resolved, That the State Superintendent of Public Instruction and the State Board of Education consider including the development of self-esteem and responsibility in the program quality review process and the program advisory guidelines; and be it further

Resolved, That each local superintendent, principal, trustee, teacher, and parent association leader is hereby requested to consciously address self-esteem in a common ongoing dialogue, with respect to goals, staff development, practice, program, and learning; and be it further

Resolved, That the directors of the State Department of Education, the State Department of Developmental Services and the Department of Rehabilitation are hereby requested to consider including self-esteem and responsibility development in the individualized education program of every California pupil having one; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby

requested to forward copies of this resolution together with an order blank for "Toward a State of Esteem" to each of these persons or organizations:

(1) Every member of the State Board of Education, and of the Commission on Teacher Credentialing.

(2) All registered advocates who work primarily in the area of K–12 education.

(3) Members of the Senate Education Committee and the Assembly Education Committee.

(4) The Senate and Assembly Offices of Research and consultants in the Senate Appropriations and Assembly Ways and Means Committees who deal with K–12 education.

(5) The dean of every school of education at all institutions of higher education.

(6) The principal of each public and private elementary and secondary school.

(7) The chief executive officers and members of the statewide board of the California State Parent Teacher Association, American Association of University Women, League of Women Voters, California School Boards Association, Association of California School Administrators, California Teachers Association, United Teachers of Los Angeles, California Federation of Teachers, California School Employees Association, California Association for Bilingual Education, California Business Education Association, and California Industrial & Technology Education Association Inc.

(8) The leaders of Policy Analysis for Education and of the Stanford Research Institute.

(9) The directors of the Department of Developmental Services and the Department of Rehabilitation.

(10) Each local school superintendent.

(11) The director of each public library.

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 172—Relative to self-esteem and higher education.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and the California Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians—diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation—and all volunteers except four: the Superintendent of Public Instruction, the Secretary of the Health

and Welfare Agency, the Secretary of the Department of Corrections, and the Attorney General; and

WHEREAS, The task force was charged with three primary missions: to compile the latest, best knowledge indicating whether self-esteem is a causal factor in any or all of six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; if such was the case, then to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated and regained; and to identify model programs for the development of self-esteem and personal and social responsibility; and

WHEREAS, During its 40 months' existence, the task force: conducted extensive public hearings across California; engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications; convened panels of experts--diverse as to race and gender—from across the United States, to further advise regarding the implications regarding self-esteem; and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community;" and

WHEREAS, This task force report cites that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem, especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that, as the basis for carrying this work into practice, each person commit and attend to her or his own continuing self-esteem and responsibility development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly

multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to carrying out the recommendations of this report and realizing its promise; and

WHEREAS, Schools that deliberately nurture self-esteem have recorded impressive results in academics as well as in personal and social responsibility; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventive or curative ways the problems of higher education to do all of the following:

(1) Obtain the task force report, "Toward a State of Esteem" and bring it into her or his family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the recommendations of the report applicable to higher education.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs--both for the development of staff and the assistance and treatment of the clients involved.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the following persons be included and enlisted in this effort to promote self-esteem statewide, and throughout the world, by creating campus self-esteem task forces to review whether all campus policies and programs (academic, staff development, and otherwise) are explicitly geared to and conducive toward developing healthy self-esteem and personal and social responsibility:

(1) Each of the presidents, chancellors, and superintendents of, and the chair of the governing board of, the University of California and all its campuses, the California State University and all its campuses, and the California Community Colleges, including the board of governors, and independent universities.

(2) Each of the advocates and legislative staff.

(3) The chairs and governing boards of all the faculty groups, academic senates--statewide and campus based--and bargaining groups of public and private universities and colleges in California.

(4) The University of California and California State University student lobby directors and campus lead persons.

(5) The director of each Equal Opportunity Program and each counseling center at each of the above institutions; and be it further

Resolved, That the University of California is hereby requested to take the lead in convening a major symposium on continuing the

research initiated in "The Social Implications of Self-Esteem" and to come up with an ongoing strategic plan for developing this as a primary focus of the social science research agenda for the 1990's; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby requested to forward copies of this resolution, together with an order blank for "Toward a State of Esteem" to each of the following persons and organizations:

(1) The Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the presidents of all independent universities in California.

(2) The chairs and governing boards of all the departmental faculty groups, academic senates--statewide and campus based--and bargaining groups.

(3) The University of California and California State University student lobby directors and associated student body presidents.

(4) The director of each Equal Opportunity Program and each counseling center at each of the above institutions.

RESOLUTION CHAPTER 151

Assembly Concurrent Resolution No. 174—Relative to self-esteem and drug and alcohol abuse.

[Filed with Secretary of State September 12, 1990]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature of California created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The Task Force consisted of 25 Californians—diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation—and all volunteers, except the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The Task Force was charged with three primary missions: to compile the latest, best knowledge indicating whether self-esteem is a causal factor in any or all of six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; if such was the case, then to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, or both, and how it is rehabilitated or regained, or both; and to identify model programs for the development of self-esteem and personal and social responsibility;

and

WHEREAS, During its 40 months' existence, the Task Force has done all of the following: conducted extensive public hearings across California; engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications; convened panels of experts—diverse as to race and gender—from across the United States to further advise regarding the implications regarding self-esteem; and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility published its final report, "Toward a State of Esteem"; and

WHEREAS, The Task Force has defined self-esteem as: "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, The Task Force report cites that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The Task Force recommended the development of healthy self-esteem, especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The Task Force provided principles, model programs, and particular recommendations for the development of healthy self-esteem, and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that as the basis for carrying this work into practice, that each person commit and attend to her or his own continuing self-esteem and responsibility development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority and we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort and we owe it to ourselves and our future, as well as to those other states now emulating our lead, to fully attend to carrying out the recommendations of this report and realizing its promise; and

WHEREAS, People who esteem themselves are less likely to

engage in destructive and self-destructive behavior, including child abuse, alcohol abuse, abuse of other drugs, violence, and crime; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication who or which is involved in operating programs or otherwise seeking to address in either preventive or curative ways, or both, the problems of drug and alcohol abuse:

(a) To obtain a copy of the Task Force report, "Toward a State of Esteem", and bring it into her or his family, school, community, and workplace and make it the topic of conversation and commitment.

(b) To seek to implement the recommendations of the report applicable to drug and alcohol abuse.

(c) To incorporate the self-esteem and responsibility development ethic into every aspect of their programs—both for the development of staff and the assistance or treatment of the clients involved.

(d) To advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the State Department of Alcohol and Drug Programs, under the direction of Director Chauncey Veatch, include once in their Friday mailing order forms for the Task Force report, "Toward a State of Esteem"; and be it further

Resolved, That the Chief Clerk of the Assembly forward copies of this resolution, together with an order blank for the Task Force report, "Toward a State of Esteem," to each of the following persons or organizations:

(a) The director of each county drug program and each county alcohol program.

(b) The advocates, chief executive officers, and members of the statewide governing boards of the California Association of Hospitals and Health Systems, the California Association of Obstetricians and Gynecologists, the California Medical Association, the California Nurses Association, Health Access of California, the California Association of Alcohol and Drug Program Executives, the Health Officers Association of California, Lobby for Individual Freedom and Equality, the March of Dimes Birth Defect Foundation, Planned Parenthood Affiliates of California, the California Association of Public Hospitals, the California Association of Marriage and Family Therapists, the California Psychologist Association, the California Psychiatrists Association, and the Western Center on Law and Poverty.

(c) Every mayor, city council person, and city manager.

(d) Director Chauncey Veatch of the State Department of Alcohol and Drug Programs.

RESOLUTION CHAPTER 152

Assembly Concurrent Resolution No. 175—Relative to self-esteem and child abuse.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature of California created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians who are diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation and all of whom are volunteers, except the State Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Corrections Agency, and the State Attorney General; and

WHEREAS, The task force was charged with three primary missions: (1) to compile the latest and best knowledge indicating whether self-esteem is a causal factor in any or all of six of California's most pressing social concerns including crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; (2) if such was the case, then to compile the latest and best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated or regained; and (3) to identify model programs for the development of self-esteem and personal and social responsibility; and

WHEREAS, During its 40 months' existence, the task force has conducted extensive public hearings across California; has engaged the University of California and its researchers and the press in compiling the latest academic research regarding self-esteem and its causal implications; has convened panels of experts, who are diverse as to race and gender, from across the United States, to further advise regarding the implications regarding self-esteem; and has reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the task force published its final report, "Toward a State of Esteem"; and

WHEREAS, The task force has defined self-esteem as "appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human captial," and "the key to community"; and

WHEREAS, This report of the task force cites that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem, especially in persons in the family, school, work

place, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that, as the basis for carrying this work into practice, each person commit and attend to that person's own continuing self-esteem and responsibility development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem solving strategies found in self-esteem; and

WHEREAS, Since California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, Since California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future, as well as to those other states now emulating our lead, to fully attend to carrying out the recommendations of this report and realizing its promise; and

WHEREAS, People who esteem themselves are less likely to engage in destructive and self-destructive behavior, including child abuse; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, or publication involved in operating programs, or engaged in other activities, which seek to address, in either preventative or curative ways, the problems of child abuse, to do all of the following:

(1) Obtain the task force report, "Toward a State of Esteem"; bring the report into the family, school, community, or workplace; and make the report the topic of conversation and commitment.

(2) Seek to implement the recommendations of the report applicable to child abuse.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs, both for the development of staff, and for the assistance and treatment of the clients involved.

(4) Advise the appropriate state officers of successes and statistics regarding the implementation of the ideals of self-esteem; and be it further

Resolved, That the Chief Clerk of the Assembly forward copies of this resolution, together with an order blank for "Toward a State of Esteem," to the following:

(1) The directors of all county child welfare departments.

(2) The directors of all child abuse councils, CAPIT programs, and

the Children's Trust Fund.

(3) The leaders of Children Now, Parents United, the California Foster Parents Association, and the Children's Mental Health Advocates.

RESOLUTION CHAPTER 153

Assembly Concurrent Resolution No. 179—Relative to self-esteem.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, In 1986, in hopes of discovering some possible causes and cures of California's most pressing social concerns, the Governor and Legislature created the California Task Force to Promote Self-Esteem, and Personal and Social Responsibility; and

WHEREAS, The task force consisted of 25 Californians, diverse as to sex, age, race, ethnicity, religion, occupation, sexual orientation, and political affiliation, and all of whom were volunteers except four, the Superintendent of Public Instruction, the Secretary of the Health and Welfare Agency, the Secretary of the Youth and Adult Correctional Agency, and the Attorney General; and

WHEREAS, The task force was charged with three primary missions:

(1) To compile the latest, best knowledge indicating whether self-esteem is a causal factor in any of the following six of California's most pressing social concerns—crime and violence, alcohol and other drug abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure.

(2) If self-esteem were found to be a causal factor in any of those areas, to compile the latest, best knowledge indicating how healthy self-esteem is developed, how it is hurt or lost, and how it is rehabilitated or regained.

(3) To identify model programs for the development of self-esteem and personal and social responsibility.

WHEREAS, During its 40-month existence, the task force conducted extensive public hearings across California, engaged the University of California and its researchers and press in compiling the latest academic research regarding self-esteem and its causal implications, convened panels of experts, diverse as to race and gender, from across the United States, to further advise on the implications regarding self-esteem, and reviewed extensive literature on the same topics; and

WHEREAS, On January 23, 1990, the task force published its final report, "Toward a State of Esteem"; and

WHEREAS, This task force has defined self-esteem as "Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward

others"; and

WHEREAS, Self-esteem has been identified as a "social vaccine," a "strategic vision for developing human capital," and "the key to community"; and

WHEREAS, This task force report states that families are "the most crucial ingredient in nurturing the sense of self-esteem"; and

WHEREAS, The task force recommended the development of healthy self-esteem especially in persons in the family, school, workplace, community, and programs for persons in distress; and

WHEREAS, The task force provided principles, model programs, and particular recommendations for the development of healthy self-esteem and personal and social responsibility in each of these environments; and

WHEREAS, It is essential that as the basis for carrying this work into practice, that each person commit and attend to his or her own continuing self-esteem and responsibility in development; and

WHEREAS, California, in order to retain its status as the sixth largest economy in the world today, must invest wisely in its future through the most effective problem-solving strategies found in self-esteem; and

WHEREAS, Since California is about to become the first state in the mainland United States in which no one ethnic group will constitute a majority, we must live up to our role as the world's first truly multicultural democracy; and

WHEREAS, Forty-three counties in California, as well as the states of Virginia, Maryland, and Louisiana, have formed task forces to address the need for self-esteem development; and

WHEREAS, California has proven to be the leader in generating a national historic and hopeful problem-solving effort, we owe it to ourselves and our future as well as to those other states now emulating our lead to fully attend to the carrying out of the recommendations in the task force's final report and realizing its promise; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature urges every person, group, institution, program, and publication involved in operating programs or otherwise seeking to address in either preventative or curative ways the many social problems which plague our nation to do all of the following:

(1) Obtain the final report of the California Task Force to Promote Self-Esteem and Personal and Social Responsibility, "Toward a State of Esteem" and bring it into his or her family, school, community, and workplace and make it the topic of conversation and commitment.

(2) Seek to implement the relevant recommendations of the report.

(3) Incorporate the self-esteem and responsibility development ethic into every aspect of their programs—both for the development of staff and the assistance, including treatment of clients.

(4) Advise the appropriate state officers of successes and statistics regarding their implementation of the ideals of self-esteem; and be it further

Resolved, That the Governor be requested to send a copy of the task force report to:

(1) The governor of each state, together with a friendly challenge to lead his or her state and people in a friendly competition with California in searching for a new national preventive problem-solving strategy for our major pressing social concerns.

(2) The head of each California state agency or department, together with a directive that he or she seek to incorporate and implement the task force report and its recommendations throughout the agency or department and with all staff and personnel; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution, together with an order blank for "Toward a State of Esteem" to each state governor and the head of every California state agency and department.

RESOLUTION CHAPTER 154

Assembly Concurrent Resolution No. 183—Relative to radio broadcasts by California State University, Chico.

[Filed with Secretary of State September 12, 1990.]

WHEREAS, California State University, Chico, has been charged by the Legislature of the State of California with the responsibility of serving the educational needs of the people of northern California and has been doing so since 1887; and

WHEREAS, Northstate Public Radio, KCHO, plays a major role in meeting that charge as an educational outreach service of California State University, Chico; and

WHEREAS, California State University, Chico's proposed new northern California network will provide a greatly improved public radio service in Shasta County; and

WHEREAS, Southern Oregon State College in Ashland, Oregon, licensed to the State Board of Higher Education in Eugene, Oregon has greatly obstructed the proposed California State University, Chico service by its attempts to license, build and operate a radio station on the same broadcast frequency in Redding as that requested in 1988 by California State University, Chico, by numerous Federal Communications Commission filings against California State University, Chico, and by its attempts to license, build and operate a broadcast network in northern California; and

WHEREAS, The recent decision by the Federal Communcations Commission not to accept the filing of Southern Oregon State

College in Redding makes the continued hindrance of California State University, Chico's proposed service by Southern Oregon State College a pointless cost of both money and time by delaying the California State University, Chico service; and

WHEREAS, It is not in the interests of the citizens of California that the public radio system designated to serve them continue to be blocked and that the growth of California's public radio system be impeded by an organization outside the State of California; and

WHEREAS, The California Broadcasters Association, the statewide organization representing the owners and managers of commercial radio and television stations in the state, opposes the continued obstruction of California State University, Chico's service by Southern Oregon State College and the expansion of Southern Oregon State College's broadcasting system in California at the expense of California State University's public radio service, and supports the proposed California State University, Chico network as best suited to serve the northern California area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature petitions the Oregon State Board of Higher Education and the President of Southern Oregon State College to voluntarily remove any and all obstacles that have been placed in the way of California State University, Chico's outreach to the citizens of Redding and its service area, and petitions the Southern Oregon State College to cease its attempts to expand its broadcasting system into Redding; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the members of the Oregon State Legislature, to the President and members of the Oregon State Board of Higher Education, to the Chancellor of the Oregon State System of Higher Education, to the President of Southern Oregon State College, to the Chair of the Faculty Senate of Southern Oregon State College, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Commission.

RESOLUTION CHAPTER 155

Senate Constitutional Amendment No. 37—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8.5 of Article XIII thereof, relating to taxes.

[Filed with Secretary of State September 14, 1990]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the 5th day of December 1988, two-thirds of the

members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 8.5 of Article XIII thereof, as follows:

SEC. 8.5. (a) The Legislature may provide by law for the manner in which a person of low or moderate income who is 62 years of age or older may postpone ad valorem property taxes on the dwelling owned and occupied by him or her as his or her principal place of residence. The Legislature may also provide by law for the manner in which a disabled person may postpone payment of ad valorem property taxes on the dwelling owned and occupied by him or her as his or her principal place of residence.

(b) The Legislature may provide by law for the manner in which a low-income tenant or tenants, acquiring as a principal place of residence the residential property, including a mobilehome or mobilehome park, in which they live, may postpone increases in ad valorem property taxes attributable to the reappraisal of the property upon the change in ownership resulting from the acquisition. In no event shall the total of the ad valorem property taxes postponed pursuant to the authorization of this subdivision, plus the full amount of ad valorem property tax assessments for the current fiscal year, exceed 90 percent of the equity held by the owner or owners, who purchased the property as a low-income tenant or tenants, in the property.

(c) The Legislature shall have plenary power to define all terms in this section.

(d) The Legislature shall provide by law for subventions to counties, cities and counties, cities and districts in an amount equal to the amount of revenue lost by each by reason of the postponement of taxes pursuant to subdivision (a) and for the reimbursement to the state of subventions from the payment of postponed taxes. Provision shall be made for the inclusion of reimbursement for the payment of interest on, and any costs to the state incurred in connection with, the subventions.

RESOLUTION CHAPTER 156

Senate Concurrent Resolution No. 103—Relative to student retention in higher education.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The University of California and the California State University have grown more successful in admitting a diverse student body; and

WHEREAS, Systemwide reports indicate that student retention has been improving overall at both the systemwide and campus

levels; and

WHEREAS, These reports also indicate that students from nonwhite racial and ethnic groups, with the exception of certain Asian American groups, have a much lower retention rate than the overall average, particularly students admitted by special action; and

WHEREAS, The State of California and the nation face drastic shortages of faculty in the coming decade, and the number of students enrolling and completing graduate programs is not sufficient to supply that need; and

WHEREAS, Individual academic departments reflect a broad range of success in retaining students, particularly women, students with disabilities, and students from nonwhite racial and ethnic groups; and

WHEREAS, Certain policies and programs, such as faculty-student mentorships and departmentally based peer counseling, have proven valuable in retaining students in some instances; and

WHEREAS, The University of California and the California State University do not normally reward departments or faculty members for high student retention and graduation rates, nor provide much incentive funding to attract graduate student faculty members, particularly those who are women, persons with disabilities, or persons from nonwhite racial and ethnic groups; and

WHEREAS, It is the intent of the Legislature that the University of California and the California State University shall have the ability to report student retention by departmental level by June 1993; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the University of California and the California State University are requested, by June 1993, to provide the California Postsecondary Education Commission with student retention data by department, school or college, and campus in order to update and expand the commission's study of retention specified below; and be it further

Resolved, That the Legislature requests the California Postsecondary Education Commission to conduct a study on retention at the University of California and the California State University using data currently available; and be it further

Resolved, That the study include data analysis at the graduate and undergraduate levels by school or college and, if available, by individual academic departments, or related academic fields, taking into account differences in students' academic levels as they enter their respective academic majors and the number of times a student may change majors. The study shall include quantitative and qualitative analyses that may include, but shall not be limited to, the following:

(1) Differences, if any, in undergraduate retention and graduation, and graduate retention and graduation, categorized by gender, disability, and race or ethnicity;

(2) Time to earn baccalaureate, graduate and professional

degrees, by discipline, across gender, disability, and race or ethnicity categories;

(3) Schools or colleges and, if possible, academic departments which have demonstrated exemplary progress in retaining and graduating women, students with disabilities, and students from nonwhite racial or ethnic groups;

(4) Longitudinal data needs and notification of the University of California and the California State University of these needs so that the study may be replicated on a regular and predictable basis to assess system and campus progress in the retention of women, students with disabilities, and students from nonwhite racial or ethnic groups;

(5) School or college and, if possible, department-based factors influencing student retention and attrition, and recruitment efforts to encourage graduating seniors to pursue graduate or professional degrees;

(6) To the extent possible, costs to the state associated with attrition; and be it further

Resolved, That the commission's report include a section identifying possible incentives to encourage faculty to become more involved in adopting or adapting promising practices described elsewhere in the report to improve the retention of women, students with disabilities, and students from nonwhite racial or ethnic groups at the departmental level; and be it further

Resolved, That the commission present its report and findings to the Legislature, the Regents of the University of California, the Office of the President and Council of Chancellors for the University, the Board of Trustees of the California State University, the Office of the Chancellor, and the campus Presidents of the State University no later than October 31, 1992.

RESOLUTION CHAPTER 157

Senate Concurrent Resolution No. 113—Relative to headquarters and office facilities for District 8 of the Department of Transportation.

[Filed with Secretary of State September 14, 1990]

WHEREAS, In order to carry out the mandates of recently enacted legislation and measures approved by the voters, including the Passenger Rail and Clean Air Bond Act of 1990, the Clean Air and Transportation Improvement Act of 1990, and the Traffic Congestion Relief and Spending Limitation Act of 1990, substantial additional demands will be placed on the Department of Transportation's District 8 regarding rail and highway transportation activities; and

WHEREAS, The present office facilities of the District 8

headquarters in San Bernardino are inadequate to meet those increased demands; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Transportation is requested to work with the Department of General Services to determine the long-term requirements for office facilities and headquarters for District 8 of the Department of Transportation in the City of San Bernardino, including, but not limited to, the size and geographical location of the facilities, requirements for parking and access to public transit, and potential means of financing for the facilities; and be it further

Resolved, That the Department of Transportation is requested to prepare and submit to the Legislature, on or before July 1, 1991, a report of its findings, conclusions, and recommendations with respect to its needs for District 8 facilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and the Director of General Services.

RESOLUTION CHAPTER 158

Senate Concurrent Resolution No. 114—Relative to the Supplemental Report on the 1990 Budget Bill.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The Supplemental Report on the 1990 Budget Bill, which contains agreed language on statements of intent or requests for studies, was submitted to the Senate and Assembly concurrently with consideration of the Budget Bill for the 1990–91 fiscal year; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Supplemental Report on the 1990 Budget Bill reflects the intent of both houses of the Legislature in adopting the Budget Act of 1990; and be it further

Resolved, That the Supplemental Report on the 1990 Budget Bill shall be interpreted as the intent of the Legislature by the various agencies of state government affected by the statements contained in the report; and be it further

Resolved, That the Legislative Analyst shall transmit copies of the appropriate parts of the Supplemental Report on the 1990 Budget Bill to the agencies to which the instructions, limitations, or statements of intent are directed in the report, so that the agencies may be fully informed of the action of the Legislature.

RESOLUTION CHAPTER 159

Senate Concurrent Resolution No. 118—Relative to Oat Mountain Conservation Corps.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The California Conservation Corps has operated the Oat Mountain Conservation Corps Center camp (Oat Mountain) since 1977 in the community of Chatsworth; and

WHEREAS, The Oat Mountain corps members have planted trees, cut trails, cleared streams, and helped fight fires in and near the San Fernando Valley for the past 13 years; and

WHEREAS, The Oat Mountain facility serves the greater San Fernando Valley and the communities of Gorman, Lancaster, Glendale, and Santa Monica; and

WHEREAS, In 1983, the California Conservation Corps proposed to convert Oat Mountain to a California Youth Authority Correctional Facility, and, in 1985, the proposal again surfaced to use Oat Mountain as a minimum security corrections facility; and

WHEREAS, Both proposals faced strong community opposition; and

WHEREAS, The Oat Mountain facility benefits an urban and suburban constituency of over two million people; and

WHEREAS, The Oat Mountain corps members assisted CalTrans in the landscaping of the Ventura Freeway, and other local highways; and

WHEREAS, The Oat Mountain corps members have participated in tree planting programs to beautify economically depressed areas in the San Fernando Valley; and

WHEREAS, The business and community leaders in the San Fernando Valley have endorsed the environmental projects Oat Mountain corps members have completed throughout the valley; and

WHEREAS, It is absurd to suggest that Oat Mountain can maintain the same level of community service, and emergency protection by transporting corps members on a daily basis from centers in Pomona or Camarillo; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Conservation Corps be directed to keep the Oat Mountain Center open; and be it further

Resolved, That the California Conservation Corps be directed to consider alternative budget reductions, in the form of administrative costs reduction, to meet the corps budget reductions; and be further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the California Conservation Corps.

RESOLUTION CHAPTER 160

Senate Joint Resolution No. 65—Relative to television violence.

[Filed with Secretary of State September 14, 1990]

WHEREAS, More than 96 percent of American homes have at least one television set; and

WHEREAS, Television is a major source of information and influence in children's lives, with the average child spending more time watching television than in the classroom; and

WHEREAS, The number of violent acts in prime-time television, defined as "overt and explicit physical acts or threats of hurting or killing," are carried out at a steady rate of five to six per hour, and half of all major characters are involved in violence and 10 percent in killing; and

WHEREAS, Recent surveys of television program trends indicate that violence remains a mainstay of prime-time television, that the incidence of violence in children's television programs has climbed dramatically during the past three years, and that the average American child watches 18,000 television murders before he or she graduates from high school; and

WHEREAS, Research findings indicate that acts of television violence are disproportionately perpetrated upon female victims, increasing the potential that a child's first exposure to male-female relationships inappropriately links violence to those relationships; and

WHEREAS, Research findings demonstrate that excessive violence on television harms children, and that children exposed to television violence may become less sensitive to the pain and suffering of others, more fearful of the world around them, and more likely to behave in an aggressive or abusive way toward others; and

WHEREAS, Research further concludes that continual viewing of television violence tends to cultivate a sense of relative danger, mistrust, dependence, alienation, and gloom in the viewer, despite the fact that it may also inform and entertain, and that viewing programs containing a high level of violence can influence the viewer's personality, particularly those of children, diminish their compassion for the suffering of others, magnify their fear of other people, and promote a greater willingness to be violent themselves; and

WHEREAS, A large number of studies support the inference that there is a causal connection between the viewing of televised violence and later aggressive behaviors, including findings that indicate that repeated exposure to televised violence fosters a propensity to commit violent acts, and a passive response to the commission of violence; and

WHEREAS, The United States Attorney General's Task Force on Family Violence has concluded, based on overwhelming evidence,

that just as witnessing acts of violence in the home may predispose adults and children to commit acts of violence themselves, witnessing acts of violence on television may lead to the same result; and

WHEREAS, Today's television rating formulas, which emphasize violence, are harming our children and our society, as witnessed by the violence that has spilled into our streets and our schools; and

WHEREAS, The television industry is reluctant to restrict the amount of violence in its programs, because of the increased ratings that seem to accompany increased levels of violence in television programs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation encouraging networks, cable television, local stations, producers, and industry trade groups, to write and apply voluntary guidelines on television violence in nonnews broadcasts and cable programs in order to invite commercial television networks to set common standards on the level of violence in their programming; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 161

Senate Joint Resolution No. 71—Relative to rain forests.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The world's rain forests are becoming endangered by many forms of human exploitation and destruction; and

WHEREAS, Preservation of this irreplaceable treasure is of paramount importance and will require international and personal intervention of unprecedented proportions; and

WHEREAS, The greenhouse effect, resulting from the progressive increase of carbon dioxide in the atmosphere, is a threat to all living species; and

WHEREAS, The continued slashing, burning, and clearing of the earth's rain forests is a significant factor in increasing carbon dioxide in the atmosphere, and is ongoing with no signs of abating; and

WHEREAS, Accurate surveys of Amazonian forests within Brazil do not exist, due to shortages of the type of aircraft required to conduct necessary surveys and analysis; and

WHEREAS, One quarter of all pharmaceuticals manufactured in

the world today come from the rain forests, and many potentially beneficial medicines may never be discovered if the rain forests are not preserved; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to instruct the Department of Defense to loan the Government of Brazil and its appropriate environmental agency appropriate helicopters for necessary onsight examination and assessment of the rain forests and, where possible, to make maintenance personnel and fuel available; and be it further

Resolved, That the Legislature of the State of California requests that the petrochemical industry supply the necessary fuel for this humanitarian effort, and that the pharmaceutical industry establish support for research and securing of materials, equipment, and other necessary services to preserve the rain forests as a living laboratory; and be it further

Resolved, That the Legislature of the State of California, through contacts with foreign consulates in California, encourage foreign governments to provide support for efforts to help preserve the rain forests; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 162

Senate Joint Resolution No. 74—Relative to industrial development and mortgage revenue bonds.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The federal authority for the issuance of tax-exempt small-issue industrial development bonds, mortgage revenue bonds, and mortgage credit certificates is scheduled to expire on September 30, 1990, unless the United States Congress and the President act to extend this authority; and

WHEREAS, The federal authority for low-income housing tax credits is scheduled to expire on December 31, 1990, unless the United States Congress and the President act to extend this authority; and

WHEREAS, Small-issue industrial development bonds, mortgage revenue bonds, mortgage credit certificates, and low-income housing tax credits are important financing programs in California, contributing to economic development through the creation of new

jobs, the provision of low-cost financing for first-time homebuyers, and the development of new affordable rental housing units; and

WHEREAS, Federal legislation to extend the authority for the small-issue industrial development bond program, the mortgage revenue bond program, mortgage credit certificate program, and the low-income housing tax credit program has been introduced in the United States Congress; and

WHEREAS, California's use of these financing programs is measured and prudent, resulting in significant public benefits for Californians throughout the state; and

WHEREAS, In 1989 the issuance of almost $150 million in tax-exempt small-issue industrial development bonds helped to finance the expansion of 43 manufacturing facilities which will create 3,900 new jobs for Californians; and

WHEREAS, In 1989 a total of $642 million in tax-exempt mortgage revenue bond authority was used for the issuance of bonds, as well as mortgage credit certificates which will assist about 7,700 first-time homebuyers; and

WHEREAS, In 1989 the total $35 million federal low-income housing tax credit ceiling was awarded, thereby assisting approximately 8,300 rental units; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to pass and enact extensions of the federal authority for the issuance of tax-exempt small-issue industrial development bonds, tax-exempt mortgage revenue bonds, and mortgage credit certificates as well as for the low-income housing tax credit program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the United States Senate, and to every Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 163

Senate Joint Resolution No. 75—Relative to Hawaiian rain forests.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The world's rain forests are becoming endangered by many forms of human exploitation and destruction; and

WHEREAS, Preservation of this irreplaceable treasure is of paramount importance and will require international and personal intervention of unprecedented proportions; and

WHEREAS, The greenhouse effect, resulting from the progressive increase of carbon dioxide in the atmosphere, is a threat to all living

species; and

WHEREAS, The continued slashing, burning, and clearing of the earth's rain forests is a significant factor in increasing carbon dioxide in the atmosphere, and is ongoing with no signs of abating; and

WHEREAS, One-quarter of all pharmaceuticals manufactured in the world today come from the world's rain forests, and many potential beneficial medicines may never be discovered if the rain forests are not preserved; and

WHEREAS, Two hundred years ago, Hawaii's native rain forests covered nearly one-half of all the islands' surface and only covers 10 percent today; and

WHEREAS, The Hawaiian religion and culture are centered around the Goddess Pele who resides in the Kilauea Volcano; and

WHEREAS, Drilling for geothermal energy in the Kilauea Volcano is a desecration of a holy place sacred to native peoples as well as a destruction of a lowland rain forest; and

WHEREAS, The animals and birds of the Wao Kele 'O Puna rain forest exist nowhere else on earth; and

WHEREAS, One accident involving prolonged uncontrolled venting could result in the extinction of many species; and

WHEREAS, The United States government is pleading with poor nations around the world not to cut down their rain forests; and

WHEREAS, The State Energy Conservation and Development Commission, the Sumotoma Power Company, and the Mission Power Company have proposed a cable project between the Islands of Hawaii and Maui to Oahu's Waimanalo Bay; and

WHEREAS, The proposed cable project would require extensive drilling, and would disturb the fragile environment within the rain forest; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to deny federal funding for the cable project between the Islands of Hawaii and Maui to Oahu's Waimanalo Bay and to begin the process designating Wao Kele 'O Puna a national park or expropriative reserve; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 164

Assembly Concurrent Resolution No. 139—Relative to escrow.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The Department of Real Estate contracted on May 5, 1988, with Arthur Young to conduct an analysis of California's escrow industry as it affects real estate licensees; and

WHEREAS, This study was completed and released by the Commissioner of Real Estate on December 30, 1988; and

WHEREAS, The study concluded that California escrow activities are presently regulated by various government agencies at both the federal and state level, and as a result of the number of agencies involved, the diversity of their authority, and regional differences in escrow practices, the laws, customs, and regulations that affect the escrow industry often vary, depending on the nature and location of the escrow business and the license or authority under which it operates; and

WHEREAS, The study further concludes that all of the California State Government agencies involved in enforcing existing statutes and regulations governing California's escrow service providers are part of the Business, Transportation and Housing Agency, however, confusion exists as to the scope and authority of each agency's jurisdictional responsibility. As a result, a need exists to better communicate to industry participants (particularly to complainants) each agency's scope of jurisdictional responsibility so that all complaints from the public and industry participants can be addressed; and

WHEREAS, The study lists a number of recommendations for government officials and industry participants to consider in addressing this regulatory confusion within the escrow industry; and

WHEREAS, The Legislature, the state regulatory agencies, and the escrow industry support state laws and regulations governing the escrow industry that will adequately protect the public; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Secretary of the Business, Transportation and Housing Agency to convene an interagency task force comprised of members from the Departments of Corporations, Insurance, Real Estate, Banking, and Savings and Loan to formulate and recommend to the Legislature by December 31, 1991, whatever measures, if any, are deemed necessary to address escrow industry regulatory problems and issues. The task force deliberations shall consider, but may not be limited to, the December 30, 1988, report to the Department of Real Estate entitled "Analysis of California's Escrow Industry as it Affects Real Estate Licenses"; and be it further

Resolved, That the task force shall include participation from the

California Association of Realtors, California Land Title Association, California Escrow Association, Escrow Institute of California, Escrow Agents' Fidelity Corporation, California Bankers Association, California League of Savings Institutions, and others as designated by the secretary; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of the Business, Transportation and Housing Agency.

RESOLUTION CHAPTER 165

Assembly Concurrent Resolution No. 162—Relative to transportation research and development.

[Filed with Secretary of State September 14, 1990]

WHEREAS, The Department of Transportation, with voter approval of new transportation revenues, proposes to substantially increase state funding of research and development of advanced automated highway and vehicle technologies; and

WHEREAS, The Budget Act of 1990 appropriates $17,628,000 to the department for advanced technology research projects which, if implemented, would result in a transportation system vastly changed from the way it exists today; and

WHEREAS, The appropriation represents a significant change in the amount and sources of funding for advanced research and development as originally described by the department in its funding plan from 1987 to 1992 for advanced highway technology; and

WHEREAS, The Budget Act of 1990 requires the Director of Finance to authorize the expenditure of the amount appropriated for advanced technology research projects not sooner than 30 days after notice of the necessity therefor, and after the submission of a policy report described in the Supplemental Report of the Budget Act of 1990 to the chairpersons of the committees in each house which consider appropriations, the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committees in each house which consider transportation policy; and

WHEREAS, The Budget Act of 1990 appropriates $180,000 to the department to complete the policy report; and

WHEREAS, It is not clear how the department's existing research efforts with the Institute of Transportation Studies of the University of California, or federal efforts in this subject area, would be integrated with this major new research and development program; and

WHEREAS, The Legislature needs to know more about the policy and fiscal implications of implementing these new technologies

compared with alternative approaches to reducing traffic congestion; now, therefore, be it

Resolved by the Assembly of the State OF *California, the Senate thereof concurring,* That the Department of Transportation is hereby requested to include in the policy report, in addition to those items identified in the supplemental report, a clear description of the goals and objectives of the proposed research program and to include a timeframe for accomplishing these goals, and an analysis of the projected costs and benefits of contracting with the Institute of Transportation Studies as compared with the private sector; and be it further

Resolved, That the department is requested to include in its report a detailed analysis of expenditures in this subject area over the last three years, including expenditures for costs incurred within the department itself and under contract with the Institute of Transportation Studies, with an evaluation of what benefits were received as a result of these expenditures, and an explanation of why proposed funding from federal and other non-State Highway Account sources identified in the department's original funding plan from 1987 to 1992 for advanced technology research and development has been significantly below original projections; and be it further

Resolved, That the department is also requested to include in the report an estimate of the total funds needed over the next 10 years for research and development in this subject area, including the development of fixed facilities, and an explanation of what commitments have been secured and which can reasonably be expected from the federal government and the private sector; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 166

Assembly Concurrent Resolution No. 180—Relative to water resources.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The State of California is in a fourth year of drought with the last three years being critically dry; and

WHEREAS, The drought resulted in mandatory and voluntary conservation programs statewide, with the Santa Barbara area reducing its water use by 45 percent; and

WHEREAS, The agriculture served by both the State Water Project and the federal Central Valley Project will face reductions of 25 to 50 percent in surface water deliveries in 1990 and groundwater

overdraft situations will be exacerbated; and

WHEREAS, The drought has resulted in low stream flows, low reservoir levels, high water temperatures, and poor water quality severely affecting the viability of California's fish and wildlife resources; and

WHEREAS, The water supplies in the State of California have not increased to reflect the increased water demands with the addition of an estimated 772,000 new residents in 1989, 45 percent from natural increase; and

WHEREAS, If the 1990–91 water year is dry, or even normal, there will be widespread areas of water shortage adversely affecting the economy and the environment, including the fish and wildlife resources in California; and

WHEREAS, Water management and conservation is primarily implemented at the local level, with state technical and financial assistance; and

WHEREAS, The Department of Water Resources has established a Drought Center to provide technical and financial information to lessen impacts of the drought and an Interagency Drought Task Force consisting of representatives from the Department of Water Resources, the Department of Fish and Game, the State Water Resources Control Board, and the State Department of Health Services, to identify and coordinate drought assistance measures; and

WHEREAS, A Drought Action Committee has been established, consisting of representatives of local, state, and federal agencies to act as a forum where participants can receive and exchange information on assistance available to local agencies regarding the drought; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature supports all feasible efforts to reduce the impacts of the drought in California, including the conservation and reclamation efforts of state and local agencies and the citizens of California; and be it further

Resolved, That the Legislature urges the Department of Water Resources, including the Drought Center and Interagency Drought Task Force, to provide local agencies with drought information, and technical and financial assistance in the development of efficient water management programs to lessen the adverse impacts of current and future drought; and be it further

Resolved, That future efforts to minimize the adverse impacts of a drought include actions to encourage additional water conservation, water development, water reclamation, water transfers, conjunctive use, and groundwater quality protection, while protecting natural riparian and fishery populations; and be it further

Resolved, That the Legislature urges the Department of Water Resources to consult with the Interagency Drought Task Force and other water purveyors and submit a report to the Legislature by March 15, 1991, containing the following information: (1) the status

of the water supply in California for 1991 based on the criteria of critically dry, or dry year runoff as indicated by the Sacramento River Index; (2) the contingency measures, by region of the state, to mitigate effects of water shortages in 1991; and (3) the current and future plans of the Department of Water Resources to conserve and augment the state's water supplies while protecting the quality of the state's natural resources; and be it further

Resolved, That the Legislature urges the Department of Fish and Game to report to the Legislature by March 15, 1991, on the water needs of fish and wildlife resources and how those needs can be met; and be it further

Resolved, That many of these drought measures are presently required pursuant to Chapter 957 of the Statutes of 1988, and should be implemented expeditiously; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Water Resources, the Department of Fish and Game, the State Water Resources Control Board, and the State Department of Health Services.

RESOLUTION CHAPTER 167

Assembly Concurrent Resolution No. 182—Relative to the 40th anniversary of the participation of the United States in the Korean War.

[Filed with Secretary of State September 14, 1990]

WHEREAS, On June 25, 1950, North Korean President Kim IL Sung determined to unify the Korean peninsula by force, and unleashed his Soviet trained and equipped army which crossed the 38th Parallel and crushed the poorly trained and ill-equipped South Korean army; and

WHEREAS, The United States responded immediately to this aggression, and President Truman authorized General MacArthur to commit ground forces to Korea, ordered an American naval blockade of the entire Korean coast, and authorized American Air Force planes based in Japan to bomb specific military targets north of the 38th Parallel; and

WHEREAS, The United States 8th Army, dispatched to help South Korea, was forced back to the Pusan Perimeter by overwhelming North Korean forces; and

WHEREAS, General MacArthur asked that a Marine regimental combat team be sent to Korea as soon as possible, and the 1st Provisional Marine Brigade was immediately sent in the defense of Pusan; and

WHEREAS, General MacArthur also requested a war-strength Marine division with appropriate air support for deployment in

Korea, but the Marine Corps did not have the active duty personnel for the needed third regiment to create a division; and

WHEREAS, In August 1950, when President Truman authorized, with the approval of Congress, the mobilization of the Military Reserve and National Guard, it resulted in many different units from California being mobilized and dispatched to Korea as part of the 1st Marine Division and other Army and Navy units; and

WHEREAS, With the activation of the Marine Corps Reserve, which included a large number of units from California, the 1st Marine Division was able to make a successful amphibious landing at Inchon on September 15, 1950, despite the doubts of officials in Washington, including the members of the Joint Chiefs of Staff; and

WHEREAS, As a result of the spectacular landing at Inchon, the Marine Corps advanced rapidly toward Seoul, secured the city, and caused the North Korean Army to retreat back to the north; and

WHEREAS, After the liberation of Seoul, the Marines landed at Wonsan in North Korea and proceeded to the Chosin and Fusen Reservoirs; and

WHEREAS, The Chinese Army then crossed the Yalu River, forcing the 8th Army to retreat south, and the 1st Marine Division was completely surrounded at the Chosin Reservoir by 12 Chinese divisions; and

WHEREAS, The subsequent breakout from the Chosin Reservoir by the 1st Marine Division intact was one of the greatest military feats in history; and

WHEREAS, America's initial success in saving South Korea from communist aggression through the quick deployment of United States Marine Corps, Army, Navy, and Air Force, together with the military skills and courage of those forces, was due to a great extent to the many Californians serving in the reserve units which made up the 1st Marine Division; and

WHEREAS, The following Marine Corps Reserve Units were dispatched in July and August of 1950:

The 12th Inf. Bn. from San Francisco
B Co. from Fresno
C Co. from Kentfield
D Co. from Bakersfield
The 13th Inf. Bn. from Los Angeles
A Co. from Santa Monica
B Co. from Seal Beach
C Co. from Compton
The 2nd 105mm How Bn. from Los Angeles
C Co. from Pico
The 1st 155mm How Bn. from Vallejo
B Battery
The 11th Tank Bn. from San Diego
B Co. from Oceanside
The 12th Amtrac Bn. from San Francisco

B Co. from Moffett Field
C Co. from Stockton
The 11th Sig. Co. from San Pedro
The 12th Sig. Co. from Oakland; and

WHEREAS, The following Army National Guard units were dispatched in August, September, and October of 1950:
The 746th AAA Gun Bn. (120mm) from San Diego;
The 719th AAA Gun Bn. (90mm) from Alameda;
The 250th AAA Gp., Hq. & Hq. Btry. from San Francisco;
The 425th Sig. Radar Maint. Unit from San Diego;
The 161st Ord. Depot Co. from San Luis Obispo;
The 40th Inf. Div. from Los Angeles;
The 186th AAA Opns. Det. from Long Beach;
The 184th AAA Opns. Det. from San Francisco;
The 1401st Engr., C Bn. from Los Angeles;
The 1402d Engr., C Bn. from Los Angeles;
The 117th Trans Trk. Co. from Atascadero;
The 1811 Engr. Avn. Co. from Alameda;
The 1812 Engr. Avn. Co. from Van Nuys;
The 1905 Engr. Avn. Hq. and Hq. & Sve. Co. from Alameda;
The 93rd Band (Army) from San Diego; and
WHEREAS, The following Air Force National Guard Units were dispatched in October of 1950:
The 196th Fighter from Norton Air Base, San Bernardino;
The 196th Utility Flight from San Bernardino;
The 196th Weather Station from San Bernardino;
The Det. B 246 Air Service Group (F) from San Bernardino; and
WHEREAS, the following Army Reserve Units were dispatched in August, September, and October of 1950:
The 338 AG unit, MR, Mbl Ty Z from Los Angeles;
The 372 Cml. Co., Decontam., from Maywood;
The 359 En. Det., Utilities, from Oakland;
The 360 En. Det., Utilities, from Oakland;
The 369 En. Regt., Amph. Spt. (Pt 409 En. Sp. Brig) from Los Angeles;
The 370 En. Regt., Amph. Spt. (Pt 409 En. Sp. Brig) from Los Angeles;
The 409 En. Brig. HHC from Los Angeles;
The 443 En. Co., Pipeline from Los Angeles;
The 795 En. Co., Dump Truck from Oakland;
The 302 MI Co. from Los Angeles;
The 343 MI Det. CIC from San Francisco;
The 361 MI Plat. from Los Angeles;
The 316 MP Det. from Los Angeles;
The 374 MP Co., PCS, Ty A from San Francisco;
The 375 MP Co., PCS Ty A from Azusa;
The 483 MP Co., Escort Gd. from Fresno;
The 819 QM Co. Bath S-M from San Francisco;

The 889 QM Co., Petrol Depot from San Francisco;
The 314 SC Bn., Const. from Santa Monica;
The 321 SC Dep. Base HHC from San Francisco;
The 322 SC Bn. Corps from Maywood;
The 490 SC Co., Radio Relay VHF from San Francisco;
The 811 SC Co., Svc., (ESB) from Los Angeles;
The 355 TC Bn., Port HHSC from San Francisco;
The 6230 ASU from San Bruno; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That all Californians are encouraged to pause and remember the collective heroism of those intrepid reserve units from California who helped stop the ruthless aggression of North Korean communism into South Korea; and be it further

Resolved, That those brave reserve units from California who gave so much for the cause of liberty of others be rightfully and dutifully honored on the occasion of the 40th anniversary of the initial participation of the United States in the Korean War.

RESOLUTION CHAPTER 168

Assembly Concurrent Resolution No. 184—Relative to state buildings.

[Filed with Secretary of State September 14, 1990]

WHEREAS, Nicholas C. Petris was born, raised, and graduated from high school, undergraduate school, and law school, in the San Francisco Bay area; and

WHEREAS, Senator Petris served for three years during World War II in the United States Army; and

WHEREAS, After serving eight years in the State Assembly, Senator Petris has served in the State Senate since 1967; and

WHEREAS, Both as a legislator representing Oakland and other surrounding areas and as a community leader, Senator Petris has provided the highest quality of public service; and

WHEREAS, A building for the California Department of Transportation, which is not in its final planning stages, is to be built in Oakland; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California recommends to the Department of General Services and the Department of Transportation that the new building to be built in Oakland for use by the California Department of Transportation be named after Senator Nicholas C. Petris; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, the Director of the Department of General Services and the Director of Transportation.

RESOLUTION CHAPTER 169

Assembly Concurrent Resolution No. 185—Relative to Legislative offices.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The majority of people who work during the weekdays will customarily take a break for lunch between the hours of 11:30 a.m. and 1:30 p.m.; and

WHEREAS, These individuals will use their lunch break to conduct personal business such as contacting an office of the Legislature; and

WHEREAS, It is essential to the performance of public service that offices of the Legislature that provide over-the-counter information and services provide those services during the weekday lunch hours; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the respective Committee on Rules of the Senate and the Assembly establish policies for their respective houses that ensure that any office of the Legislature that provides over-the-counter information and services to the public provide those services during the customary weekday lunch hours of 11:30 a.m. to 1:30 p.m..

RESOLUTION CHAPTER 170

Assembly Concurrent Resolution No. 187—Relative to Dr. Oscar Salvatierra

[Filed with Secretary of State September 14, 1990]

WHEREAS, Dr. Oscar Salvatierra, Jr. is being honored by the National Kidney Foundation for his contributions to transplantation, and upon this occasion, Dr. Salvatierra is deserving of the highest commendations in recognition of his outstanding record of achievements which has enhanced the quality of life of the people of California; and

WHEREAS, Dr. Oscar Salvatierra, Jr. graduated from Georgetown University in 1957, received his medical degree from the University of Southern California in 1961, and completed five years of postgraduate training on that campus; and

WHEREAS, Dr. Salvatierra served his country during the Vietnam War as a combat surgeon assigned to the United States Army Medical Corps, was decorated for his meritorious actions, and currently serves as an appointed member of the National Advisory Board for the Vietnam Veterans Agent Orange Class Assistance Program; and

WHEREAS, Dr. Salvatierra is Professor of Surgery and Urology

and Chief of the Transplant Service at the University of California at San Francisco (UCSF), and during his tenure as Chief of the Transplant Service, over 3,600 renal transplants have been performed at UCSF; and

WHEREAS, He has served as President of the American Society of Transplant Surgeons, as President of the National Organ Procurement and Transplantation Network, as a member of the Board of Governors for the American College of Surgeons, and as a member of the National Institutes of Health National Kidney and Urologic Diseases Advisory Board; and

WHEREAS, He has served on the Board of Directors of the Transplantation Society since 1984; he also is Chair of the Organizing Committee for the 1990 International Congress of the Transplantation Society to be held in San Francisco; and

WHEREAS, He is the author of over 190 scientific articles, a member of the editorial boards of a number of medical journals, and a member of many medical societies; and

WHEREAS, His primary research interests relate to: (1) donor-specific blood transfusions to enhance living-related graft survival; (2) immunosuppression protocols with a defined ceiling on the amount of medication administered; (3) development of renal transplantation for small infants; (4) assessment of minority attitudes toward organ donation; and (5) undiversion and rehabilitation of long-term defunctionalized urinary bladders in transplant candidates; and

WHEREAS, Dr. Salvatierra has been instrumental in the development of legislative measures that resulted in the enactment of the National Organ Transplant Act in 1984; and

WHEREAS, Since 1983, he has testified numerous times in Washington, D.C., before Senate and House Committees regarding transplantation; and

WHEREAS, In 1986, he received the Chancellor's Award for Public Service and also the Distinguished Alumni Award from the University of Southern California Medical School in recognition of his scientific and legislative efforts in transplantation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members take great pleasure in commending Dr. Oscar Salvatierra, Jr. for his contributions to enhancing the distribution of, access to, and funding for organ transplant services, and extend to him best wishes for his continued success; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 171

Assembly Concurrent Resolution No. 188—Relative to fiscal affairs.

[Filed with Secretary of State September 14, 1990]

WHEREAS, The Legislature and Governor have recently concluded a protracted debate over the State Budget for the 1990–91 fiscal year; and

WHEREAS, The Budget for the 1990–91 fiscal year resulted from the good faith efforts of the Legislature and Governor to reduce spending, raise additional revenue, and address long-term budget reform; and

WHEREAS, The nonpartisan Legislative Analyst's office has estimated that, notwithstanding these efforts, expenditures will exceed revenues by $550 million in the 1991–92 fiscal year; and

WHEREAS, The state's fiscal condition may be eroded further by voter approval of any of several initiative measures on the November 6, 1990 ballot; and

WHEREAS, A downturn in the state's economy could occur in 1991, due to high interest rates, increased energy costs caused by events in the Persian Gulf crisis, and other factors, thereby eroding the state's fiscal condition further; and

WHEREAS, The state is experiencing major and continued population growth among schoolage children, the elderly, people with AIDS, and inmates of state prisons, all of whom have a higher share of unmet human needs than the general population; and

WHEREAS, The ability of the Legislature and Governor to discharge their respective constitutional obligations to enact an annual Budget Act has been seriously impaired by a number of court decisions, federal mandates, initiative constitutional amendments and statutes, and other structural constraints; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee shall, on or before January 1, 1991, present to the Legislature alternative proposals for the revision of those provisions of the constitution and laws of California relating to state and local government fiscal affairs; and be it further

Resolved, That the alternative proposals for review of these constitutional provisions shall include the establishment of a constitutional review commission which shall submit recommendations to the Legislature and Governor for any needed amendments on or before January 1, 1992; and be it further

Resolved, That it is the intent of the Legislature that the new Governor be given a reasonable time following assumption of office to review the state's fiscal affairs, without the pressures of new spending or tax reduction proposals; and be it further

Resolved, That commencing with the 1991–92 Regular Session, the fiscal committees of the Assembly and Senate shall not, until passage

of the Budget Act by the respective house, approve any bills containing significant appropriations, bills resulting in significant unfunded costs, bills authorizing general obligation or other bond measures, or tax measures resulting in significant revenue loss; and be it further

Resolved, That the previously stated policy should not apply to bills responding to an emergency or bills which are self-financing; and be it further

Resolved, That the Assembly Ways and Means Committee and the Senate Budget and Fiscal Review Committee shall annually recommend to their respective houses the adoption of a resolution which (1) expresses the intent of each house that the committees considering the Budget Bill establish appropriations targets limited to the revenues which may be reasonably expected, (2) assign specific appropriations targets to each of the several budget subcommittees, and (3) establish a procedure for considering funding programs which cannot be funded within those appropriations targets; and be it further

Resolved, That it is further recommended that the Joint Rules for the 1991–92 Regular Session reflect the proposed procedural changes in the fiscal process included in this resolution; and be it further

Resolved, That the Legislature requests the candidates for the office of Governor to immediately designate representatives to commence discussions with the legislative and executive branches on the state's current fiscal condition.

RESOLUTION CHAPTER 172

Assembly Joint Resolution No. 96—Relative to immigration employer sanctions.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The federal Immigration Reform and Control Act of 1986 provides for the implementation of sanctions against employers who hire unauthorized aliens and additionally includes provisions to prevent discrimination on the basis of national origin or citizenship status resulting from the implementation of those sanctions; and

WHEREAS, The federal Immigration Reform and Control Act also provides for the termination of those sanctions and antidiscrimination provisions if the Comptroller General of the United States determines and reports that "a widespread pattern of discrimination has resulted against citizens or nationals of the United States or against eligible workers seeking employment solely from the implementation of" those sanctions; and

WHEREAS, The Comptroller General issued a report dated March 26, 1990, making those findings; and

WHEREAS, The Immigration Reform and Control Act specifically provides that if such a report by the Comptroller General is made, Congress may terminate those sanctions and related antidiscrimination provisions; and

WHEREAS, House Resolution 5185 and Senate Resolution 2797 have been introduced in the second session of the 101st Congress to remove those employer sanction and related antidiscrimination provisions, to increase full-time officer positions and provide in-service training programs for the Border Patrol in the United States Department of Justice, to increase personnel levels in the United States Department of Labor, to provide for an increase in the number of assistant United States Attorneys, and to increase criminal penalties for bringing in and harboring aliens for profit; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support the enactment of House Resolution 5185 and Senate Resolution 2797; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representative, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 173

Assembly Joint Resolution No. 93—Relative to a Dollar for Dollar Act.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The Cold War is over—brought to a dramatic end by prodemocracy movements throughout the Soviet Union and Eastern Europe; and

WHEREAS, The situation in Europe offers Americans the best opportunity in 50 years to build a peace-based economy to provide peace, prosperity, and justice; and

WHEREAS, The cost of waging the Cold War has devastated our country: at present, more than 37,000,000 Americans are without health insurance, 60,000,000 Americans are illiterate or semi-literate, and more than 1,000,000 Americans are homeless; furthermore, the impact of the drug abuse problem costs American communities billions of dollars each year while more of our neighborhoods are unsafe; and

WHEREAS, Roads, sewers and water treatment facilities, dams, levees, and water delivery systems are in need of rehabilitation,

replacement, or reconstruction; and

WHEREAS, The test scores of America's children rank at the bottom of major industrial countries in mathematics and science, and vocational training has lagged behind the needs of American industry while college costs have skyrocketed, becoming unaffordable to many; and

WHEREAS, The key obstacle to addressing these issues by making the shift from a Cold War economy to a peace-based economy is fear on the part of the American people that such a shift will mean the loss of jobs; and

WHEREAS, In fiscal year 1987, approximately $37,800,000,000 of federal tax funds were expended in California for military purposes, and Californians therefore have much at stake during this transition period; and

WHEREAS, Enactment of a Dollar for Dollar Act would mean that, for each base closing or weapons contract canceled, the dollars originally allocated to those projects would remain in the same county to retrain and place affected workers and to rebuild the community; and

WHEREAS, A Dollar for Dollar Act would be thus designed to protect those communities that would bear the immediate brunt of military spending reductions and to assuage local residents' fears of economic dislocation; and

WHEREAS, A Dollar for Dollar Act would contain the following provisions:

(1) For 10 years from the time that any federal funds are cut from military spending in a county, a percentage of those funds equivalent to the percentage of total funds cut from the military budget that are not being applied directly to the reduction of the federal budget deficit would be shifted, dollar for dollar, into an Economic Security Fund for that county.

(2) The Economic Security Fund would be controlled within each county and would be spent to meet the costs of education, job training and placement, health care, housing, environmental health, infrastructure, technology transfer, and public works projects.

(3) These spending shifts would be intended to include adjustment assistance to military-related workers, including support services, retraining, and relocation during the transition from a military-based economy to a peace-based economy.

(4) For the purposes of a Dollar for Dollar Act, "military spending cuts" would mean funding cuts either from cutbacks or closures of local military installations or from cancellations of military contracts held by local enterprises.

(5) Funds originally allocated to overseas projects that are not applied directly to the reduction of the federal budget deficit would be shifted, dollar for dollar, into a National Economic Security Fund for national initiatives relating to job training and placement, health care, housing, environmental health, infrastructure, technology transfer, and public works projects; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress and President of the United States to enact, as set forth in this resolution, a Dollar for Dollar Act, which would enable communities to shift from a military-based economy to a peace-based economy that meets urgent domestic security needs; and be it further

Resolved, That the California legislative advocate is hereby directed to work on behalf of the concept of a Dollar for Dollar Act; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 174

Assembly Joint Resolution No. 99—Relative to United States-Mexico Free Trade.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The United States of America and the Republic of Mexico have entered into an era of increased cooperation and economic prosperity through improved relations and commercial exchange; and

WHEREAS, President Carlos Salinas de Gortari of the Republic of Mexico as well as President Bush have called for a comprehensive bilateral trade agreement between our two countries that would lift tariffs and other trade barriers, thus providing a "powerful engine for economic development"; and

WHEREAS, The Salinas administration's bold liberalization of foreign investment laws, privatization of state-owned industries in crucial sectors, and the reduction of tariffs and import quotas have demonstrated a significant change from Mexico's past inward policies; and

WHEREAS, Two-way trade between Mexico and the United States has totaled $52 billion in 1989 as Mexico shares the distinction of being the second-largest trading partner of the United States; and

WHEREAS, Mexico is California's third largest export market with sales to Mexico last year of $3.7 billion, an increase of 27 percent, and the establishment of double-stack rail service from the Los Angeles area to major population centers in Mexico are indicators of the developing trade link between the two; and

WHEREAS, The industrial integration of the California and Mexican border has resulted in a San Diego/Tijuana megapolis,

sharing a common culture and economy as well as a common border, with an estimated population of more than 6 million people in the next decade; and

WHEREAS, It is in the best interest of the state of California's exports that a free trade agreement be established that is fair, equitable, and mutually beneficial, whereby both California, as a state, and the United States of America and the Republic of Mexico, as nations, can benefit; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and the Congress of the United States to establish a free trade agreement between the United States of America and the Republic of Mexico which benefits California, the United States of America, and the Republic of Mexico; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the Republic of Mexico, the President of the Senate, the President of the House of Deputies, and the Secretary of Commerce and Industrial Development of the Republic of Mexico.

RESOLUTION CHAPTER 175

Assembly Joint Resolution No. 100—Relative to transportation policies.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, A California Department of Transportation (Caltrans) document entitled "California's Recommendations for a Post-Interstate National Surface Transportation Program" was not approved or reviewed by the Legislature prior to publication and is in conflict with a number of longstanding transportation policy objectives of this state; and

WHEREAS, California voters on June 5, 1990, approved a number of ballot measures which emphasize expanded rail transit, congestion management, and better urban and suburban land-use planning as solutions to traffic gridlock, in accordance with intelligently planned improvements to the highway system, in order to build a functioning multimodal transportation system rather than increasing dependency solely on the highway mode; and

WHEREAS, The Legislature, by the passage of this resolution, intends to convey to the Congress an analysis of the inconsistencies

between the Caltrans document and California policy as adopted by the Legislature and approved by the people; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider the following transportation policies in developing new multiyear transportation reauthorization legislation:

(1) Urban mass transportation and intercity rail transportation: Continue existing funding levels both for capital outlay and operations, provide new sources of funding which can be matched by the states in order to accelerate development of a balanced multimodal transportation system, and provide funding for intermodal rail connections directly serving major airports and for the acquisition of available existing rail corridors which otherwise may be lost to nontransportation-related development.

(2) Flexible funding: Provide the states with as much flexibility as is possible, consistent with the goals of Congress, in order to allow federal transportation funds to be used for highway, transit, or local road improvements; establish more uniform policies with respect to required nonfederal matching shares, to avoid distortions in decisionmaking on modal choice; continue a major, proactive federal role in transportation funding in rural and urban settings.

(3) Alternative fuels: Continue and expand favorable tax treatment for alternative fuels to encourage their use as an alternative to more polluting conventional fuels.

(4) Air quality: An aggressive strategy to combat deteriorating air quality is essential. Transportation strategies should focus on more efficient movement of people, rather than vehicles, and highway expansion in urban areas needs to be consistent with air quality goals and should emphasize high-occupancy vehicle lanes.

(5) Revenue equity: In establishing revised revenue structures, ensure that large trucks pay their fair share of highway cost responsibility.

(6) State control over vehicle size: Continue to maintain the maximum federal highway vehicle weight limit of 80,000 pounds and continue to authorize the states to make decisions on the size, weight, and length of commercial vehicles, since populous urban states such as California cannot safely accommodate the large vehicle combinations which operate in some rural western states; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the chairperson of every congressional committee having jurisdiction over transportation and interstate commerce, and to the Director of Transportation and the Chairperson of the California Transportation Commission.

RESOLUTION CHAPTER 176

Assembly Joint Resolution No. 103—Relative to the World Summit for Children.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, It is estimated that 40,000 children die each day throughout the world from malnutrition and disease with 40,000 child deaths each year in the United States, and the vast majority of these deaths are preventable; and

WHEREAS, The sad fact is that despite major gains in health care for children in the 1980's, as brought about by technological and scientific advances and a rapid growth in communications capacity, nevertheless, malnutrition, ill health, and poverty among children were advancing again as the decade ended; and

WHEREAS, On February 8, United Nations Secretary General Javier Perez de Cuellar announced a World Summit for Children to be held September 29 to 30, 1990, in New York City, intended to enhance political commitment for the benefit of children both nationally and internationally; and

WHEREAS, Now, a major commitment at the World Summit for Children by the leaders of nations can help to mobilize governments and all levels of society, including schools, churches, professional associations, cultural, charitable and youth organizations, the media, and the commercial sector, to reverse this trend and protect the lives and growth of children; and

WHEREAS, The World Summit for Children can provide the impetus for the ratification of the Convention on the Rights of the Child, a historic legal codification of society's responsibilities to children, adopted by the United Nations General Assembly in 1989; and

WHEREAS, A successful World Summit for Children can make the 1990's the decade in which the shameful large-scale deaths and widespread malnutrition of the world's children are consigned to history, providing a permanent gift from the last decade of the 20th century to the people of the new century; and

WHEREAS, Adults and children throughout the world are participating in Candlelight Vigils on Sunday, September 23, 1990, to mobilize leaders to commit to supporting the World Summit for Children; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California declares the week of September 23 to September 30 as state World Summit for Children Week; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to declares the week of September 23 to September 30 as federal World Summit for Children Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 177

Assembly Joint Resolution No. 106—Relative to the Aleda E. Lutz Department of Veterans Affairs Medical Center in Saginaw, Michigan.

[Filed with Secretary of State September 14, 1990]

WHEREAS, It has been proposed in the Congress of the United States that the United States Department of Veterans Affairs Medical Center at Saginaw, Michigan, be officially designated the Aleda E. Lutz Department of Veterans Affairs Medical Center; and

WHEREAS, Aleda E. Lutz graduated in 1937 from the Saginaw General Hospital School of Nursing in Michigan and was commissioned a second lieutenant in 1942 in the newly created Aerial Evacuation Service of the United States Army; and

WHEREAS, Lieutenant Lutz volunteered for duty with the 802nd Medical Air Evacuation Squadron, the first of its kind, and had flown 814 hours and was on her 196th mission when her C-47 hospital plane evacuating wounded soldiers in 1944 from Lyon, France, crashed, killing all aboard; and

WHEREAS, Lieutenant Lutz is believed to be the first woman combat fatality of World War II, and was posthumously awarded the Distinguished Flying Cross "for outstanding proficiency and devotion to duty"; and

WHEREAS, During the war, a confiscated cruise liner was converted into an 800-bed hospital ship and was named the United States Hospital Ship Aleda E. Lutz, and it is fitting and proper that a more permanent military medical facility be named in honor of Lieutenant Lutz; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature respectfully memorializes the President and Congress of the United States to support and enact legislation to officially designate the United States Department of Veterans Affairs Medical Center at Saginaw, Michigan, the Aleda E. Lutz Department of Veterans Affairs Medical Center; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, and the United States Director of Veterans Affairs.

RESOLUTION CHAPTER 178

Assembly Joint Resolution No. 109—Relative to supporting the opposition of the United States to the Iraqi invasion and annexation of Kuwait.

[Filed with Secretary of State September 14, 1990.]

WHEREAS, The sovereign nation of Kuwait has been ruthlessly invaded by the armed forces of Iraq for purposes of annexation and seizure of its assets, without justification, provocation, or warning; and

WHEREAS, The United Nations has quickly and unanimously moved to adopt measures to restore the sovereignty of Kuwait, and there is overwhelming international condemnation of the senseless loss of the innocent lives and continuing reports of atrocities by the Iraqi invaders against the Kuwaiti people; and

WHEREAS, United States President George Bush has acted quickly to protect the people of Middle Eastern countries against further aggression by the armed forces of Iraq, and has formed a multilateral international armed force to stop the unprovoked aggression of Iraqi forces and induce President Saddam Hussein of Iraq to withdraw and negotiate a peaceful settlement to this confrontation; and

WHEREAS, American armed forces have been sent to the Middle East to support international military forces and protect Middle Eastern, American, and European civilians who live and work in Kuwait, Iraq, and neighboring countries; and

WHEREAS, President Bush has demanded the immediate protection and release of all American and other hostages held by Iraqi forces in Kuwait and Iraq, since many of those hostages have been relocated to serve as a "shield" for Iraq's strategic and military targets; and

WHEREAS, The California Legislature supports all of the initiatives by the United States to find a peaceful resolution to this confrontation, and prays for the safety of all American and other hostages held by Iraq, the people of the Middle East, and all American and international military forces deployed to the Middle East; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the actions of the President and the Congress of the United States in deploying the armed forces of the United States to the Middle East in an effort to resolve the crisis caused by the invasion and annexation of Kuwait by Iraq and to restore peace to the region; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each

Senator and Representative from California in the Congress of the United States.
